



Area Planning Committee (South and West)

Date Thursday 16 July 2020
Time 9.30 am
Venue Remote Meeting - This meeting is being held remotely via Microsoft Teams

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 23 June 2020 (Pages 3 - 6)
5. Applications to be determined
 - a) DM/20/01148/FPA - Barn 5 The Granary, Hollin Hall East, Ford Dike Lane, Gainford, Darlington (Pages 7 - 22)
Demolition and rebuilding of grain store/dryer building for use as a single dwelling; installation of package treatment plant (partly retrospective)
 - b) DM/20/00826/FPA - Lartington Lane, Lartington, Barnard Castle (Pages 23 - 42)
Erection of timber cabin to host pony training events and to provide holiday accommodation and erection of a timber field shelter
 - c) DM/19/02733/OUT - Land to the rear of Attwood Terrace, Spennymoor, Co Durham (Pages 43 - 68)
39no. dwellings, including demolition of existing buildings (outline – all matters reserved except access)
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
8 July 2020

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

Councillor J Clare (Chair)
Councillor J Atkinson (Vice-Chair)

Councillors D Bell, J Blakey, L Brown, J Chaplow, E Huntington,
G Huntington, I Jewell, J Maitland, S Quinn, G Richardson,
J Shuttleworth, F Tinsley and S Zair

Contact: Kirsty Charlton

Tel: 03000 269705

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held remotely via Microsoft Teams on **Tuesday 23 June 2020 at 9.30 am**

Present:

Councillor J Clare (Chair)

Members of the Committee:

Councillors J Atkinson (Vice-Chair), D Bell, J Blakey, L Brown, G Huntington, I Jewell, J Maitland, S Quinn, G Richardson, J Shuttleworth, F Tinsley and S Zair

1 Apologies

There were no apologies for absence.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 20 February 2020 were confirmed as a correct record and would be signed by the Chair.

5 DM/20/00398/FPA - Sedgefield Community College, Hawthorn Road, Sedgefield

The Committee considered a report of the Planning Officer regarding an application for a two storey extension to form a teacher training hub for the school and visiting university students, extension to 2 car parking areas and associated works (for copy see file of minutes).

The Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photographs and photographs of the site.

The Planning Officer reported that there had been an objection from Sedgefield Town Council with regards to traffic and highway implications and one letter of representation from a local resident with concerns regarding an increase in vehicles and fumes causing health implications.

The Highway Development Manager informed the Committee of issues regarding parking within the site, travel demand that the parking would create and the school travel plan which could potentially be undermined by providing extra parking. There are 90 full and part time staff that work at the school plus 50 teacher training students that travel to the school via Hawthorn Road, students arrive via Butterwick Road. AAP statistics suggest that 78% of people living in the AAP area own at least one car and if every member of staff travelled to the school by car there would be a demand for 109 parking spaces. There are approximately 100 spaces currently and the application would provide an additional 50 spaces to meet future demand. A travel plan condition was requested to encourage various initiatives such as car sharing.

Referring to additional travel demand, the Highways Development Manager advised that this could potentially add an additional 39 trips to the school via Hawthorn Road. There were 3 different routes leading to Hawthorn Road and if taken evenly could be an additional 13 trips per route which was not an unacceptable level of additional travel demand.

The Chair advised that Sedgefield Town Council and the objectors written representation would be taken into account. He advised that local member Councillor J Robinson gave his apologies as he declared an interest as Chair of the School Governing Body.

Mr A Proctor, Associate Director of ADP Architecture addressed the Committee on behalf of the applicant. He advised that Sedgefield Community College had recently become part of the Laidlaw Schools Trust which have been clients of ADP Architects for over 8 years. He referred to his first scheme developed with the trust which was the Leeds University undergraduate library and was a RIBA award winning sustainable building. The Trust demand a high standard for their facilities and had engaged ADP in March 2019. The key drivers for the project were classroom space, attracting fresh new student teachers and to retain highly skilled people in the North East region.

He added that the architecture design was very modest, timeless and similar to university standards. The facility will provide flexible and dynamic state of the art spaces. The overall aim was to provide an opportunity to inspire students to go onto university and for student teachers to start a career at one of the many trust facilities in the North East.

Mr Proctor advised that school students would use the facility 4 days out of 5 to relieve timetable pressures and the 5th day would accommodate Durham University students. It was noted that the school were not looking to increase staff or student numbers, they were wanting more adequate space for the school. The main goal was to provide students with a safe and secure space of high quality to give students the best experience, however Mr Proctor stressed there was a tight programme with a strict financial timeline. The Trust had advised that funding would have to be reallocated to other deserving schools if the project was not given the go ahead this year and completed by September 2021.

Mr Proctor informed the Committee that the application includes parking for 100 spaces, 50 of which would be built initially. Every effort was made to choose locations that would not visually impact local residence. The additional university students would not cause further congestion on Hawthorn and Butterwick Road at peak times as arriving/leaving times would not coincide with the primary school adjacent, and the additional parking would alleviate current issues with roadside parking along Hawthorn Road.

Responding to a request for clarification from Councillor Tinsley, Mr Proctor confirmed there would be no increase in pupils attending the school, and clarified he was referring to the increase of an additional 50 Durham University teacher training student that would visit the facility once a week throughout the academic year.

Councillor Maitland queried the arriving/leaving times of the additional student teachers. Mr Proctor explained that timings would depend on subjects being studied and students would attend the school at different times much like university facilities.

Councillor Jewell asked for more information in relation to the school travel plan and what would be included in the plan. The Highway Development Manager explained that the schools current travel plan was significantly outdated. The updated travel plan would be of national standard and include different initiatives to promote walking, cycling, public transport, car share facility and would look at safe cycle storage facilities. Mr Proctor added that discussions were currently taken place with the school with regards to car sharing, electric car parking and better placed cycle storage facilities.

Councillor Tinsley queried the distance from the school to the closest bus stop that had a regular public transport route. The Highway Development Manager advised that the closest bus stop from Butterwick Road was 90 meters from the school and 500 meters from Hawthorn Road.

Councillor Quinn welcomed the development and the incentive to retain and attain quality teaching staff in the local area.

Councillor Atkinson noted concerns regarding traffic issues and accepted comments from the Highways Development Manager. He felt there was no furore locally and **moved** the recommendation to approve the application.

Councillor Tinsley added that the application was a modest scheme with modern contemporary design. He highlighted that the Town Councils concerns were in relation to the existing school and not generated by the new proposals. There were no highway objections and the application was in accordance with the neighbourhood plan and the NPPF with no impact on residential amenity. Councillor Tinsley **seconded** the recommendation to approve the application.

Resolved:

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

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/01148/FPA
FULL APPLICATION DESCRIPTION:	Demolition and rebuilding of grain store/dryer building for use as a single dwelling; installation of package treatment plant (partly retrospective)
NAME OF APPLICANT:	Mr & Mrs Jeremy & Julie Nichols
ADDRESS:	Barn 5 The Granary, Hollin Hall East, Ford Dike Lane, Gainford, Darlington, DL2 3EX
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Jill Conroy, Planning Officer, 03000 264955, jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises a demolished agricultural barn, set in proximity to a range of agricultural buildings, currently being converted to residential dwellings along with an existing farmhouse. The existing buildings are long established, dating from the late 19th century and typical of historical small self-contained farmsteads.
2. The site lies in the open countryside, approximately 1.3km north of Gainford. Hollin Hall West farm sits adjacent to the site while to the south is Balmer Hill Quarry. The site is currently served by vehicular access from a track which previously had two separate entrances on the C30 Ford Dike Lane to the east of the site.
3. The application site sits within predominantly arable countryside in a relatively flat landscape and is within an area of High Landscape Value.

The Proposal

4. Planning permission was granted in 2018 (DM/18/02296/FPA) for the conversion of the western range of agricultural buildings to form 3no residential dwellings (units 1-3), the extension of the farmhouse (unit 4) and a further conversion of the eastern range of buildings to form another dwelling (unit 5), the application site.
5. Retrospective planning permission is sought for the demolition and rebuild of Unit 5 to provide a residential dwelling. The building would be a mix of single and 1 ½ storey development in a largely rectangular arrangement similar to that approved under the

conversion. The external walls would be principally stone clad, with elements of timber boarding with a pantile roof.

6. The application is being reported to the Planning Committee by Cllr Rowlandson as this is an extension of the existing permission, permitting residential conversions on the site.

PLANNING HISTORY

7. Planning permission DM/18/02296/FPA was granted in October 2018 for 4no barn conversions to dwellings, an extension to the farmhouse, 3no detached garage blocks together with hard and soft landscaping, new access and demolition of an agricultural silo and barn. This included the conversion of the application site (barn no. 5)
8. Planning permission DM/19/01480/VOC was granted in July 2019 to permit design alterations to unit 5.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). 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.
10. 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 the 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.
11. *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.
12. *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.

13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.
20. *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.

LOCAL PLAN POLICY:

Teesdale District Local Plan (TDLP) 2002 saved policies:

21. *Policy GD1: General Development Criteria:* Development will be permitted providing it complies with a number of criteria in respect of design, impact on the character and

appearance of the surrounding area and landscape; avoiding conflict with adjoining uses; and highways impacts.

22. *Policy ENV1- Protection Of the Countryside*: Sets out that 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.
23. *Policy ENV3: Development within an Area of High Landscape Value*: Sets out that development will only 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.
24. *Policy ENV8 Safeguarding Plan and Animal Species Protected by Law*: Sets out that development which would significantly harm any animal or plant species afforded special protection by law will not be permitted unless mitigating action is secured.
25. *Policy H4: Infill Development on Sites of Less Than 0.4 Hectare*: Small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of Settlements. Proposals should satisfy the criteria contained in policy GD1. Tandem development will not be permitted. Backland development will only be permitted where it would not cause unacceptable harm to the privacy or overall residential amenity of the occupants of neighbouring dwellings, and an adequate and safe access can be provided.
26. *Policy H6: New Housing in the Open 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.
27. *Policy ENV8 - Development affecting plant or animal species protected by law*: Sets out that development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity.
28. *Policy ENV17 – Sewerage and Infrastructure Disposal* – Sets out that development proposals need to ensure that adequate agreements are made to ensure safe disposal of sewage without detrimental effects on the environment.
29. *Policy H12: Design*: The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.

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

30. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 06 February 2020, and the Inspector's issued his post hearing advice on 20 February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26 May and will last until 21 July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. Paragraph 48 of the NPPF states 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. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Headlam Parish Council* – No response received
32. *Highways Authority* – Advise that whilst the proposal now constitutes a new dwelling in the countryside, in traffic terms the proposal is likely to be no different to that approved for the conversion. However, in practice, the principle is wholly different, in that an NPPF paragraph 79 type basis for permission, in part offsetting the clearly unsustainable site location, would be likely deemed no longer applicable. Any consent for a new build dwelling may therefore act as precedent.

NON-STATUTORY RESPONSES:

33. *Design and Conservation* – Advise that the design and conservation stance on this part of the original conversion scheme (Barn 5) is well documented, it was the least significant element of the site but contributed to the understanding of the whole and the setting of the more important elements identified as non-designated heritage assets.

Numerous previous applications have suggested that the structure was capable of conversion and no evidence with this application demonstrating how and why this changed. Despite the detailed meteorological review there is no conclusion that the demolition of the building occurred through natural causes so it can only be assumed that it was a conscious decision to demolish the building so what is now being sought is a new build rather than any element of conversion.

Whilst the principle of a new build in the countryside is a matter for others, no support would have been offered for such an approach at the original application stage and there is nothing presented here in design and conservation terms to suggest otherwise. For clarity the quality of the new build which has commenced is also

questionable and if the application is approved it is strongly suggested that the rebuild stonework should be based on a revised sample panel.

PUBLIC RESPONSES:

34. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. In Total 12 no. letters of support to the development have been received from the wider area, highlighting the quality of work undertaken to date, that the proposals effectively are rebuilding what is already there, and that the development compliments and fits into the character of the area. It is also highlighted that there was a need to demolish a supporting wall as it was dangerous to workmen on site.

APPLICANTS STATEMENT:

35. We purchased Barn 5 in February this year with the expectation that the eventual dwelling would become our retirement home after farming a Raby Estate tenant farm in Summerhouse for nearly 30 years. We had to find somewhere else to reside as when we retire we will have to leave our current home, it belonging to the Estate. At the same time as purchasing Barn 5, we bought the barn immediately to the south, this having planning permission for conversion into a holiday home.
36. In July last year the previous owner removed the roof, tin sheeting, asbestos / cement cladding and east side leaving the remaining structure vulnerable to last winter's particularly harsh weather. Of all the buildings at Hollin Hall East, the storms had the greatest impact on Barn 5, it being the only free standing building, the others being connected and mutually supporting. It will be recollected that the storms were particularly severe in February, the month we purchased.
37. Due to the resulting unstable condition of the structure, and being concerned for the health and safety of the team on site, we dismantled the remaining sections and rebuilt them using reclaimed stone. The Council's Enforcement Officer asked that we cease operations and submit a fresh application, notwithstanding the fact that the farmhouse next door had permission to be rebuilt. We had not appreciated that a different planning permission was required, we are farmers, not planning experts familiar with the web of planning law.
38. We wanted to put things right, immediately stopped works and submitted this application to try to regularise matters. It will be seen from the submitted plans that the building that we are proposing would, in visual terms, have no material difference to that which has previously been approved.
39. We would add that in our opinion the proposed building is a necessary part of the overall Hollin Hall East development in visual terms. Without it, amongst other things, the existing bin store serving the development would appear disconnected and the garage block to the east of the Farmhouse approved as part of DM/18/02296/FPA would appear prominent. In our view the proposed development is in the interests of the Hollin Hall East development and result in it appearing a high quality comprehensive scheme.
40. With the benefit of hindsight we would have done things differently. It must be remembered that we are not large scale developers, rather a couple trying to stay in the Dale where we have lived all our lives. It has taken us over four years to find somewhere suitable for our retirement as we are not only trying to secure our future but that of our adult daughter who has special needs and resides with us, she being unable to live alone. She works two days a week in a supported placement Café in

Darlington and the regular bus service through Gainford would afford her some independence and allow her to continue to have access to her carers, support network, family and friends. It is additionally hoped that she can help in the holiday barn, where we will be able to support her as necessary, it being in close proximity. The availability and proximity of the holiday barn was a further reason why we decided to purchase Barn 5, the package as a whole making it suitable for our family, Barn 5 in effect being manager's accommodation for this permitted facility.

41. Turning to consultation responses, according to the Council's website 12 letters of support have been submitted. Additionally letters from our daughter's doctor and social worker have been submitted which we requested be treated as 'sensitive' conscious of the personal information they contain. We understand the application was referred to members of Gainford Parish Council and no objections were raised so under the Parish Council's policy, the application is noted and no comments submitted to Durham County Council.
42. The importance of this application to us cannot be overemphasised. It is also of importance to others, the builders for example who have ceased work. We understand that formal enforcement action is only to be taken if it is expedient. Acknowledging the above and the wider justification provided we feel it is not. We don't have a Plan B, all our hopes and savings are tied to this home for our family. We hope and trust you will take this into account when you give consideration to the plan the outcome of which will have significant implications for us.

PLANNING CONSIDERATIONS AND ASSESSMENT

39. 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: principle of development, housing land supply, visual impact, residential amenity, highway safety, ecology and other issues.

Principle of Development

43. 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 at Paragraph 12 of the NPPF.
44. The Teesdale District Local Plan (TDLP) was adopted in 2002 and was intended to cover the period to 2010. 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. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, 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).

45. In terms of policies most relevant to the principle of development of the site, TDLP Policy ENV1 sets out that in order to protect and enhance the countryside, development beyond the defined settlement limits will only be allowed for the purposes of agriculture, farm diversification, forestry or outdoor recreation. This approach is replicated in Policy H4 of the TDLP, which sets out that new development will be directed to those towns and villages best able to support it, comprising previously developed land. TDLP Policy H6 does not permit new dwellings in the countryside unless it can be shown to be essential to meet the needs of agriculture or forestry, a case has not been put forward in this respect. As the dwelling is located in the open countryside some distance from the nearest settlement outside of any settlement boundary the development would conflict with Policies ENV1, H4 and H6 of the TDLP.
46. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Furthermore, whilst the NPPF seeks to promote the use of previously development land it is not as prescriptive of Policy H4, instead requiring a round assessment of the suitability of the site. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to Policies ENV1 and H4 is reduced.
47. The approach of Policy H6 of the NPPF is considered consistent with the NPPF, which at paragraph 79 seeks to avoid the development of isolated homes in the countryside, unless there is an essential need for an agricultural worker to live permanently at their place of work.
48. As an exception to the rule of allowing isolated dwelling in the countryside, both the TDLP and the NPPF permit the conversions of redundant or disused buildings that enhance the immediate setting or would represent the optimal viable use of a heritage asset to secure its future. Effectively the re-use of traditional buildings that are structurally sound that add to character of the area, are considered to outweigh the harm caused by isolated dwellings.
49. On this basis planning permission was granted for the conversion of the barn as part of a wider scheme, although barn 5 the application site was considered the least significant element of the site, it was deemed to contribute to the understanding of the whole site and the setting of the more important elements identified as non-designated heritage assets. As part of the consideration of the previous planning applications, supporting information identified that the structure was capable of conversion without complete demolition. It was however identified that elements of the building would need to be rebuilt, namely the steel portal element.
50. Following the granting of planning permission the application site was sold off, to the applicant, who then commenced conversion works. However, the applicant advises that following storm damage at the end of 2019 and early 2020, the structure became unstable and for the health and safety reasons the building was demolished. However, photographs of the external walls of the building provided by the applicant's agent in March, appear to show them in a sound condition. No discussions were held by the applicant or their builders prior to demolition with the Planning Authority, regarding the implications of the proposed demolition on the validity of the planning permission. The demolition works were brought to the attention of the LPA through an enforcement complaint.

51. The applicants have furthered their case to justify the rebuilding of the barn highlighting that are in ownership of holiday accommodation to the south. Highlighting that the benefits of living close proximity to this accommodation, including reducing trips to the property to undertake regular maintenance and provision of passive supervision. It is also highlighted that the applicant's adult daughter is required to reside with the applicant for medical needs and part time work associated with the holiday accommodation and bus routes from Gainford to other employment in Darlington would provide her with independence.
52. Taking the demolition of the building on face value, as an honest mistake, officers are sympathetic with the applicant's situation. However, this needs to be considered in the context of the long-established, overwhelming policy presumption against the formation of new dwellings in the countryside that do not represent genuine conversions. Furthermore, officers are concerned that approval of this application would set a dangerous precedent for similar developments and as the authority has taken a firm line of other similar proposals and is constantly challenged by developers in this respect. Overall it is considered that in principle the rebuild of the barn would not comply policies ENV1, H4 and H6 of the TDLP or Paragraph 79 of the NPPF.

Housing land supply

53. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
54. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,308 dwellings per annum (dpa). As at 1st April 2019, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. Overall, the Council has commitments of 16,346 dwellings.
55. 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.
56. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.

Locational Sustainability of the site

57. Policies GD1, and H4 of the TDLP jointly seek to ensure that developments achieve adequate links and have access to public transport to access facilities and services to help reduce the need for additional car journeys. Paragraph 103 of the NPPF setting out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Paragraph 110 of the NPPF also sets out that applications for development should give priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment. NPPF paragraph 79 states that to promote sustainable

development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Due to their consistency with the NPPF Policy GD1 of the TDLP should be afforded full weight in the decision-making process.

58. In terms of distances to services and amenities, a range of distances that are generally considered acceptable are set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. Relevant guidance sets out that maximum walking distance to a bus stop should not exceed 400m and preferably be no more than 300m.
59. In this respect the nearest operational bus stop closest to the site is approximately 1350m to the south on the A67 in the centre of Gainford. This route is mainly unlit rural highway with the first 500m being without a footway. Whilst the topography is relatively flat, the route is winding thereby making pedestrian journeys relatively unattractive, particularly during periods of inclement weather, darkness and for unaccompanied children. Therefore, walking and public transport would not be a realistic alternative to reliance on private car travel from this site. This is contrary to the aims of the NPPF in respect of locating development where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
60. The NPPF does not define what constitutes an 'isolated home in the countryside' as referred to in paragraph 79. However relevant case law dictates that simply connotes a dwelling that is physically separate or remote from a settlement. Whilst noting the wider site and permissions for residential conversions, it is considered that the dwelling is isolated which paragraph 79 of the NPPF seeks to resist.
61. Overall, the application site doesn't relate to existing facilities, thus failing to promote more sustainable transport choices, accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling. Therefore, the residential occupation of the building would not reduce the need to travel, especially by car. Overall in principle the development of this site for residential purposes is considered to conflict with TDLP Policies GD1 and H4 and promotion of sustainable development as set out in the NPPF.

Visual Impact

62. TDLP Policy GD1 seeks to protect and enhance the countryside of the Teesdale, requiring that developments do not have a detrimental impact on the landscape quality of the surrounding area. TDLP Policy ENV1 seeks to protect and enhance the countryside. Policy H12 seeks a high standard of design in new dwellings. These policies are considered consistent with the NPPF in this respect which at paragraph 170 recognises the intrinsic character and beauty of the countryside, whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. However, it is recognised that the strategy of Policy ENV1 of the TDLP in restricting development proposals for agricultural or compatible uses is only partially consistent with the NPPF which takes a more permissive attitude towards a wider range of development types in the countryside and therefore this policy can only be afforded moderate weight. Due to its consistency Policy GD1 can be afforded full weight in the decision-making process.
63. The site is also located within an Area of Landscape Value as identified by Policy ENV3 of the Local Plan which seeks to protect the special rural landscape character

of the area. The site is read as part of the wider countryside when viewed from the C30 and Public Right of Way no. 10 which passes between Hollin Hall East and Hollin Hall West. It is also highly visible in the open countryside when viewed from the Public Right of Way network and also in wider views from the north and east approach of the C30 highway.

64. The rebuild of the dwelling has commenced with the intention of building a like for like property to that demolished, on a similar footprint as per the approved barn conversion, which is considered broadly acceptable. However, the stonework which has been constructed to date, although from reclaimed materials, is not considered reflective of the other stone buildings on site. The Design and Conservation Officer advises that the wider stonework on site is quite distinctive with very pronounced pointing on the current buildings, likely to offset prevailing weather. In order to reproduce this using reclaimed materials, which have very rounded edges is to mortar the variations in the beds.? It is advised that stonework undertaken to date, is of poor standard, particularly in relation to the stone coursing patterns which are disjointed and running in different directions. It is advised that the stone walling should be rebuilt and a recently approved sample, which is to be used to inform the standard of the wider development, in the event that approval is granted.
65. Overall, whilst the design and scale of the proposal remains acceptable in the context of the wider development, the stonework constructed results in a negative impact on the development site, thus adversely affecting the wider rural landscape. As such, the proposal is deemed to conflict with Policies GD1, ENV1, ENV3 and H12 of the TDLP and Part 12 and 15 of the NPPF.

Residential Amenity

66. TDLP Policy GD1 states that new development should be compatible with surrounding existing land uses. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. TDLP Policy GD1 is therefore considered to be consistent with NPPF in this regard and can be afforded full weight in the decision-making process.
67. The closest property to unit 5 is the farmhouse to the west, however there is a detached garage block between the two properties which would obscure any direct views thereby protecting the amenity of both future occupiers of the properties.
68. There are no other properties in close proximity which would be adversely affecting by the proposals. As such, there will be no conflict with TDLP Policy GD1 (E) in this respect.

Highway Safety

69. TDLP GD1 (Q) set out that developments should be served by a safe means of access and developments should not create unacceptable levels of traffic which exceed the capacity of the local road network. These policies are considered consistent with the NPPF which seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved. The NPPF also sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given the consistency of TDLP Policy GD1 with the NPPF, full weight can be given to them in the decision-making process.

70. The site was previously served by 2no accesses directly off the C30, one of which has now been formally closed up and the remaining access, improved to provide good visibility splays onto the C30. The proposal has ample off-street parking provision to the north of the build including garage space incorporated into the property.
71. The Highways Authority advises that in traffic terms the proposal is likely to be no different to that approved for the conversion, however in practice, the principle is wholly different in that an NPPF paragraph 79 justification for permission, which offsets the locational sustainability issues, is no longer applicable and any consent for a new dwelling may act as a precedent. As such, in the context of highway safety development would accord with Policy GD1 and NPPF part 9 there will be no conflict in this instance.

Ecology

72. The ecological surveys in the original application carried out in 2018 highlighted that a bat roost was present in the original building and that a Natural England Licence would be required for the proposed works. In addition, mitigation was required as part of the construction works, including the introduction of crevice roosting opportunities, the creation of voids in the garages and bat boxes, all of which still remains relevant as part of the on-going building works, and secured by planning conditions on the wider conversion scheme. There are no further works as part of this application that would require a new Natural England Licence. As such, there are no further issues with respect to ecological matters and the proposal would therefore conform to Policies GD1 and ENV8 of the TDLP which are consistent with Part 15 of the NPPF in this respect.

Other Issues

73. Foul water from the development is proposed to be managed and treat via a package treatment plan before disposing into a nearby watercourse. This is in line with the previous approval for conversion and no objection is raised in this instance. There development is therefore considered to accord with Policies GD1 and ENV17 of the TDLP.

Conclusion

74. It is concluded that the development would result(has resulted?) in the formation of a new build residential dwelling in the open countryside in an isolated, unsustainable location. The development is therefore considered contrary to Policies GD1, ENV1 and H4 and of the TDLP in this respect and parts 5 and 9 of the NPPF. It is also concluded that the structure as built, by reason of the quality of stonework has resulted in an unacceptable impact on the visual amenity of the site and wider rural landscape contrary to Policies GD1, ENV1, ENV3 and H12 of the TDLP in this respect.
75. The development is acceptable in terms of residential amenity, highway safety and ecological interests thereby according with Polices GD1 and ENV8 in this respect.
76. The NPPF is a material planning consideration capable of outweighing conflict with the development plan. It is identified that the most important policies for determining are Policies GD1, ENV1 and H4, H6 and H12 of the TDLP. Whilst some of these policies are considered up to date, in the round this suite of policies are considered out of date, due to the age of the information which informed them or lack of consistency. As there are no policies within the framework that protect assets of importance, consideration should therefore be given to Paragraph 11 d) (ii.) of the NPPF. This sets out that

permission should be granted 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.

Benefits

77. The development provides some limited benefit in terms of a boost to housing supply and delivery, although it is noted that this could be considered limited at one additional dwelling in the context that the Council's ability to demonstrate 6.37 years supply of housing land. Less weight should therefore be afforded to the benefits of delivering new housing in this regard as such than would otherwise be the case if any shortfall in supply existed.
78. Typical of any residential development, there would be direct and indirect economic benefits within the locality and from further afield through increased expenditure. This would include that produced through construction jobs, as well as indirect employment over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. However, given the significant amount of housing commitments within the County, the benefits arising from one dwelling are considered limited.
79. There would be a benefit to the applicants in terms of the operation of nearby holiday accommodation. This could result in a reduction in trips associated with maintenance and property visits.

Impacts

80. The development would result in the siting of an isolated dwelling in an unsustainable location meaning that residents have a high dependency upon the private motor vehicle to gain access to retail, education and community facilities.
81. The development has an adverse visual impact of the surrounding area by virtue of the appearance of the stonework erected to date.
82. Overall on balance, without the benefit of securing optimal use of a heritage asset as it has been demolished, and enhancement of its immediate setting through its re-use, as per the original planning application, the adverse impacts in terms of locational sustainability and visual impact are considered to significantly and demonstrably outweigh the benefits associated with the development and would not outweigh the conflict with TDLP Policies and the locational sustainability objectives of the NPPF. As such the application is recommended for refusal.
83. Whilst officers have some sympathy for the applicant, the permission granted was for a conversion scheme which was explicitly referenced to in the decision notice. The responsibility rests with the applicant to ensure that they comply with relevant permissions while undertaking building works.

RECOMMENDATION

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

1. The proposed development, by reason of its isolated and unsustainable location, would result in most journeys to and from the property being made by private vehicle, which is the least sustainable mode of transport and contrary to the aims of the NPPF,

particularly Parts 6 and 9, in respect of managing growth to promote sustainable transport, as well as saved Policies GD1, H4 of the Teesdale District Local Plan.

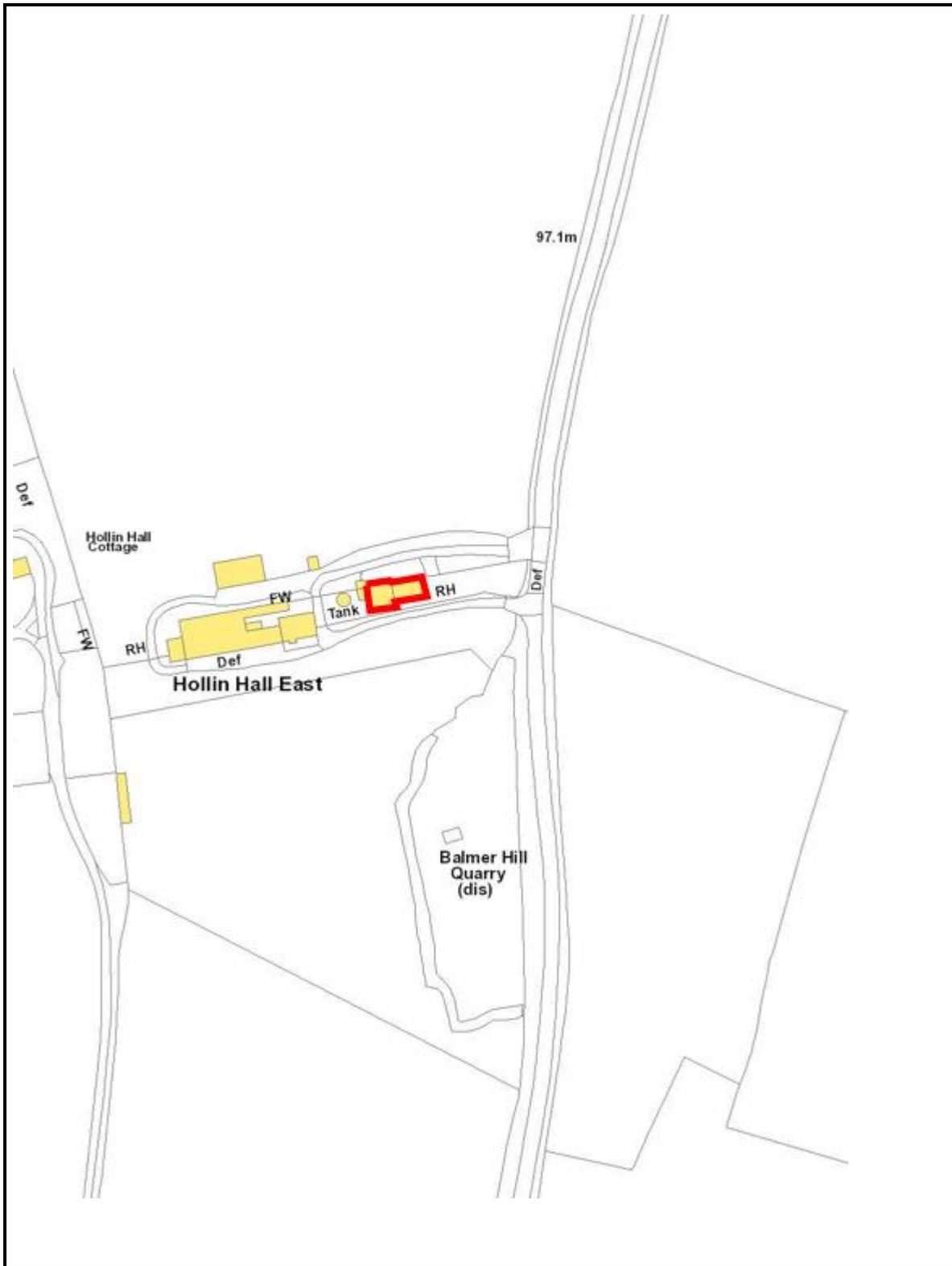
2. The appearance of the stonework of the external walls of the development results in an adverse impact on the visual amenity of the site and wider rural landscape. The development is therefore contrary to Parts 12 and 15 of the NPPF and Policies GD1, ENV1, ENV3 and H12 of the Teesdale District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse the 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. However this has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

Demolition and rebuilding of grain store/dryer building for use as a single dwelling; installation of package treatment plant (partly retrospective)

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No 100022202 2005

Ref:
DM/20/01148/FPA

Date: July 2020

Scale: NTS

This page is intentionally left blank

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/20/00826/FPA
FULL APPLICATION DESCRIPTION:	Erection of timber cabin to host pony training events and to provide holiday accommodation and erection of a timber field shelter
NAME OF APPLICANT:	Mr David Eccles
ADDRESS:	Lartington Lane, Lartington, Barnard Castle, DL12 9DG
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Jill Conroy, Planning Officer, 03000 264955, jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site comprises of 2no fields of open pasture grassland, located in the open countryside to the south of Lartington Lane (B6277), between Barnard Castle and Lartington. The site lies within an Area of High Landscape Value (AHLV) and is within the wider parkland area that forms the setting of the Lartington Hall Park, a registered Park and Garden of Historic Interest. Abutting the southern boundary of the site is Ray Gill Wood, an Ancient & Semi-Natural Woodland (ASNW) and part of the larger Deepdale Wood Local Wildlife Site (LWS).
2. The fields which form the application site are separated by means of a post and wire fence with hedging along the northern, highway boundary. The site is accessed via an existing field gate, central to the smaller field. The land, specifically around the development site, steadily rises to the south before falling to the valley of the woodland backdrop.
3. The area in general is characterised by its distinct open parkland form of gentle sloping pastoral landscape bounded by historic hedges and walls with scattered hedgerow trees, largely devoid of built form, with the exception of a small field shelter contained within the site.

The Proposal

4. Planning permission is sought for the erection of a timber cabin to host pony training events and also to provide holiday accommodation. It is intended that the proposals

would serve as a visitor attraction with accommodation and facilities for hosting training events, demonstrations and stud visits to promote the Dales Pony in its native origins.

5. A steel portal, field shelter, finished externally with vertical timber boarding is proposed. This would be used to keep horse drawn vehicles/harness to be used in demonstrations to explain the history of the Dales Pony breed. The building would also be used to show visitors a selection of ponies, broodmares, foals, etc. The building would measure 27.5m x 12.1m and would have a dual pitch fibre cement sheet roof to a maximum height of 6.05m and would be sited midway down an internal field boundary.
6. It is also proposed to erect a log cabin to provide holiday accommodation primarily targeting Dales Pony Society members and enthusiasts, as well as the wider public. The building would measure 6.09m x 14.85m, and be constructed of a 'thermawood' exterior with a metallic grey/slate pitched roof totalling 3.85m in height. The building would be sited towards the southern boundary of the site, along an internal field boundary.
7. In addition to these structures it is proposed to form a new gravel access track from a widened field access, which will run parallel with an internal field boundary. Each of the buildings will have an associated hardstanding with parking provision.
8. The application is being reported to the Planning Committee at the request of Cllr Henderson as the development would contribute to the local economy.

PLANNING HISTORY

9. The applicant submitted a pre application enquiry in January 2020, similar to the proposals, although the development was closer to Lartington Lane. In response to this enquiry, officers advised that whilst the Council is generally supportive of rural tourism, in this instance the development would result in an adverse visual impact on the rural landscape, particularly when considering the works required to achieve a suitable vehicle access. It was advised that any formal planning application would be unlikely to be supported and other sites in the applications ownership/control should be to considered as an alternative to deliver the development.

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). 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 the 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 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.
15. *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.
16. *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.
17. *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.
18. *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.
19. *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.

20. *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.

LOCAL PLAN POLICY:

Teesdale District Local Plan (TDLP) 2002 saved policies:

21. *Policy GD1: General Development Criteria:* Development will be permitted providing it complies with a number of criteria in respect of design, impact on the character and appearance of the surrounding area and landscape; avoiding conflict with adjoining uses; and highways impacts.
22. *Policy ENV1: Protection Of the Countryside:* Sets out that 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.
23. *Policy ENV3: Development within an Area of High Landscape Value:* Sets out that development will only 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.
24. *Policy ENV4: Historic Parks and Gardens :* Sets out that the Council will seek to protect the historic character and appearance of historic parks and gardens including Lartington Park, Within these areas only new development proposals that are compatible with existing uses and do not har the historic landscape will be permitted.
25. *Policy ENV7: Development Affecting Sites of Local Nature Conservation Interest:* Sets out that development proposals which are liable to damage the nature conservation value of sites, notified to the district council as being of local nature conservation importance will not be approved unless the case for development clearly outweighs the need to safeguard the intrinsic value of the site, and the resulting damage is kept to a minimum through careful design, siting and compensatory measures.
26. *Policy ENV8: Development affecting plant or animal species protected by law:* Sets out that development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity.
27. *Policy ENV9 – Development Affecting Ancient woodland:* Development which would damage areas of ancient woodland will not be permitted unless there are no alternative and available sites and the resulting impact is minimised through careful design, siting and compensatory measures.
28. *Policy ENV10 – Development affecting Trees or Hedgerows.* Development will only be permitted where it avoids unreasonable harm or loss of any tree protected by a preservation order, a tree within a conservation or any trees, tree belts or hedgerow

which contribute to landscape diversity, setting of buildings, protected species habitat or visual amenity.

29. *Policy ENV14 – Protection of Water Quality.* States that development that would unacceptably prejudice the quality of surface or ground water will not be permitted.
30. *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.
31. *Policy ENV17 – Sewage Infrastructure and Sewage Disposal.* Proposals which will increase the demands for off-site sewage infrastructure will be permitted only where adequate capacity already exists or satisfactory improvements can be provided
32. *Policy BENV 3 – Development which affects the character of a listed building –* Sets out that development which would affect the setting of a listed building will not be permitted
33. *Policy TR3 - Chalet Sites in the Countryside:* States that within the countryside, permission will be granted for camping, and/or caravan sites and chalets where the proposal does not detract from the character of the area; and the site is adequately screened by the local topography or existing tree cover is within the control of/or managed by the applicant; and the scale, design and materials of chalet development are appropriate to the locality; the site services are limited in scale to the needs of the site residents only and designed to suit the location; the site is served by adequate infrastructure; the proposal does not adversely affect the amenities of neighbouring occupancies. Lastly, proposals should not risk from flooding or increases the risk of flooding elsewhere.
34. *Policy TR7 – Outdoor Recreational Development –* Sets out that outdoor recreational development will be permitted provided that the best agricultural land is protected from irreversible development, new buildings are sites, designed and landscape to complement the surroundings

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

35. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 6 February 2020, and the Inspector's issued his post hearing advice on 20 February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26 May and will last until 21 July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. Paragraph 48 of the NPPF states 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. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. *Lartington Parish Council* - Object to the application, while it is acknowledged that local farmers have to diversify their business and recognise that the applicants (an others in the area) have worked hard to ensure the survival of the Dales Pony, concerns are raised regarding the development. This is due to the highway access as vehicles travel at considerable speed. Concerns are also raised regarding the visual impact of the development, particularly the proposed cabin, which should be sited in closer proximity to the other buildings and parking on site.
37. *Highways Authority* – Following the submission of an amended plan detailing junction improvements, no objections are made subject to conditions in the event of any approval.

NON-STATUTORY RESPONSES:

38. *Design and Conservation* – There is no heritage objection to this proposal. The submitted heritage statement adequately addresses the impact on built designated assets. This lack of objection should not be taken as support for the proposal which has clear landscape impacts.
39. *Landscape* – Raise objections to the development, advising that that the site lies in an area identified in the Teesdale Local Plan as an Area of High Landscape Value (AHLV). The site is also located to the south west of Lartington Hall Park (a registered Park and Garden of Historic Interest). The proposal would be within the wider parkland landscape that is associated with this designation. Views from Lartington lane are of an open attractive countryside largely devoid of built form. Due to the nature of the proposal, the visually open landscape, lack of built form and year round screening and requirements for a formalised access from highways, there would be locally significant adverse landscape and visual effects that would detract from the character of the wider parkland landscape and the AHLV.
40. *Ecology* – Based on the supporting Ecology report (Veronica Howard, April 2020) there are no objections to the proposals on ecological grounds. If, however any hedgerow is to be removed to create enhanced access/site lines, this will need to be adequately compensated for onsite.
41. *Environmental Health (Nuisance)* - The site is located in a rural area off the B6277. There are no residential properties in close proximity. The proposals will therefore not lead to an adverse impact.
42. *Visit County Durham* – Highlight the benefits of rural tourism to the area, highlighting that tourism is worth £167m to the Durham Dales from 2.6m visitors, 89% of all visits are for the day totalling 2.3m visitors. Average day spend is £21.52, accounting for 40% of total expenditure (£68m), 11% of visitors stay overnight totalling 0.3m. Average spend per trip is £262.82, accounting for 60% of total expenditure (£99m) and 2,472 jobs (FTEs) are supported by the visitor economy.

PUBLIC RESPONSES:

43. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. 2 no. letters of objection have been received and the comments have been summarised below
- This section of the B6277 is used as an overtaking point by cars at high speed. There are concerns with respect to highway safety due to an increase in traffic accessing the development.
 - There are concerns with respect to the frequency of these events and the impact on traffic volume as a result.
 - It is not considered that the promotion of dales ponies is unique to the locale as there is another centre close by in Richmond.
 - The southern building is entirely within the 15m buffer zone of the ancient semi-natural woodland to the south. Also, the applicant's ecological appraisal has no mention of the ancient woodland.
 - There are concerns with respect to the visual impact of the development.

APPLICANTS STATEMENT:

44. I write with regards to my recent planning application as shown above, I am a tenant farmer in Upper Teesdale, I have been breeding dales ponies (rare breed) since I was 14 years old having been reared under the wing of some excellent stocksmen and dalesmen from a bygone era. I have dedicated my life to breeding these ponies who are one of our native pony breeds, I have studied the fine art of breeding and acquired a mass of knowledge over the years which I wish to pass onto the next generation.
45. Due to the effects of Brexit the future of farming is uncertain and we need to look at another income stream and diversify, we thought why not use a commodity that we already have and take this opportunity to promote our ponies and offer a small visitor attraction which will aid local tourism.
46. We are proposing to erect a timber holiday lodge to be able to provide accommodation for people who enjoy outdoor pursuits, this would provide the opportunity for visitors to live alongside the ponies and observe their behaviour. As part of our project we wish to erect an agricultural building, this would be used to showcase our horse drawn vehicles which cover the different eras of horse transport, this will ensure that the vehicles are out of sight. It would also allow us to offer the visitor attraction all year round therefore, enhancing the attractions in the winter months and aiding the local economy by bringing people into Teesdale.
47. By offering rural accommodation we are encouraging visitors to stay in the area for longer and patronise the other local businesses and attractions. According to a survey carried out by NGI Solutions (2019), the average length of stay in our area is 5 nights, our lodge could be utilised for short breaks and long stays, we are next to the Teesdale Way for walking, cycling, horse riding and to the River tees for fishing. This makes our location very attractive as we are also within walking distance of Barnard Castle.
48. As a farmer I am already a custodian of the countryside, I currently farm both sides of the road on Lartington Lane, I therefore make a huge contribution to the landscape. It is my intention to protect the landscape as much as possible but we also have to make progress, the dales pony is part of the character and fabric in this area with its roots firmly embedded in the local history of Teesdale. If I was looking to introduce something that was alien to the area, I could understand DCC being concerned but I feel that what I am offering is in keeping with the area completely.

49. In my opinion the main visual impact will be the agricultural building which to be fair is something that we see in an around any farming community so again, I do not feel that this will look out of place at all. I have offered to reduce the height of the building to 12ft from 14ft 6". As pointed out previously, we have recently demolished an old dutch barn that stood in the middle of the 20 acre field, this was 17ft high to the eaves, we also have a field shelter in the 5 acre field. As we have the footprint of both of these buildings, we hoped that we could come to some agreement to replace the two buildings with one new building which is much lower in height and less inobtrusive. If the lodge is placed in the top righthand corner of the field where the land drops away (approx. 10ft) I firmly believe you will not see the lodge from the roadside. I have placed a fencing rail against the hedge which would be the height of the lodge (13ft to the ridge) and stood in the entrance to the field and you cannot see the fencing rail. Even if we had to bring the lodge further forward when driving past you still wouldn't notice the top of the lodge. It was has been mentioned that we would need to place the lodge 15m from the wood as this is classed as an ancient woodland however, this rule has not been adhered to at the Caravan Club sight just along the road where there are many pitches less than 15m from the wood?
50. May I direct your attention to the Heritage Statement provided by Maria Ferguson who states that the site sits back off the road significantly(point 5.11) the site is elevated from the road but the existing topography means that the proposed building would not been seen from distant views. It would not be possible to see it from the historic parkland or nearby public views. (Point 5.12) Even if the buildings could be seen from public views, they would not appear incongruous, given that the presence of sporadic located farm buildings is characteristic of this location and the surrounding landscape. (Point 5.13) Additional landscaping is not being proposed as the buildings would not be prominent in the surrounding countryside, would not be seen in the context of nearby listed buildings or parkland, it would be adequately screened by existing topography and trees/hedgerows.
51. (Point 5.12) Already demolished a dutch barn, this had a far greater visual impact on the landscape than the proposed development, both buildings whilst not visible in the context of the historic parkland, were prominent features in the immediate landscape. (Point 5.14) From the assessment of the heritage asset, its significance and the location and characteristics of the proposed development, it can be concluded that the proposal would have a neutral impact on the significance of Lartington Hall parkland, further if the demolition of existing structures is taken into account it could be argued the development would have a positive impact on the setting of the heritage asset.
52. I have to ask, why have I paid for this report if DCC are not going to take any notice of the content? Also, Maria Ferguson has never heard of the rule that any building has to be placed 15m from an ancient woodland, in her opinion there was no problem with the siting of the lodge and the distance from the woodland as long as it is within reasonable proximity. Also, to say that that the new agricultural building will look out of place doesn't seem fair as you could say that about all the agricultural buildings that are scattered around the dales.
53. I am sure that more caravans cluttering up yet another field a short distance away, will have a much bigger impact on the landscape than our buildings that are of a modest scale and made from natural materials which will blend in with the surroundings, by installing further hedgerows we would be aiding biodiversity and providing further habitat for wildlife.

54. We have offered to provide any screening that may be required, we suggested placing a hedge the full length of the fence to the righthand side of the field against the new track. We were told that this would not look right however, again one field away the Caravan Club are in the process of erecting their screening as they have been granted permission for more caravans. This land has exactly the same open aspect as our land?
55. I know in the grand scheme of things we are just a micro business but I would hope that the local authority would value our input, we are asking for a platform in which to allow our small business to flourish. We are paving the way for the next generation, we have a Son who is studying agriculture at Newton Rigg College and a Daughter who is looking to pursue a career in equestrianism.
56. Whilst our project is not creating lots of jobs it is providing an opportunity to increase the footfall in Teesdale, I believe that the lodge will prove very popular and would expect to see referrals and repeat business after the first couple of years therefore, introducing new visitors to the area. As an example based on my Year 3 forecast, I would be expecting 40 weeks occupancy of the lodge, based on a family of 4 (but the lodge will sleep 6) staying for 5 nights, this will bring an extra 160 overnight visitors and providing 3 demos per week (26 weeks of the year) bringing 780 day visitors to the area. The demos will be a max of 10 people per session, assuming a couple of families of 4 and a couple this would be 2/3 vehicles at any given time to ensure safety. There may be an opportunity in the future to create some employment such as a cleaner for the lodge and assistant for the demos. (I have been conservative with my projections).
57. It is inevitable that if people book to see our ponies they will spend the remainder of their day looking around the area, we will make recommendations for eateries, shops, local sights, etc. We will work with the local Tourist Information office and Visit Durham to help promote other facilities and attractions. We will be enlightening people to our local heritage and culture by giving them an insight into a past way of life here in Teesdale, the project will be educational and fulfilling for all the family, it will benefit people with learning difficulties and special needs as the whole experience will stimulate and enthuse by being up close to the ponies and understanding the art of their communication.
58. I do believe that this project will be a success, there are many dales pony enthusiasts all over the UK and overseas who would be keen to visit our lodge as well as the wider public. My request is acceptable to the Highways Department, there are no major objections from any other department, I am sure there are circumstances when exceptions can be made, the visual impact will be minimal if placed at the back of the field.
59. (As another suggestion we could place the agricultural building in the top righthand corner and the lodge alongside both facing North into the field, this may lessen the impact even further).

PLANNING CONSIDERATIONS AND ASSESSMENT

60. 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 development, visual impact, heritage impact, highway safety, impact on protected species and biodiversity, residential amenity and foul and surface water drainage.

Principle of development

61. 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 consideration. The Teesdale District Local Plan (TDLP) forms the statutory development plan and remains the starting point for determining applications as set out in the Planning Act and reinforced in paragraph 12 of the NPPF. The TDLP was adopted in 2002 and was intended to cover the period to 2010, 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. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
62. In terms of policies most relevant to the principle of development of the site, firstly ENV1 of the TDLP sets out that in order to protect the countryside development beyond settlement limits will only be allowed for specific purposes including tourism proposals, providing they does not unreasonably harm the landscape and is permitted by other policies of the TDLP, including Policy TR3. This policy supports the development of new chalet accommodation in the countryside, recognising that this type development forms an important element of tourism accommodation provision in the County. This is provided the development does not detract from the character of the area and conforms to other criteria controlling specific impacts of the development. Policy TR7 is also relevant to this proposal, which sets out that outdoor recreational development will be permitted provided that new buildings are sited and designed to complement the surroundings.
63. The above policies of the TDLP are considered to be consistent with Parts 6 and 15 of the NPPF, which promotes sustainable rural based tourism and leisure developments which respect the character of the countryside and landscape setting. Therefore, it can be considered there is support in principle for rural development such as that proposed
64. The benefits to rural tourism is also considered to be a material consideration weighing in favour of the development proposals. Although limited information has been submitted in support of the application in terms of job creation etc, it is understood that proposals would form a visitor attraction with accommodation and facilities for hosting training events, demonstrations and stud visits to promote the Dales Pony in its native origins. The building is proposed to keep horse drawn vehicles/harness which the applicants would use in demonstrations to explain the history of the Dales Pony breed. The building would also be used to show visitors a selection of ponies, broodmares, foals, etc. Demonstrations would be provided to approximately 10 visitors per session, most of whom are expected in groups (for example, families). The log cabin is proposed to provide holiday accommodation on the land and is designed to suit those involved with outdoor pursuits, primarily targeting Dales Pony Society members and enthusiasts, as well as the wider public. This is intended to be a facility which offers people seeking a rural holiday to live alongside the ponies and experience rural life. It

is proposed to accommodate a stable within the proposed building, should holiday-makers wish to bring their own horse.

65. It is advised by Visit County Durham that tourism is worth £167m to the Durham Dales from 2.6m visitors, 89% of all visits are for the day totalling 2.3m visitors. Average day spend is £21.52, accounting for 40% of total expenditure (£68m), 11% of visitors stay overnight totalling 0.3m. Average spend per trip is £262.82, accounting for 60% of total expenditure (£99m) and 2,472 jobs (FTEs) are supported by the visitor economy.
66. In 2012 and 2018 the Council commissioned the County Durham Visitor Accommodation Futures Study (CDVAFS), which examined both existing offer, and market potential for various forms of visitor accommodation across the County. The CDVAFS identifies that there is market potential and developer interest in the acquisition of existing sites for major expansion and development. The CDVAFS also identifies the Durham Dales as an area of tourism growth but acknowledges much of the landscape is sensitive.
67. This would suggest that there is a potential need for this development in terms of increasing the amount and type of accommodation offer within the area in and around the Durham Dales, and although economic benefits have not been quantified as part of the application, it would appear reasonable to conclude that this proposal would have a positive impact upon the tourism offer of this part of the County, as well as the wider local economy for associated visitor expenditure. This would be consistent with the NPPF's approach to supporting a prosperous rural economy.
68. Having regard to the above, it is acknowledged that there would be a positive benefit to the local economy as a result of increased visitor numbers and job creation. The proposal is in line with the guidance in NPPF Parts 2 and 6 in these respects. However, in order to comply with relevant policies from the TDLP and wider NPPF objectives, the key issue is whether the development would result in any adverse environmental impacts, which is considered below

Visual Impact

69. TDLP Policy GD1 seeks to protect and enhance the countryside of Teesdale, requiring that developments do not unreasonably harm the rural landscape of the area, has regard to and retains landscape. TDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals except for agricultural or other compatible uses in the countryside such as proposals for tourism as permitted by Local Plan policies. The application the site is located within an area of high landscape value (AHLV), TDLP Policy ENV3 requires that new development does not detract from the areas special character and pays attention to the landscape qualities. TDLP Policy ENV10 seeks to protect trees and hedgerows including both those which have formal means of protection but also those not protected by which contribute positively to the locality. Land immediately adjacent to the site is designated ancient woodland TDLP Policy ENV9 states that development which would damage areas of ancient woodland will not be permitted. Policies TR3 and TR7 of the TDLP supports the development of new chalet accommodation and outdoor recreation facilities in the countryside, provided that it doesn't detract from the character of the area; is adequately screened by the local topography or existing tree cover which is within the control of/or managed by the applicant; is appropriate in terms of scale, design and materials.
70. These policies are considered consistent with Parts 12 and 15 of the NPPF which requires that developments are sympathetic to local character including landscape setting while recognising the intrinsic character and beauty of the countryside, trees

and woodland. NPPF paragraph 170 (a) also states that valued landscapes should be protected and enhanced. The above policies can therefore be afforded full weight in the decision making process.

71. As highlighted above, the site lies in an area identified in the Teesdale Local Plan as an Area of High Landscape Value. The County Durham Plan Local Landscape Designations Review (2019) also identified the area as suitable for inclusion in a proposed Area of Higher Landscape Value (AHe^rLV). This contributes to the wider understanding of the landscape value, and provides up-to-date evidence supporting the designation of the existing AHLV. The Councils Landscape Section also advise that the landscape should be considered as a valued landscape under the terms used in NPPF Paragraph 170. The site is also located to the south east of Lartington Hall Park, which is included on Historic England's Register of Parks and Gardens of Historic Interest. The proposal is considered to be within the wider parkland landscape that extends beyond this designation. The County Durham Landscape Value Assessment (2019) assesses the area as being generally medium-high or high value across the range of attributes assessed. It scored high for scenic, which denotes the high scenic quality of the area.
72. The proposal would introduce two new structures into this sensitive landscape. The structures would be located on an eastern internal site boundary along an existing post and wire fence line, towards the southern part of the site. A degree of separation would be evident between the larger equestrian building and the proposed holiday chalet. Hardstandings would be created around the buildings, providing parking and manoeuvring space. The development would be served by an access track leading from an improved access point, where a single field gate would be replaced with a double field gate, set back off the highway. This would require the removal of a section of hedgerow to facilitate the new entrance and visibility spays. The development, in particular the chalet would require an element of cut and fill to facilitate it's siting due to topography changes.
73. In consideration of the impact of the development, the views of the Council's Landscape Officer have been sought, who advises that the site forms part of an open, attractive countryside, and parkland landscape, as highlighted above. This landscape, including the site, is readily appreciated and makes a distinctive and important contribution to landscape character of the area. The development would introduce two structures into the local landscape which would not be located as part of, or close to, an existing farmstead or other building grouping and would be read as isolated structures in open countryside. It is advised that as the site rises to the south before falling to the valley of the Ray Gill the development would be visible from Lartington Lane through, and above the hedge (more so in the winter months) and through the proposed widened gate access. Given that the landscape is largely devoid of built form, it is advised that the development would have an adverse impact on the landscape quality of the area.
74. It is also advised that the existing developments in the immediate area have a limited impact in the wider landscape. This includes a caravan site at Pecknell Farm which is read as part of an existing farmstead and is well screened by existing topography and mature woodland vegetation and is unobtrusive in the landscape. It is also identified that the Teesdale Barnard Castle Caravan and Motorhome Club Site is within this wider parkland setting, albeit on the mostly south-easterly extent. However again this is well screened and where glimpsed from the B6277, it is seen with HM Prison Deerbolt as a backdrop and with Barnard Castle roofscape in the same visual envelope.

75. The presence of a former hay shed in the adjacent field, which has since been demolished, is noted, however it is advised that this has had a positive effect on the landscape character and visual amenity of the area. The remaining field shelter on the site is small and unobtrusive.
76. In an attempt to respond to pre application advice, it is acknowledged that the proposal has been located further away from Lartington Lane, to try and reduce the visual effect of the development. The timber material to be used in the construction of both structures would also be appropriate. However, whilst the cabin might be partially hidden by landform, the large field shelter orientated against the grain of the landscape, and the associated development, would be visible due to the open landscape and as the ground rises above Lartington Lane. Experience of similar developments elsewhere have also found that the hardstanding areas around this type of development often become storage areas giving a cluttered appearance and adding to the overall visual harm of the development. While the subdivision of fields is common in equestrian style uses.
77. It is also advised that there would also be further cumulative harm resulting from the associated development which include the widened gateway, the required metalled (i.e. tarmac or concrete) junction and cutting back of hedgerow and roadside vegetation, the introduction of a new track, hardstanding, carparking and associated domestic paraphernalia, such as, waste bins, outdoor seating etc. These would be an unwelcome intrusion into the area's rural and undeveloped character. The formation of the access and the implementation of the visibility slays is estimated to result in approximately 60m of hedgerow removal, or reduction in width.
78. The proposed landscaping is considered to be of limited effectiveness. Whilst it could be further screened by additional landscaping to lessen its visual impact, this itself would be harmful to the open character and appearance of this parkland landscape. The site currently does not afford effective year-round screening and the proposed hedge planting would be limited in ameliorating the harmful impact of the proposal. It is advised that the impact on the local character would be locally significant.
79. There are a number of trees close to the proposal which contribute to the character of the landscape. While in principle, the proposal could be accommodated without affecting these features, further information would need to be provided to ensure that development takes place outside the Root Protection Areas of the trees. However, the woodland to the south of the development is classified as ancient woodland. Planning Guidance sets out that there should be a buffer zone of at least 15m between ancient woodlands and development to avoid damage. The proposed chalet and associated hardstanding would be less than 5m from the edge of ancient woodland, an element of cut and fill would be required to facilitate the development due to land levels. Concerns are also raised regarding increased public access to this area, likely generated from the holiday chalet and the desire to achieve access onto the managed Public Rights of Way Network that extends through the woodland. Paragraph 175 of the NPPF sets out that development resulting in the loss of deterioration of irreplaceable habitats such as ancient woodlands should be refused unless there are wholly exceptional reasons (including nationally significant infrastructure projects where public benefits would clearly outweigh the loss) and a suitable compensation strategy exists. In the absence of any specific assessment of the impacts of the development on the ancient woodland it is considered that a precautionary approach must be adopted.
80. Overall, it is considered that the development would result in a significant adverse visual impact on the surrounding distinctive landscape and area of high landscape value contrary to Policies GD1, ENV1, ENV3, ENV10, TR3 and TR7 of the TDLP and

Parts 6, 12 and 15 of the NPPF. Insufficient information has been submitted to assess the developments impacts on the adjacent ancient woodland due to the proximity of the development and concerns over increased access, contrary to Policy ENV9 of the TDLP and paragraph 175 of the NPPF.

81. The alternative positioning of buildings have been informally considered, following site meetings with the applicant and interested parties, including a review by senior officers. Whilst alternative positions could potentially have a reduced impact over the proposed layout, it is considered this would not significantly reduce the level of harm identified.

Heritage Impacts

82. Policy BEV3 of the TDLP sets out that development which adversely affects the setting of a listed building will not be supported, in this respect Lartington Hall is located approximately 1200m away from the development site. Although Policy BE3 is generally consistent with the aims of the NPPF to protect the historic environment, it is recognised that the NPPF does, in instances, permits a degree of harm when weighed against other consideration, where TDLP policies do not. Due to the lack of consistency of with the NPPF in this respect, Policy BE3 should be afforded reduced weight in the decision making process.
83. As highlighted above the site is located within proximity of the Lartington Park, a registered Historic Park and Garden. Policy ENV4 of the TDLP sets out that the historic character and appearance of historic parks and gardens including Lartington Park will be protected. Within these areas only new development proposals that are compatible with existing uses and do not har the historic landscape will be permitted. However, given the proposal falls outside of the designated parkland, Policy ENV4 is not considered applicable to this application.
84. Part 16 of the NPPF seeks to protect Heritage Asset, and applications affecting heritage assts should describe the significance of any heritage asserts affected and any contribution made to their setting. In this instance a heritage statement has been submitted identifying relevant heritage assets as Lartington Hall (a Grade II* Listed Building) and Lartington Hall Registered Park and Garden (Grade II Listed). Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires development to pay special regard to the desirability of preserving the settings of Listed Buildings.
85. In assessing the impact of the development on Lartington Hall, the Council's Design and Conservation Officer advises that there is no heritage objection to this proposal and the development would not impact on its setting. The submitted heritage statement adequately addresses the impact on built designated assets.
86. In relation to Lartington Hall Registered Park and Garden, the Council's Landscape Officer advises that although the development would have a significant visual impact on the wider landscape, it is advised that it would not have an impact on the setting of the of the heritage asset.
87. Overall it is considered that the development would not adversely impact on the setting of Lartington Hall or Lartington Hall Registered Park and Garden and would comply with Policy BENV3 and Part 16 of the NPPF.

Highway Safety

88. Policy GD1 of the TDLP requires new developments to be served by a suitable access, while Policy TR7 of the TDLP states that developments should not have a detrimental impact in terms of road safety. These policies are considered consistent with the NPPF which at Paragraph 108 states that development should achieve a safe and suitable access for all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Given the consistency of TDLP Policies GD1, and TR7 with the NPPF, full weight can be given to them in the decision-making process.
89. The site is served by an existing single width field gate, providing an agricultural access to the site. It is proposed to increase the width of the access equivalent to a double width field gate, setting the gates approximately 12m back from the edge of the carriageway to allow vehicles with horse boxes etc to safely access the site. The scheme also proposes laying out of visibility splays extending 215m x 2.4m in either direction. The formation of the access and the implementation of the visibility splays is estimated to result in approximately 60m of hedgerow removal, or reduction in width.
90. In considering the submitted information, the Highway Authority raise no objections to the scheme, subject to conditions to ensure that the access is laid out in accordance with the approved plans and the visibility splays are cleared of all vegetation greater than 1m in height.
91. In terms of access to services for users of the holiday accommodation, the edge of Barnard Castle lies approximately 1 mile away, however, there are no Footpaths on Lartington Lane, nor is it lit for those wishing to walk. Whilst there is a bus service along this road there are no bus stops in proximity of the development. It is therefore considered likely that occupiers of the holiday accommodation would rely on the private transport to access services and amenities. However, it is acknowledged that this is the case for many tourism developments within the countryside and there are potential for crossed linked visits with the pony training/show element of the development and the visitor accommodation.
92. Having regard to the above, while the unsustainable nature of the location is acknowledged this is not considered to amount to a policy conflict, particularly given the scale and nature of the development. Overall, it is considered that the development would not raise any issues of highway safety in accordance with TDLP Policies GD1 and TR7 and Part 9 of the NPPF.

Impact on protected species and biodiversity

93. TDLP Policy GD1 (J) seeks to ensure that developments would not endanger or damage important national or wildlife sites or that of the ecology of the wider area. TDLP Policy ENV8 seeks to protect species protected by law and including their habitats, while Policy ENV7 seeking to protect sites of nature conservation. These policies are each considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, encourages net biodiversity gains and stringently protects ecological sites of the highest significance.
94. Furthermore, Section 40 of the Natural Environment and Rural Communities Act 2006, places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
95. An Ecology Survey and Risk Assessment has been submitted in support of the application which concluded that the development would be unlikely to have any affect on any species protected by law or would result in any significant change on the

ecological value of the site. In reviewing the submitted assessment the Council's Ecology Officer offers no objections to the proposals on ecological grounds. However, it is advised that hedgerow required to be removed to create enhanced access/site lines, should be adequately compensated for onsite.

96. Overall it is considered that the proposal would not have any adverse impact upon protected species or biodiversity in accordance with the requirements of Policy GD1 of the TDLP and Part 15 of the NPPF in relation to protected species and subject to appropriate conditions would achieve net biodiversity gain.

Residential Amenity

97. TDLP Policy GD1 part (D) states that new development should be compatible with surrounding existing land uses. GD1 also advises that there should be not significant pollution of the environment from a range of sources including noise. TDLP Policy TR3 and TR7 requires developments not to adversely affect the amenities of neighbouring occupancies. These policy is considered to be consistent with NPPF which at Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. Full weight should therefore be afforded to policies GD1 and TR3 of the TDLP in the decision-making process.
98. However, in this instance, there are no residential properties in close proximity of the development and therefore, as advised by the Council's Environmental Health (Nuisance) Section no adverse impacts are likely to arise. The development would therefore accord with the requirements of TDLP Policies GD1 and TR3 and Parts 12 and 15 of the NPPF.

Foul and Surface Water Drainage

99. Policy ENV14 (Protection of Water Quality) states that development will not be permitted which would unacceptably prejudice the quality of surface or ground water. With regards to how the development would address foul and surface water drainage, no details have been submitted other than a septic tank is to be utilised to treat foul water. Planning Practice Guidance (PPG) Water supply, wastewater and water quality advises that applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment. In this instance no information has been submitted, however given the scale of the development, it is considered likely that a suitable scheme could be developed and agreed by condition.
100. In terms of surface water runoff, this is considered to be minimal and again subject to appropriate conditions, it is considered that a suitable scheme could be developed given the nature of the site and amount of land available to the applicant.
101. Overall it is considered that the development would accord with TDLP Policies GD1 and ENV17 and Parts 14 and 15 of the NPPF.

Conclusion

102. It is concluded that the development would result in a significant adverse visual impact on the surrounding distinctive landscape and area of high landscape value contrary to Policies GD1, ENV1, ENV3, ENV10 and TR3 and TR7 of the TDLP and Parts 6, 12 and 15 of the NPPF. It is also concluded that insufficient information has been

submitted to assess the developments impacts on the adjacent ancient woodland due to the proximity of the development and concerns over increased access, contrary to Policy ENV9 of the TDLP and paragraph 175 of the NPPF.

103. The development is acceptable in terms of residential amenity, highway safety and ecological interests thereby according with Policies GD1 and ENV8 in this respect.
104. The NPPF is a material planning consideration which is capable of outweighing conflict with the development plan. Paragraph 11 sets out for decision making, approving development that accords with an up to date development plan without delay, or, where there are no relevant development plan policies or the policies most important for determining the application are out of date, planning permission should be granted unless:
 - i: the application of policies in this Framework that protect areas or assets of particular the benefits, when assessed importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh against the policies in this Framework taken as a whole.
105. In this respect conflict with the development plan has been identified. A suite of policies most important for determining this application have been identified, these include Policies GD1, ENV1, ENV3, ENV9 and TR3 and TR7 of the TDLP. In the round, in line with case law, this suite of policies are considered up to date, and therefore balance tests of paragraph 11d of the NPPF are not engaged.
106. The NPPF seeks to achieve sustainable development through the application of three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways. In this respect it is recognised that there would be some positive economic benefits arising from the proposed development, associated with increased visitor numbers and job creation although these benefits would be relatively limited given the scale of the development. The intended use of the development would also assist in the understanding and preserve the Dales Pony breed.
107. In environmental terms, the site is located in a sensitive, attractive landscape and the development cumulative would adversely affecting this landscape. Adopting a precautionary approach due to the development's proximity, it is considered that the development would result in the deterioration of adjacent ancient woodland.
108. Overall it is considered that the proposal does not constitute sustainable development when assessed against the NPPF, there are no material considerations which outweigh the conflict with the development plan and therefore the application is recommended for refusal. In line with pre application advice the applicant is encouraged to explore options for a similar development on other land within their control/ownership.

RECOMMENDATION

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

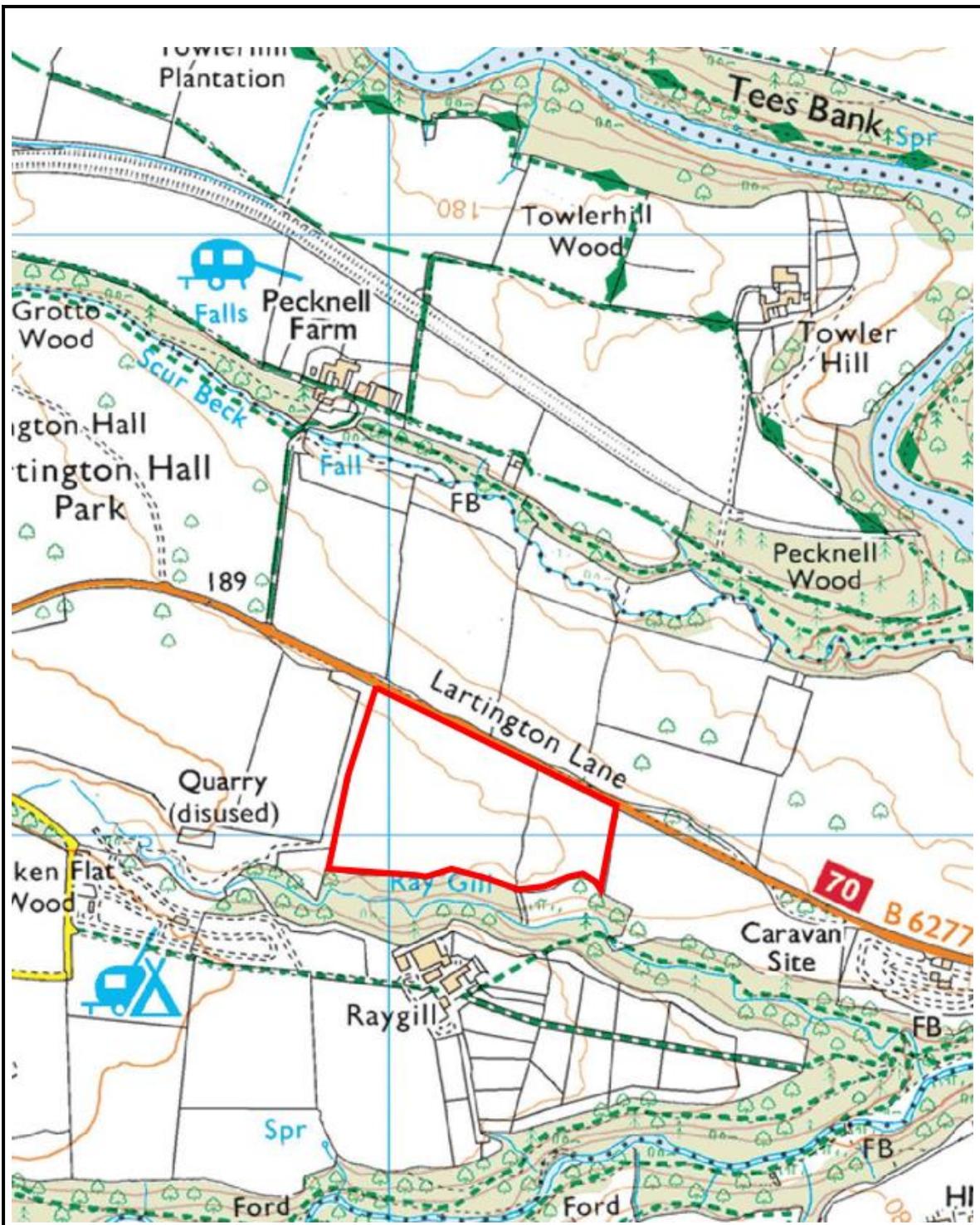
1. In the opinion of the Local Planning Authority, The development would result in a significant adverse visual impact on the surrounding distinctive landscape and area of high landscape value contrary to Policies GD1, ENV1, ENV3, ENV10 and TR3 and TR7 of the Teesdale District Local Plan and Parts 6, 12 and 15 of the NPPF.
2. In the opinion of the Local Planning Authority, insufficient information has been submitted to assess the developments impacts on the adjacent ancient woodland due to the proximity of the development and concerns over increased access contrary to Policy ENV9 of the Teesdale District Local Plan and paragraph 175 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse the 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. However this has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

Erection of timber cabin to host pony training events and to provide holiday accommodation and erection of a timber field shelter

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No 100022202 2005

Ref:

Date: July 2020

Scale: NTS

This page is intentionally left blank

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/02733/OUT
FULL APPLICATION DESCRIPTION:	39no. dwellings, including demolition of existing buildings (outline – all matters reserved except access)
NAME OF APPLICANT:	Lichfields
ADDRESS:	Land to the rear of Attwood Terrace, Spennymoor, Co Durham
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Mark O’Sullivan, Senior Planning Officer, 03000 261056, mark.o’sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to a parcel of land (some 1.6Ha) located to the rear (west) of residential properties on Attwood Terrace, Tudhoe Colliery, on the edge of the wider Spennymoor settlement. Attwood Terrace comprises an established row of predominantly 2 storey terraced properties fronting the main road, with relatively long and narrow gardens extending to the rear, beyond which lies open countryside. This terrace faces a separate terrace to the east (North Road) across the B6288 carriageway.
2. The application site presently forms undeveloped agricultural fields bounded to the north and west by existing hedgerow with further agricultural land beyond. To the south lies a parcel of land where permission was granted in March 2019 for the construction of 3no. detached dwellings (planning approval ref: DM/18/03610/FPA) with works having recently commenced on this site. To the east, the site also includes No’s 17-20 Attwood Terrace (a further 0.15Ha) comprising a commercial premises, vacant retail unit and first floor flat.
3. This application seeks outline permission (all matters reserved except access) for the erection of up to 39no. dwellings on the site. An indicative layout plan is submitted alongside the application detailing access to the site would be taken from North Road to the east. This would involve the creation of a new opening in the existing terrace, requiring the demolition of no’s 17-20 Attwood Terrace. The current proposals represent a slight variation to the outline scheme as originally submitted, reducing the total number of units proposed and omitting a previously proposed retail unit fronting Attwood Terrace adjacent to the proposed access.
4. The application is being reported to the Planning Committee in accordance with the Council’s Scheme of Delegation as it falls within the definition of a major development and has attracted a significant level of public interest.

PLANNING HISTORY

5. Historical planning records detail previous refusals of planning permission for outline residential development on this site and for the erection of 44no. dwellings (planning ref: 7/1990/0045/DM and 7/1990/0406/DM). These applications were refused in April and December 1990 respectively in light of LPA objections over the undesirable physical and visual incursion into the open countryside to the west of Tudhoe Colliery, with the LPA seeking to prevent coalescence of the settlement with Tudhoe Village to the west. Proposed development would extend beyond the physical framework of the settlement and also result in increased traffic congestion which would prejudice highway and pedestrian safety. It was further concluded that at the time there was sufficient land for housing development on approved sites in more suitable locations elsewhere within the Spennymoor settlement.
6. More recently, an informal planning enquiry was considered by the LPA in February 2017 concerning the development of approximately 50-60no. dwellings on the site. The site was conformed to have an amber rating in the SHLAA which concluded housing development would be unsuitable in this location. The development of this site would represent an incursion into the countryside which would have an adverse landscape impact. The site is not accessible and therefore unsuitable. There are also a large number of existing commitments within Spennymoor which may impact on the deliverability of this site.

PLANNING POLICY

NATIONAL POLICY

7. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). 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.
8. 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 the 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.
9. *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.
10. *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.

11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (1996) (SBLP)

18. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
19. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
20. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
21. *Policy D9 – Art in the environment* – seeks to encourage the incorporation of artistic elements in development schemes.
22. *Policy E1 – Landscape Protection and enhancement* - seeks to encourage the maintenance of distinctive landscape areas.
23. *Policy E15 – Safeguarding of woodlands, trees and hedgerows* - seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost.
24. *Policy H14 - Maintenance and improvement of housing stock* – seeks to support the maintenance and improvement of the Boroughs housing stock, granting permission that would lead to improvement of housing areas through the redevelopment, conversion or modernisation of buildings, environmental improvements, improvements to access, traffic circulation and parking arrangements.
25. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
26. *Policy H19 - Provision of a range of house types and sizes including affordable housing* – seeks to support proposals which would provide an appropriate variety of house types and sizes, including the provision of affordable housing where a need is demonstrated.
27. *Policy L2 – Provision of open space in new housing development* – seeks to ensure open space provision in housing developments of 10 or more dwellings.
28. *Residential Amenity Standards SPD (2020 Adopted version)* – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

RELEVANT EMERGING POLICY:

29. The County Durham Plan

The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 06 February 2020, and the Inspector's issued his post hearing advice on 20 February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26 May and will last until 21 July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. Paragraph 48 of the NPPF states 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. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at <http://www.durham.gov.uk/article/3270/Sedgefield-Borough-Local-Plan>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. *Spennymoor Town Council* – Objects to the application raising concerns over traffic generation and highway safety, noise disturbance from increased site use and construction, loss of trees, ecological impact and the coalescence of Tudhoe Colliery into neighbouring settlement. Further, concerns are expressed over encroachment into the countryside, loss of the village shop and the potential for this development to lead to a further increase in new build housing development in the area outside of the scope of the draft County Durham Plan. It is also highlighted that the development would lead to a loss of a view for residents.
31. *Highway Authority* – Objections are raised to the development, advising that the introduction of the new access would impact residential amenity by displacing on-street car parking. Any attempt to address these amenity concerns through the retention of roadside parking serving adjacent dwellings would likely result in site visibility concerns at the site access, detrimental to highway safety.
32. *NWL* – Advise that a Flood Risk Assessment has been submitted with the application. However, the planning application does not provide sufficient detail with regards to the management of foul water from the development for Northumbrian Water to be able to assess capacity to treat the flows from the development. Subject to condition requiring the approval of surface and foul water drainage details no objections are raised.
33. *The Coal Authority* – Offer no objections, subject to the imposition of a condition relating to the undertaking of a scheme of intrusive site investigation, the submission of a report of findings of such investigation and details of any remedial works necessary, and implementation of these remedial works.

INTERNAL CONSULTEE RESPONSES:

34. *Spatial Policy* – Advise that at the present time the LPA can demonstrate a 5-year supply of deliverable housing sites, which means that the weight to be given to boosting the supply of housing is not as significant as it would be in instances where there is not a 5 year housing land supply. Issues of deliverability/achievability are therefore relevant. For this proposal to be acceptable, the impacts in terms of landscape, townscape and integration with the settlement pattern/form would need to be within acceptable parameters. A key issue will be how acceptable this will be from a settlement morphology perspective, and impact on the setting of the Tudhoe Village Conservation Area.
35. *Landscape* – Advise that the application is submitted alongside a Preliminary Landscape Appraisal which is considered to represent a fair and accurate of description of the proposals and effects of the local landscape. Subject to details of

landscaping and enclosures being considered through reserved matters the proposed mitigation planting would be an appropriate approach to the development.

36. *Arboriculture* – Advise that the proposed development has specified the retention of all the significant trees on the site, but the close proximity of the construction to some root protection areas means their realistic retention with no associated root damage is unlikely. In addition, the proposed SUDS area is close to identified root protection areas, and any regrading of the land or use of heavy machinery in this area is unlikely without causing damage to these trees. Whilst some development of this site is feasible without causing damage to the surrounding mature trees, the density of the proposed layout presented with this application and the close proximity of construction to trees, risks their sustainable retention and potentially conflicts with Saved policy E15 of the SBLP.
37. *Ecology* – Advise that the required offsite offset is noted to be 0.4ha of species-rich/neutral grassland. The cost of creation of this amount of habitat on DCC owned land will be £8203. It is recommended that the proposed contribution be agreed and together with a detailed management and monitoring strategy, included in a S106 agreement. It is also considered that the mitigation recommendations detailed in the updated Ecological Report be conditioned.
38. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections, subject to conditions with respect land contamination.
39. *Environmental Health and Consumer Protection (Contaminated Land) (Nuisance)* – Advise that the granting of planning permission for the development may potentially result in a statutory nuisance being created during the construction phase. However, the imposition of a condition relating to the submission and agreement of a Construction/Demolition Management Plan (CDMP) would be sufficient to mitigate the potential of a statutory nuisance.
40. *Housing Development (Affordable Housing)* – No information has been provided in the application detailing the type and location of houses that will be delivered as affordable housing. If approved, further discussions will be needed with the developer and Housing Development Team to ensure that the affordable housing requirements of the area are met. The location of affordable housing should be dispersed throughout the development to avoid a concentration in one area. This should be in small clusters of housing rather than single units pepper potted through the development. Where discount market sale is being considered as affordable home ownership the required percentage discount will need to be agreed.
41. *Drainage and Coastal Protection* – Advise that insufficient information has been provided to confirm that a satisfactory sustainable surface water management system would be included in the proposed development. Approval should be withheld until such time as a satisfactory strategy is provided and approved.
42. *Design and Conservation* – Concerns raised over the proposed site access in terms of its resulting impact on the character of the plan form of the surrounding area, potential for coalescence of settlement, and the impact of proposed detached and semi-detached dwellings in terms of their relationship to the surrounding residential setting. Whilst this is an outline application, the development should create a sense of place through locally inspired or otherwise distinctive design.
43. *Education* – Advise that 39no. houses would produce 12no. pupils of primary school age and 5no. pupils of secondary age. Based on the projected rolls of the schools,

taking into account the likely implementation of the development, build out rates and other relevant committed development there would not be sufficient space to accommodate the pupils generated by the development in relation to primary schools, whilst maintaining a 5% surplus. In order to mitigate the impact of the development a contribution of £176,436.00 would be required to facilitate the provision of additional teaching accommodation for primary schools. No contribution for additional secondary school places would be required.

44. *Archaeology* – Advise that in the event of approval, a condition should be applied relating to the completion of a post investigation assessment in accordance with the previously agreed Written Scheme of Investigation.

NON-STATUTORY RESPONSES:

45. *NHS* – The increase in resident population should not have a material effect on the local GP surgeries and their abilities to provide care.

PUBLIC RESPONSES:

46. The application has been publicised by way of site notice, press advertisement and notification letters to neighbouring residents, including a further re-consultation exercise on receipt of amended plans.
47. In response, 77no. separate representations have been received citing objection to the scheme, in addition to 2no. petitions of objection to the development have been submitted totalling 231 signatories. A summary of the key areas of concern raised is as follows:

- Deliverability
Objectors express concerns over the large number of existing housing commitments within the Spennymoor settlement which may impact upon the deliverability of this site. This development could contribute to saturation of the local housing market with sufficient provision of more suitable brownfield sites nearby such as the former Tudhoe Grange School site, and recently approved sites such as the Tudhoe and Victory WMC and land to the immediate south behind the Black Horse PH.
- Highways impacts
Proposals would result in highway and pedestrian safety concerns resulting from intensification of the local highway network and the removal of an existing pedestrian crossing island close to the proposed site entrance impeding pedestrian and disabled access across this busy road. Given the close proximity of a Primary School to the north of the application site, proposals would also increase child, pedestrian and public safety concern resulting from intensification of road use through the settlement, particularly at drop off and collection times.

Given the proximity of the Tudhoe Industrial Estate to the north of the proposed site entrance, heavy goods vehicles and associated industrial estate traffic movements would mix with increased traffic flow along the B6288. Furthermore, increased traffic flow along this road would also impact public transportation services using the highway network with a bus stop located close to the site entrance, and potentially block access for emergency service vehicles.

Proposals would see the removal of a number of roadside parking spaces used by local residents in an area where there is already a lack of suitable parking provision,

forcing residents to park elsewhere, further afield increasing security concern to private vehicles.

Objectors also raise doubts over the accuracy of the applicants supporting transport statement and request that further traffic assessments be carried out in the area, particularly during school term times.

- Landscape impacts

Proposals would result in an adverse landscape impact resulting from the loss of trees and landscaping on the site, and the raising of land levels resulting in a notable incursion into, and loss of the open countryside which is claimed by some to be greenbelt land. There are calls for those mature trees along the northern and western boundaries of the site to be protected by a TPO.

- Ecological impacts

A number of concerns are expressed over the ecological impacts of the development in terms of harm to local wildlife and the resulting loss of biodiversity.

- Impact on local services

Concerns are expressed over the demolition and subsequent loss of the village shop and the affordable flat above, and to the loss of an established Royal Mail Post Box to the front of this retail unit. In addition, concerns are expressed over the ability of local healthcare and educational services to cope with such an increase in local resident population with questions raised over the perceived effectiveness of a single one—off S106 monetary contribution to sustain year on year high quality educational provision.

- Impact on amenity

Concerns have been raised over disruption caused by construction work associated with the development of the site and noise and air quality pollution arising from increased use of the land and traffic increase. Those residents backing onto the site on Attwood Terrace raise concern over the impact of development on their privacy and amenity in terms of overlooking and overshadowing. In particular, concerns are raised by residents of property immediately adjoining the proposed site entrance whose mid-terrace property will now become an end terrace, opening up views of their property, and with significant traffic flow and resulting noise to the side of their home at the newly created estate road junction. Such concerns have raised further objections from local residents in terms of the perceived impact on their mental health and wellbeing, resulting from the loss of the open aspect to the rear of the existing terrace.

- Heritage impacts

Concerns are expressed over the proximity to and therefore impact on the character and setting of the Tudhoe Village Conservation Area. Proposed works would have a detrimental impact upon the residents of Tudhoe Colliery and the surrounding environment and see the demolition of a historic building on Attwood Terrace which although is in a poor condition should be retained and reinstated to better condition. This premises has a plaque on its primary elevation and should not be demolished.

- Misc.

There exists a history of planning refusals for this site and little has changed in terms of the reasons given.

Increased flood risk resulting from the development of agricultural land in a location where there is a history of flooding and drainage issues.

There is a lack of proposed social and affordable housing, with all housing to be for market sale.

Increased pressure for future applications to develop adjoining land resulting in the coalescence of Tudhoe Colliery and Tudhoe Village. Both settlements would lose their distinct character and identity.

Confusion over the number of houses proposed and the site parameters.

Lack of neighbour consultation.

Lack of compliance with policy 6 of the emerging County Durham Plan.

- Other matters

Loss of view and reduction in property value are not considered material planning considerations relevant to the determination of the application. Likewise claims of an alleged restrictive covenant on the land restricting future development of the land cannot be considered as a material planning consideration.

48. In addition, objections have been received from both local members for the area (Cllrs Neil Grayson and Alan Gardner) who object on the following grounds:

- Future residential development would be outside of the scope of the draft County Durham Plan with sufficient housing provision and other large residential development sites already approved in the local area.
- Coalescence of Tudhoe Colliery and Tudhoe Village would have a significant impact on the area.
- Loss of the village shop (Tudhoe Mini Mart).
- Encroachment into the countryside.
- Loss of valued natural habitat, trees and wildlife.
- Traffic generation and suitability of site access.
- Noise disturbance resulting from intensified use of site.
- Disturbance from increased traffic and construction.
- Agreement with all other concerns expressed by local residents.

49. *CPRE* – The site is not identified for further housing development in the SBLP and should not be considered as ‘backland development’ given the scale of the development proposed. The NPPF seeks to protect the countryside from being developed and the emerging County Durham Plan makes no provision for this site to be developed, representing an unwarranted incursion into the countryside. Consideration should be given to the loss of the commercial premises which is a historic building with a plaque.

APPLICANTS STATEMENT:

50. This outline application was submitted in August 2019 and amended in January 2020. The revisions addressed detailed comments raised by consultees and provided further evidence to demonstrate the deliverability of the site for housing. The design team also sought to respond to issues raised by local residents where possible. The applicant has responded positively throughout the process and the scheme has resolved all outstanding technical issues. There are no objections from consultees to the current proposals.

51. The development will deliver a range of social, economic and environmental benefits as follows:
- In social terms, the development will deliver 39 new homes, including affordable housing - boosting the supply of housing; attracting new households to the area; and helping to sustain the local community. The site is located within an established residential community and forms a logical addition to the settlement. It is well situated in terms of proximity and accessibility to local facilities, supporting local connectivity and sustainable modes of travel.
 - The development incorporates positive environmental measures to provide net ecological gains through habitat creation; enhanced landscaping; and tree and hedgerow planting. The proposal also includes provision for Sustainable Urban Drainage.
 - In economic terms, the development will generate direct and indirect construction jobs and support for local businesses. It will result in an uplift in GVA, increasing expenditure in the local economy. The scheme will result in additional Homes Bonus payments and increase Council Tax revenues. In addition, the scheme will also provide considerable contributions to support local initiatives for offsite open space, biodiversity enhancements and educational provision.
52. These benefits carry additional weight in light of the current climate. The spread of Covid-19 and the measures put in place to contain it are having a significant economic impact – at the UK level and globally – which will be felt for some time. The UK economy is expected to shrink by 14% over the course of 2020, exceeding the annual falls precipitated by World Wars I and II and the 2008/09 financial crisis. Development such as this will be crucial in boosting the economy, stemming unemployment and supporting the house-building and construction industries.
53. In terms of the principle of development, the NPPF sets a clear commitment to encourage housebuilding and support the delivery of much needed new homes across the country. Relevant policies relating to windfall sites were not saved in the adopted plan, but the application fully accords with the requirements of Emerging Policy 6 (Development on Unallocated Sites) as it is located on the edge of the built-up area of Tudhoe; relates well to the settlement; and meets the relevant criteria. The application should however be determined under paragraph 11(d) of the NPPF which confirms that permission should be granted as the site is not subject to any specific designations or special protections, and there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. We trust that the Committee will therefore approve this application without delay.

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

PLANNING CONSIDERATIONS AND ASSESSMENT

54. 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 development, deliverability/achievability, urban/landscape impact, highways impact, privacy/amenity flooding and drainage, ecology, contaminated land, planning obligations and other issues.

The principle of the development:

55. 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 statutory development plan comprises the Sedgefield Borough Local Plan (SBLP) (1996). Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time, albeit this position will be subject to review upon receipt of further correspondence from the Inspector.
56. The SBLP was adopted in 1996 and was intended to cover the period up 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. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with the Framework, the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
57. In relation to the locational strategy of housing Policy H1 of the SBLP set criteria that development sites in and around Spennymoor should comply with, to be considered acceptable. However, Policy H1 is not a saved policy and does not now form part of the Development Plan. Saved Policy H17 of the SBLP is however considered relevant to the proposal, setting out that residential development on backland and infill sites can to be supported where they can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site. The approach of Policy H17 of the SBLP is considered consistent with that of the NPPF which seeks to facilitate the supply of housing which ensure development proposals have acceptable environmental and social impacts. Given the consistency of Policy H17 with the NPPF, and that the policy is not based on time limited information, it is considered up to date, and full weight should be afforded to it in the decision making process.
58. Part 11 of the NPPF (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land. Paragraph 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.
59. The application site concerns greenfield land located to the rear (west) of properties on Attwood Terrace which presently form a strongly defined western boundary to the Tudhoe Colliery settlement. Although the site is located in a sustainable and accessible location in terms of proximity to neighbouring services, public transportation links and opportunities, without over reliance upon private vehicle use, a key consideration is how the creation of gap within the terrace and development of these fields will impact the character of the settlement in terms of settlement evolution, whilst viewing the associated landscape impact in terms of the potential for coalescence with neighbouring settlements (namely Tudhoe Village to the south west).

60. The site was previously considered through the SHLAA process (ref: 7/SP/101) and given an amber rating. It was concluded that the development of this site would represent an incursion into the open countryside which would have a resulting adverse landscape impact. The site was also deemed to be inaccessible and therefore unsuitable (albeit the applicant has since demonstrated that the site may now be accessible through the demolition of a section of the existing terrace). It was also considered that there are a large number of existing housing commitments within Spennymoor which may impact on the deliverability of this site (a detail for which the LPA have maintained a consistent stance in opposing the development of this site for residential use, citing previous refusals dating as far back as 1990).
61. In summary the suitability of the development of the site rests upon assessment against the criteria set out in Policy H17 and other relevant policies of the SBLP, whilst taking into account the policies of the NPPF as a material consideration and all other material planning considerations as considered in detail below.

Deliverability/achievability

62. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
63. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,308 dwellings per annum (dpa). Presently the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. Overall, the Council has commitments of 16,346 dwellings, 1,495 of which are in Spennymoor. 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, particularly in the Spennymoor area.
64. Further to this, Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and have a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
65. The Government has also recently published its Housing Delivery Test (HDT) results in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding DCC housing targets.
66. Given that the NPPF (para 59) seeks to boost significantly the supply of housing, it was highlighted by the LPA in September 2019 that the current application contained no clear evidence that there is a realistic prospect that housing will be delivered on this site taking account of the plethora of housing commitments within the wider settlement, with a number of these large sites still to be built out. Given the outline nature of the application, concerns were also expressed over the deliverability of the site.

67. It is recognised that Spennymoor currently has a high level of housing commitments, and that some of the larger approved schemes including Gladman/Gleeson at Middlestone Moor; the former Electrolux site, Barratt at the former Thorn Lighting site on Merrington Lane, Barratt at Whitworth and Taylor Wimpey/The Acorns at Durham Gate, all have a significant number of dwellings still to be built out. In addition, smaller scale residential approvals include detailed approval for 3no. dwellings on land to the immediate south of the site (planning ref: DM/18/03610/FPA), outline approval for 5no. dwellings at the Tudhoe and District WMC site some 150m to the south (planning ref: DM/20/00075/OUT), and the construction of 7no. apartments and 1no. two storey dwelling at the former Woodlands site some 400m to the west (planning ref: DM/19/00816/FPA). In addition, informal talks are ongoing regarding the redevelopment of the Tudhoe school site for residential development, some 500m to the south.
68. In response, the applicant's planning consultant submitted a letter which attempts to provide a Local Housing Market Analysis. This letter sets out the applicant's case as to why the site should be considered to be deliverable, asserting that that the site is available, that the site is in a suitable location for development, and that the development is achievable. With specific regard to the latter of these points, the applicant's analysis of the local housing market seeks to make the case that Tudhoe is a distinct housing market, different from Spennymoor, and this has a direct bearing on the deliverability of the scheme. It is stated by the applicant that Tudhoe is characterised by detached, owner-occupied properties with higher income households and higher house prices. Spennymoor meanwhile is said to have a higher proportion of terraced housing and flats and lower house prices.
69. It is important to recognise that this is a critique of the existing housing stock and does not take account of the schemes still to be built out, nor the house types to be provided by those developments. Furthermore, no distinction is made between Tudhoe Village (characterised by its Conservation Area and large detached properties) and Tudhoe Colliery (characterised by two established terraced rows of smaller properties), with questions raised over what exactly is included as "Tudhoe" in this analysis. To analyse nearby Tudhoe Village is potentially misleading in relation to the application site which is positioned more towards the Colliery and would also take its vehicular access from it. Whilst development will clearly take place in the field between the village and the Colliery, and bring the two closer together, this application site shares more characteristics with the latter. This being the case, the erection of 39no. detached residential properties in open fields to the immediate rear of the terraces would not be characteristic of the Tudhoe Colliery settlement. To further develop this argument, and whilst it is recognised that the application is outline in nature, it would not be possible to physically develop 39no. dwellings on this particular site of the size and type contained within Tudhoe Village.
70. Having given the applicant sufficient time and opportunity to address initial concerns raised over the achievability and deliverability of residential development on the site, whilst having read and considered all of the additional points put forward, there is no clear evidence to suggest that this site is deliverable. This is an outline application, submitted by a land agent on a speculative bases, with no clear evidence that the site is deliverable or can indeed be built out within a 5 year period, delivering all 39no. proposed units or indeed securing developer interest.
71. Significant concerns are also raised regarding the costs of the development arising from site remediation requirements in relation to previous coal mining activity, significant costs associated with the onsite open space provision, biodiversity mitigation requirements, education contributions, potential off site highway

improvement works, extensive SUDS work, and how this would impact on the viability and attractiveness of the site in a challenging housing market area.

72. Overall it is considered that the development would not meet the NPPF deliverable definition in the absence of any clear evidence to suggest otherwise, and the site would make any meaningful contribution to housing land supply.

Urban / Landscape impact

73. Policies H17, D1 and D5 of the SBLP jointly seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. They also require that development is in keeping with the scale and form of adjacent dwellings and the local setting of the site, with attention to be given to the spatial relationship of buildings in creating a sense of place. Policy E1 of the SBLP seeks to encourage the maintenance of distinctive landscape areas. Policy E15 of the SBLP seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost.
74. These policies are also considered consistent with Parts 12 and 15 of the NPPF which jointly seek to ensure that development is sympathetic to the local character and landscape setting, while seeking to protect valued landscapes and recognising the intrinsic character of the countryside. Due to their consistency, full weight should be afforded to all of these policies in the decision making process.
75. The application site is not located within a Conservation Area or area of special control. The application is outline in nature with all matters reserved except access and specific details of layout, scale, landscape and design would be considered at a later date if approved. However, for the purpose of the current submission, regard must be given to the existing character of the surrounding locale.
76. In this respect, the proposed development would disrupt and punch through an established terraced row of buildings forming Attwood Terrace which links the wider Spennymoor Settlement to the south and Croxdale to the north. Although one of the buildings to be removed does seem to have some historical value, possessing a plaque to the front elevation, as a group the buildings to be removed are considered unsightly in their present form and do detract from the character of the wider street scene. Although concerns have been raised over the loss of a Royal Mail post box to the front of these buildings to facilitate the proposed access point, such matters relating to the resiting of this facility would be detailed further at the reserved matters stage.
77. Notwithstanding the above, the distinct character of this part of the settlement is clearly represented by its strongly defined and historic terraces in a linear form offering an established street frontage. The creation of 22m wide gap in the western terrace to form a new vehicular access and associated visibility spays to serve a development of detached residential units with views of green space, visitor parking and new, modern elevational treatment, is considered to be entirely out of character with the established plan form of the area.
78. It is also considered that the indicative layout of detached and semi-detached dwellings does not respond to the simple plan-form of Tudhoe Colliery and any resulting move away from these proposed house types would likely result in pressure for development of further linear rows of terracing on this backland site, again impacting the residential character of the area.

79. In landscape terms, the application site was previously considered through the SHLAA process (ref: 7/SP/101) and given an amber rating. It was concluded that the development of this site would represent an incursion into the open countryside which would have a resulting adverse landscape impact. Since this time, and in the context of the current application, a more detailed and up to date landscape impact analysis of the site has been undertaken. The applicant has submitted a Preliminary Landscape Appraisal in support of the application which landscape officers considers represents a fair and accurate representation of the proposals in its description of the effects of the local landscape.
80. The application site is not in a locally or nationally designated landscape and is not within the designated greenbelt. Visibility at close quarters from public viewpoints is limited to those from the PH car park to the south east and the Church Hall and its car park to the west. There are low angle views across fields at distances of around 300m from the public footpaths that run to the west and north. In these views the development would largely be seen in the context of, or against, the existing development that runs to the south and east of the site.
81. Whilst landscape officers advise that the mitigation proposed in terms of structural planting would be appropriate, it is considered that there remains residual landscape harm through the encroachment into the perceived countryside, presenting an undesirable development form which is exacerbated by the current simple linear form of the settlement which would be disturbed.
82. In addition, it is considered that the development of the site would contribute to increased coalescence of overall settlement, by bringing this part of the settlement closer to that of Tudhoe Village to the south west. Until circa 1970's, there was a clear definable break between the north-south linear development of Tudhoe Colliery and Tudhoe Village to the south west. Whilst there would be no definable encroachment of the site into the Tudhoe Village Conservation Area to the south west, the extension of the settlement to the west of Attwood Terrace would bring the settlement form closer to that of Tudhoe Village, giving the perception that the settlements are read as one. However, the development at proposed is not considered to impact on the setting of Tudhoe Village Conservation Area.
83. With regards Arboricultural impact, the proposed development has specified the retention of all the significant trees on the site. However, the close proximity of the construction to some root protection areas (RPA) means their realistic retention with no associated root damage is unlikely. In addition, the proposed SUDS area is also in close to identified RPA's of trees and any regrading of the land or use of heavy machinery in this area is unlikely achievable without causing damage to these trees. Whilst some development of this site is feasible without causing damage to the surrounding mature trees, the density of the proposed layout presented with this application and the close proximity of construction to trees, risks their sustainable retention resulting in a negative visual impact.
84. Although only outline in nature, for the reasons specified, the development of this site is considered to harm the distinct character and urban form of the Tudhoe Colliery settlement, and result in an encroachment into the countryside and further coalescence with Tudhoe Village contrary to Policies H17, D1 and D5 of the SBLP and Parts 12 and 15 of the NPPF.

Highways

85. Policies H17, D1, D3 and D5 of the SBLP seek to ensure that new developments achieve a satisfactory means of access, manoeuvring, turning and parking provision

for the number and type of vehicles using the development, and a safe and attractive environment for all users. These policies are considered consistent with Part 9 of the NPPF which states that a safe and suitable access can be achieved for all users and should only be prevented or refused on highway grounds where there is an unacceptable impact on highway safety, or the residual cumulative impacts of development are considered to be severe.

86. Access to the site is shown to be achieved via the creation of a new road into the site, punching through the existing terrace involving the demolition of no's 17-20 Attwood Terrace. Further details relating to the internal estate layout of this road would be left to reserved matters. Notwithstanding this it is accepted that any reserved matters scheme would need to include sufficient car parking provision which complies with the minimum requirements outlined within the County Durham Parking and Accessibility standards 2019, including non-allocated visitor parking (VP) provision of 25% dispersed evenly through the development. In addition, all new residential developments must be subject to a 20mph speed limit controlled by a Traffic Regulation Order. The creation of the 20mph zone will form part of the Section 38 Agreement Highways Act 1980 procedure.
87. Significant local objection has been raised over the suitability of the existing highway network to serve the application site in terms of highways safety. The views of the highway authority have been sought in this regard, who consider that it is possible to create a safe access into the site from the location shown, subject to the creation of a protected right turn ghost island in the carriage ways and satisfactory junction visibility splay onto Front Street to the north and south. However, submitted plans demonstrate that in order to achieve such visibility, existing and established roadside parallel parking on Front Street serving the adjacent terrace in the location of the access would need to be displaced.
88. In supporting documentation (dated 06 April 2020) the applicant confirms proposals would result in the loss of 7no. on-street spaces along Attwood Terrace. 4no. of these to accommodate the new access, with a further 3no. required to be removed to preserve visibility splays. These 7no. spaces currently serve 8no. properties comprising 5no. terraced dwellings, 1no. flat, 1no. shop and 1no. commercial unit. The shop, flat and commercial unit will be demolished to facilitate the access, removing demand from these units as well as any associated vehicle movements including service and delivery vehicles. The remaining 5no. residential properties affected would benefit from 6no. new parking bays to be provided within the site, correlating to direct provision for each of the 5no. properties as well as an additional VP space. These spaces would be located between 25m and 70m of Attwood Terrace and can be allocated if necessary. Existing spaces on Front Street are presently unallocated with no guarantee of securing a space.
89. The applicant further explains that the proposed scheme will reduce parking demand whilst increasing parking provision, replacing existing sub-standard on-street parking bays with 6no. larger bays, compliant with parking standards. Furthermore, the proposals will remove residential parking from Front Street, a busy main road, onto a secondary residential street - supporting safer vehicle movements on Front Street and reducing pedestrian / vehicular conflict along the footpath and carriageway. The proposed works to the highway would also secure an improved pedestrian environment for all residents along Front Street, an improved outlook for those properties affected by loss of on-street parking; and improved compensatory parking.
90. Notwithstanding the above, highways engineers maintain objections to the proposals. Historically, residents of Attwood Terrace have utilised roadside spaces on Front Street to park their private vehicles as close to their properties as possible. The

displacement of these spaces would see their relocation to a notably greater distance of up to 70m within the development away from Attwood Terrace in areas of poorer natural surveillance.

91. Whilst the displacement of spaces ensures provision for those effected is to be maintained, this does come at the expense of their amenities. Submitted plans detail only 5no. allocated spaces for these dwellings up to a distance of 70m away from the properties they would serve with no details provided by the applicant as to how these spaces will be created. At this distance it is considered to discourage existing residents from using these spaces, increasing existing demand of existing spaces and likelihood of unsafe parking within the protected visibility spays. At present there is no recorded history of accidents associated with the existing parking arrangements.
92. Overall, whilst the proposals could achieve a satisfactory means of access, the displacement of residents car parking required to achieve adequate site visibility splays and formation of the new access would adversely impact on the amenities of residents and highway safety contrary to the provisions of Policies H17, D1, D3 and D5 of the SBLP, and Part 9 of the NPPF

Privacy / Amenity:

93. Policies H17, D1 and D5 of the SBLP seek to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings. Such provisions have been superseded by the Councils recently adopted Residential Amenity Standards SPD which provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed. These Policies are considered consistent with Part 12 of the NPPF which seeks to create safe, inclusive and accessible developments with a high standard of amenities of future users which do not undermine the quality of life or community cohesion. Given the consistency with the NPPF full weight should be given to these policies in the decision making process.
94. The Councils Residential Amenity Standards SPD sets out that all new development, including new dwellings, will have some bearing on neighbouring properties, however it is important to ensure that the impact does not result in a significant loss of privacy, outlook or light for occupiers of new dwellings and existing dwellings. The design and layout of new development should therefore ensure that reasonable privacy and light is provided for surrounding residents and occupiers, particularly in relation to residential use and enjoyment of dwellings and private gardens. Spacing between the windows of buildings/dwellings should achieve suitable distances for privacy and light, whilst also preventing cramped and congested layouts. In order to achieve these objectives, the following minimum standards should be applied to new residential developments:
 95. Main facing elevation to main facing elevation containing window/s serving a habitable room:
 - 21 metres between two storey buildings
 - 18 metres between bungalowsMain facing elevation to gable wall which does not contain a window serving a habitable room:
 - 13 metres to two storey gable
 - 10 metres to single storey gable
 96. In addition, new developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it

serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. The length of gardens will generally be dictated by the minimum distancing standards but should be no less than 9m unless site specific circumstances allow for a reduction in size.

97. The application is outline in nature with all matters reserved except access. Indicative layout plans provided by the applicant demonstrate that 39no. units could be achieved on the site whilst maintaining satisfactory levels of separation in excess of the aforementioned minimum spacing requirements between all existing and proposed new dwellings. The positioning of dwellings (to be confirmed through reserved matters) could ensure that there would be no overlooking windows or unreasonable overshadowing of neighbouring property. Furthermore, satisfactory levels of enclosed private amenity space can be provided with a further area of public open space to be created to the northern extent of the site. Details of landscaping would be submitted through reserved matters alongside a finalised site layout.
98. Notwithstanding this, concerns are raised over the impact of the proposals on the amenities of existing residents of Attwood Terrace who reside adjacent to the site, and in particular those immediately adjacent to the north and south of the proposed site entrance (no's 16 and 21), and who have expressed objection to the application. This issue relates to the passing of traffic alongside 2no. newly created gable ends positioned immediately adjacent to a new access serving all 39no. units, with currently private rear garden spaces and side and rear facing windows to be presented with a busy access road in close proximity, detrimental to the future occupants of these dwellings. In particular, at no.21 Attwood Terrace, this issue would be exacerbated further by low boundary enclosers and the presence of a rear sunroom extremely close to the southern property boundary immediately adjacent to this proposed access road. As eluded to further within the highways section of the report, concerns are also raised over the amenity impacts of displacing established roadside parking to the front of properties on Attwood Terrace further afield and out of direct sight.
99. The views of the Councils EHO have also been sought who advise that the development is likely to breach the thresholds within the TANS (Noise TANS section 3.7 pg 18,) during construction. This indicates that the development may, without further controls, lead to a significant impact.
100. With regards to the demolition and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. No details of the proposed gable end wall reinstatement are provided, although it is expected such details could be resolved through reserved matters or condition. Further construction details can be appropriately controlled in terms of site operations and hours of working so as to ensure the limitation of noise emission from the site during more sensitive hours. The imposition of a condition to secure the submission and LPA approval of a CDMP would be sufficient to mitigate the potential of a statutory nuisance.
101. Whilst many privacy/amenity issues are able to be addressed through reserved matters and/or by way of condition, it is considered that the cumulative impact of the displacement of established roadside parking and disturbance alongside newly created end terrace properties would adversely impact on the amenities of existing residents. For this reason, proposals are considered to conflict with the principles of H17, D1 and D5 of the SBLP and Part 12 of the NPPF.

Flooding and Drainage:

102. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, whilst ensuring that new development does not give rise to increased flood risk elsewhere. The application site is located in a Flood Zone risk 1 area with areas of known surface water flooding that will need to be avoided and mitigated should the application be approved. The application is supported by a Flood Risk Assessment (July 2019) which confirms risk of flooding from sewers, overland flow and groundwater to be low. There are no identified local site-specific risks that would adversely affect the Flood Zone categorisation. Similarly, there are considered to be no significant increased off-site flooding risks as a result of the development. The site is therefore considered suitable, in terms of flood risk for the type of development proposed
103. Notwithstanding this, given the scale of the development, the proposed development falls into the major development classification where proposals should incorporate SuDS unless there is clear evidence that it would be inappropriate. An approved SuDS system should take account of advice from the Lead Local Flood Authority (LLFA), have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.
104. A surface water drainage strategy is provided which details the applicants approach to surface water management of the site. It is considered that subject to layout, a surface water drainage design can be achieved to serve the development and surface water storage will be required to support this without impacting flood risk on and off the site. However, whilst indicative plans confirm the creation of SuDS on the site, no specific details have been provided.
105. In the absence of a detailed drainage layout plan, further confirmation is necessary to demonstrate how the proposals will include and be designed around SuDS in accordance with CIRIA Guidance and the Councils Sustainable Drainage Guide. For compliance at this outline stage, a statement and a plan should be made available, confirming that the proposal will include, as a minimum, SuDS features, for example:
- Permeable paving to all private drives and shared surfaces.
 - Swales, filter drains, rain gardens etc to treat and transmit surface water across the site (routes and land locations to be identified on a plan).
- Such commitment can then be taken forward to be designed and detailed for approval by the LLFA for compliance at a later stage.
106. Presently there is insufficient information provided to confirm that a satisfactory sustainable surface water management system will be included in the proposed development other than an area designated as a SuDS on the indicative site layout. The Council's Drainage Engineers advise that approval is withheld until such time a satisfactory strategy is provided and approved by the LLFA. At present the development would conflict with Part 14 of the NPPF, whilst recognising this matter could be addressed through the submission of a detailed drainage plan for consideration.

Ecology

107. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The application is submitted alongside an updated Ecological Impact Assessment Report (E3 Ecology, May 2020) identifying the retention of trees which are of moderate risk for use by bats along the northern and western boundaries of the site. A habitat also identified as being of risk of use by white-letter hairstreak is to also be retained as part of the indicative site design, although an area of originally intended neutral grassland

appears to be omitted from the proposals. Such confirmation allays initial concerns raised regarding likely presence of and hence impact on bats by the proposals with no risk identified within the buildings to be removed. No ecological objections are raised subject to the conditioning of the recommendations included in section H of the report.

108. The Defra metric has been used to calculate biodiversity losses/gains as a result of the proposals. With some onsite provision (as detailed in the Recommendations section H of the Ecological Report), there remains a residual offset of 0.4Ha of species rich/neutral grassland that will be required in order to ensure a net gain is achieved in line with the requirements of the NPPF and emerging Environment Bill. The cost of creation of this amount of habitat on DCC owned land will be £8203.
109. The applicant has confirmed in writing that they would be willing to enter into a S106 agreement to secure this contribution. Subject to this contribution and adherence to the mitigation measures in submitted Ecological Report (detailing precautionary working methods and habitat creation to be conditioned) the proposals are considered to satisfy Part 15 of the NPPF.

Archaeology:

110. Paragraph 199 of the NPPF requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) by a development in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. The ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
111. The applicant has submitted the results of an archaeological investigation of the site which confirms there to be no archaeological remains on the site warranting further fieldwork. However, whilst the work was done in accordance with a Written Scheme of Investigation (WSI) agreed with the Councils Archaeology departments, not all aspects of the WSI have been fully complied with (e.g. uploading report to OASIS, sending hard and digital copies to the HER, etc). In the event of approval, a condition should be applied to ensure outstanding elements of the WSI relating to dissemination of results and archive deposition are appropriately carried out. Subject to the above, proposals would be considered to comply with Paragraph 199 of the NPPF.

Contaminated Land:

112. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The application is submitted alongside available information and historical maps with respect to land contamination, namely the Dunelm Preliminary Investigation (ref D7729, dated 06 December 2016). The findings of this investigation are accepted with the conclusion that a Phase 2 assessment is required agreed with. Should the application be recommended for approval this would need to be subject to condition ensuring the submission of a Phase 2 site investigation, and any other works which may be subsequently determined as necessary such as Phase 3 remediation strategy and Phase 4 verification report. Subject to the above, the application would satisfy the provisions of Part 15 of the NPPF.

Land Stability

113. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues,

responsibility for securing a safe development rests with the developer and/or landowner. The application site falls within the defined Development High Risk Area in an area of recorded and likely unrecorded coal workings at shallow depth. Therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

114. The application is supported by a Preliminary Investigation Report, dated 06 December 2016 and prepared by Dunelm Geotechnical & Environmental. This report has been informed by an appropriate range of sources of information and concludes that there is a potential risk posed to the development by past coal mining activity. The report authors therefore recommend that intrusive site investigations are carried out in order to establish the exact situation in respect of coal mining legacy issues with the findings of the intrusive site investigations to inform any remedial measures which may be required. The Coal Authority further consider that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.
115. The Coal Authority offers no objection to the proposed development subject to the imposition of a condition to secure the undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity; the submission of a report of findings arising from the intrusive site investigations, including details of any remedial works necessary for approval; and implementation of those remedial works. Subject to the above, proposals would be seen to satisfy the provisions of paragraphs 178 and 179 of the NPPF, ensuring the safety and stability of the development.

Planning obligations

Affordable Housing

116. As the proposed development is for 39no. dwellings, it exceeds the size threshold (10no. or more dwellings) where there is a need to provide affordable housing as part of the scheme (paragraph 63 of the NPPF). Saved Policy H19 of the SBLP requires affordable housing on allocated housing sites identified within Policies H2 and H9, however, it is considered justifiable to seek affordable housing on windfall sites too. The Strategic Housing Market Assessment (SHMA) (2019) identifies the need for affordable housing within County Durham which it defines as one housing market area. While the percentage of affordable housing required is not set out within an existing Policy, it is nevertheless based on viability evidence which confirms that 15% is appropriate within this part of the County given that it is a medium value area. NPPF paragraphs 20, 34, 61 – 64 and 71 establish the need for affordable housing provision where a need has been identified and affordable provision at 15% is considered to be at a level which would normally enable schemes to be developed viably in this part of the County. Such provision equates to a need for 6no. affordable units to be provided across the scheme, to be secured buy s106 legal agreement.
117. The SHMA (January 2019) evidences housing needs in County Durham and sets out that as much as 30% of affordable housing in County Durham should be delivered as intermediate housing to provide affordable home ownership. In this context, the remaining 70% of affordable housing should be provided as affordable homes to rent. Therefore, the initial proportion of affordable provision is required for affordable home ownership in accordance with paragraph 64 of the NPPF. In order to, as far as possible meet the needs in the SHMA the remainder of the affordable housing should be provided as affordable homes to rent. In accordance with Paragraph 64, 4no. affordable units should be affordable home ownership, with 2no. affordable rent. The

applicant has indicated that this level of provision would be delivered, with the delivery and tenure to be secured through a planning obligation under S106 of the Town and County Planning Act 1990 (as amended).

118. There is also a requirement to provide 10% of the private and intermediate properties for older people. Although the application makes no reference to this, such matters could be addressed through a S106 agreement to secure affordable housing in perpetuity and Building for Life provision.

Educational provision

119. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to seek this. Based on the methodology set out in the Councils adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 39no. houses would produce 12no. pupils of primary school age and 5no. pupils of secondary age. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development there would not be sufficient space to accommodate primary school pupils generated by the development, whilst maintaining a 5% surplus. In order to mitigate the impact of the development a contribution of £176,436.00 would be required to facilitate the provision of additional teaching accommodation. The applicant has agreed to enter into an agreement to secure this contribution which is to be paid in a single installation upon first occupation of the dwellings. Sufficient space is considered to be available to accommodate secondary school pupils generated and the development is not required to mitigate its impact in this respect.

NHS

120. Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. The NHS advise that the increase in resident population arising from an additional 39no. dwellings should not have a material effect on the local GP surgeries and their abilities to provide care. There is therefore no requirement for NHS contribution in this case.

Open Space contributions

121. The OSNA (2010) sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis. This is a relevant material consideration in conjunction with Policy L2 of the SBLP. Policy GANP H9 states that where appropriate, proposals for new housing should demonstrate provision of necessary new facilities on-site and/or provision of, or contribution to, necessary off-site facilities for example improved drainage, parks, play areas or footpaths as required to make the development acceptable in planning terms. New development proposals must contribute towards sustainable development. This would need to be provided in accordance with the Open Space Needs Assessment (OSNA).
122. A scheme of 39no, units would generate 86no. residents (based on 2011 census data of 2.2 persons per household) requiring an expectation of amenity open space to be provided on-site, and an off-site contribution for the other typologies of open space. With a notable lack of public open space provision in the immediate area, the proposed scheme should deliver 1290m² of on-site open amenity space as part of the

development. Indicative plans detail the retention of an area of open amenity space to the far north of the site, measuring in excess of 2000m² (approx. figure), meeting the requirement for on-site open space provision. Taking this into consideration, an off-site financial contribution of £61,533.00 would be required, to be paid in a single instalment upon first occupation of the dwellings. The applicant has agreed to enter into an agreement to secure this contribution.

Provision of public art

123. Saved policy D9 of the SBLP seeks to encourage the incorporation of artistic elements in development schemes. Given the application is outline in nature with the majority of matters reserved for later consideration, details of public art cannot be considered at this time.

Other issues

124. Concerns have been raised regarding the potential loss of view and outlook of the countryside from residential properties and loss in value of properties are not material considerations.

CONCLUSIONS

125. It is concluded that the development would harm the distinct character and urban form of the Tudhoe Colliery settlement, result in an encroachment into the countryside and further coalescence with Tudhoe Village contrary to Policies H17, D1 and D5 of the SBLP and Parts 12 and 15 of the NPPF. It is also concluded that whilst the proposals could achieve a satisfactory means of access, the displacement of residents car parking required to achieve adequate site visibility splays and formation of the new access would adversely impact on the amenities of residents and highway safety contrary to the provisions of Policies H17, D1, D3 and D5 of the SBLP, and Parts 9 and 12 of the NPPF
126. The NPPF is a material planning consideration which is capable of outweighing conflict with the development plan. Paragraph 11 sets out for decision making, that development that accords with an up to date development plan should be approved without delay, or, where there are no relevant development plan policies or the policies most important for determining the application are out of date, planning permission should be granted unless:
- i: the application of policies in this Framework that protect areas or assets of particular the benefits, when assessed importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh against the policies in this Framework taken as a whole.
127. In this respect there would be conflict with the development plan. A suite of policies most important for determining this application have been identified, these include Policies H17, D1, D3 and D5 of the SBLP. In the round, in line with case law, this suite of policies is considered up to date, and therefore the balance tests of paragraph 11d of the NPPF are not engaged.
128. The NPPF seeks to achieve sustainable development through the application of three overarching objectives (economic, social and environmental), which are

interdependent and need to be pursued in mutually supportive ways. In this respect it is recognised that:

- The application site is located within a sustainable and accessible location on the edge of the Tudhoe Colliery settlement close to existing shops, services and public transportation linkages, reducing any overreliance upon private vehicle use.
- Although outline in nature, with layout plans indicative at this time, the proposed layout is capable of achieving acceptable relationships between dwellings, both internally and externally to the site resulting in acceptable levels of privacy and amenity for existing and future residents.
- Typical of any residential housing development, there would be direct and indirect economic benefits within the locality and from further afield through increased expenditure. This would include the creation of construction jobs, as well as indirect employment over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area. However, given the significant amount of housing commitments within the County, specifically in Spennymoor, these benefits are considered limited.
- There would be a residual amount of publicly accessible open space over and above the minimum targets of the 2018 OSNA, to mitigate the impact of the development, subject to delivering the required typologies on site.
- Based upon the ecological works proposed and off-site contribution, it is considered that the development would lead to net gain in terms of biodiversity.
- Development of this site would also see the demolition of an existing and unsightly, vacant commercial unit on a prominent terraced frontage to allow access to a site where a mix of 39no. residential units can be provided, adding to the mix of house types in the area including some affordable housing provision which would meet an identified short fall within the County. Although the removal of this unsightly structure may be classed as a benefit, the loss of an existing business premises that could serve the local community is recognised.
- Whilst the development would assist in maintaining housing land supply, this is at a time when the Council can demonstrate 6.37 years of deliverable housing against an objectively assessed need. It is recognised that Spennymoor currently has a high level of housing commitments, and that some of the previously approved larger schemes still have a significant number of dwellings to be built. A number of smaller schemes have also been approved in the locality on previously developed sites and other well positioned brownfield land in the vicinity has been identified for possible future residential development. The current application contains no clear evidence that there is a realistic prospect that housing will be delivered on this site taking account of the plethora of housing commitments within the town, and the large sites still to be built out. Furthermore, the application is outline in nature, having been submitted on a speculative basis by a land agent, with no clear evidence that the site is deliverable or can indeed be built out within a 5 year period, delivering all 39no. proposed units or indeed securing developer interest. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is significantly reduced.
- Significant concerns are raised regarding the costs of the development arising from site remediation requirements in relation to previous coal mining activity, significant costs associated with the onsite open space provision, biodiversity mitigation

requirements, education contributions, potential off site highway improvement works, extensive SUDS work, and how this would impact on the viability and attractiveness of the site in a challenging housing market area further impacting on likely deliverability.

- The proposed development would result in harm to the amenities of existing properties on Attwood Terrace in the vicinity of the proposed access junction as a direct result of the positioning of the proposed access and the displacement of established off-street parking provision to the front of dwellings.
- Development would be attached to and punch through a strong, continuous and long established terraced row of buildings forming Attwood Terrace resulting in a negative impact the established settlement form and would be out of character with the established plan form of the area.
- There is a landscape impact of developing a greenfield site on the edge of the settlement which would be at odds with the existing linear form of the settlement and would contribute to coalescence of Tudhoe Colliery and Tudhoe Village.

129. Overall it is considered that the proposal does not constitute sustainable development when assessed against the NPPF, there are no material considerations which outweigh the conflict with the development plan and therefore the application is recommended for refusal.

130. The proposals have generated significant public, elected member and Town Council opposition and all representations received have been taken account and addressed within the report.

RECOMMENDATION

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

1. The Local Planning Authority considers that the development would harm the distinct character and urban form of the Tudhoe Colliery settlement, result in an encroachment into the countryside and further coalescence with Tudhoe Village contrary to Policies H17, D1 and D5 of the Sedgefield Borough Local Plan and Parts 12 and 15 of the NPPF.
2. The Local Planning Authority considers that the proposed development, due to the displacement of existing residents car parking, required to achieve adequate site visibility splays, and the formation of the new access, would adversely impact on the amenities of residents and highway safety contrary to the provisions of Policies H17, D1, D3 and D5 of the Sedgefield Borough Local Plan, and Parts 9 and 12 of the NPPF.
3. The Local Planning Authority considers that insufficient information has been provided to demonstrate that a satisfactory sustainable surface water management system serving the development site can be achieved, contrary to Part 14 of the NPPF.

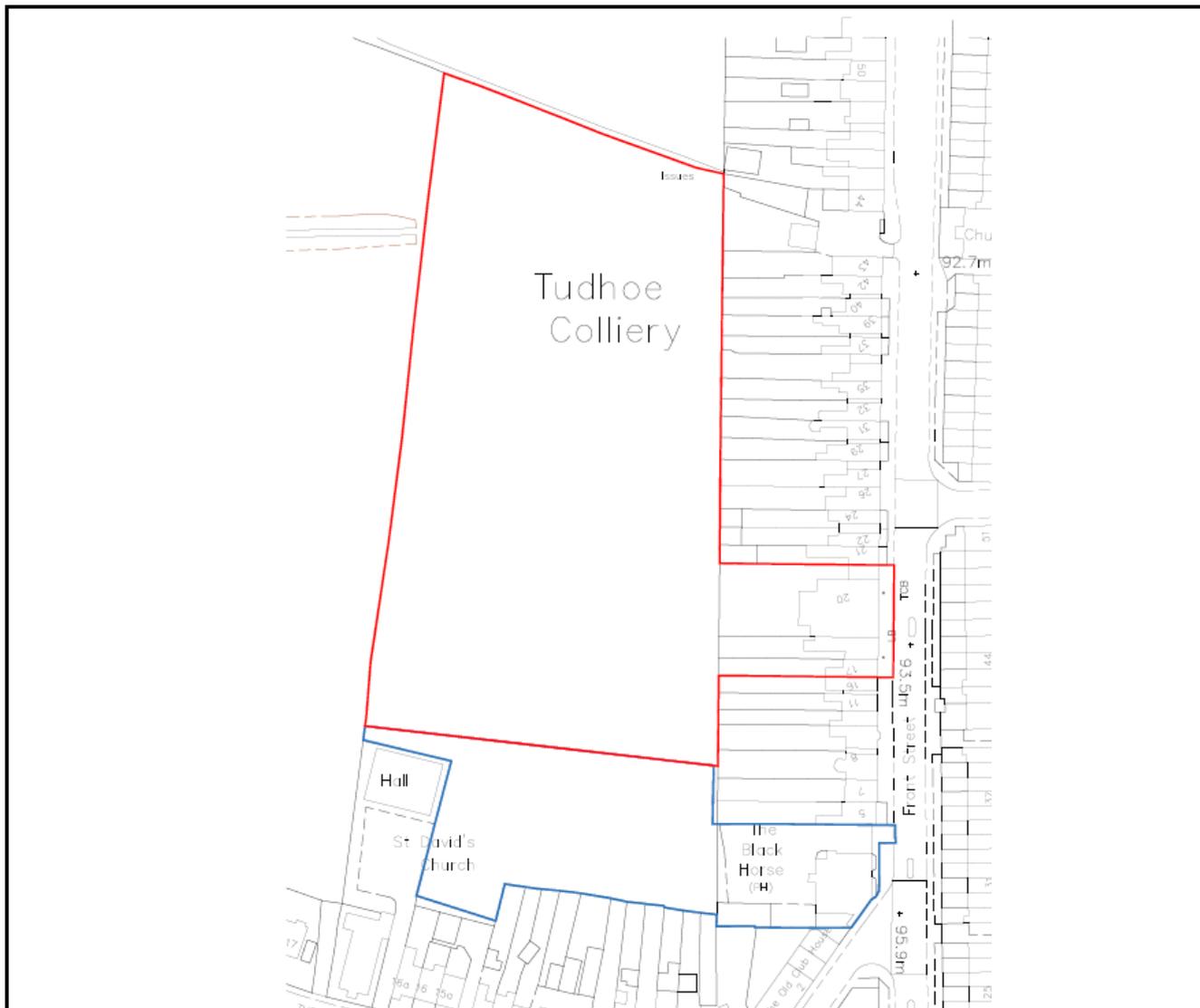
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse the 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. However this has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents provided by the applicant.
 The National Planning Policy Framework (NPPF)
 The Sedgfield Borough Local Plan (SBLP)
 Statutory, internal and public consultation responses



 <p>Planning Services</p>	<p>39no. dwellings, including demolition of existing buildings (outline – all matters reserved except access)</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>16 July 2020</p>	