

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/02721/OUT
FULL APPLICATION DESCRIPTION:	Outline application for up to 50 no. dwellings, all matters reserved except access
NAME OF APPLICANT:	James Trotter
ADDRESS:	Land to the South Of Sudburn Avenue Staindrop DL2 3JY
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is agricultural land to the south of Sudburn Avenue and to the east of the Cleatlam Lane industrial site (former Staindrop depot). It is bordered to the east and south by open countryside and falls within the Area of High Landscape Value (AHLV) designation of the Teesdale Local Plan. Public Right of Way 11 Staindrop passes diagonally through the south east corner of the site.
2. The application is in outline with only access not reserved, for the erection of up to 50no. dwellings. As such, other than the access, the submitted housing layout plan is being treated as indicative. The development would be served by a new access onto Cleatlam Lane through the fields to the south of the industrial site.
3. The application is brought to the planning committee as it represents major development.

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed

development that conflicts should be refused, unless other material considerations indicate otherwise.

6. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
7. *NPPF Part 8 - Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
8. *NPPF Part 9 - Promoting sustainable transport.* Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. In assessing applications for development it should be ensured that, among other things, safe and suitable access to the site can be achieved. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
9. *NPPF Part 12 - Achieving well-designed places.* The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
10. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
11. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
12. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

LOCAL PLAN POLICY:

13. The following saved policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
14. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
15. *Policy ENV1: Protection of the Countryside:* Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
16. *Policy ENV3: Development Within or Adjacent to an Area of High Landscape Value:* The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
17. *Policy ENV8: Safeguarding Plant and Animal Species Protected by Law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
18. *Policy ENV10: Development Affecting Trees or Hedgerows:* Development will only be permitted where it avoids unreasonable harm to or loss of: Any tree or hedgerow protected by a preservation order; or A tree within a conservation area; or Any trees, tree belts or hedgerows which do, or will when mature, contribute significantly to any of the following A. Landscape diversity B. The setting of nearby existing or proposed buildings C. A protected species habitat D. Visual amenity.
19. *Policy ENV12: Protection of Agricultural Land:* Development of the best and most versatile agricultural land will not be permitted unless opportunities have been assessed for accommodating development need on previously developed sites, on land within the boundaries of existing developed areas, and on poorer quality farmland.
20. *Policy ENV16: Development Affecting Flood Risk:* Development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. Development in high risk flood areas will only be permitted as an exception where there are no reasonable opportunities to develop in a lower risk area. Applications will be considered against the criteria in the sequential test set out in paragraph 30 and table 1 of ppg25. All applications for development in flood risk

areas and/or where the development would result in an increased risk of flooding elsewhere will be accompanied by a flood risk assessment as outlined in ppg25, appendix f. Developers will be required to fully fund the provision and future maintenance of flood mitigation and defence measures required as a result of their proposals, including any consequent works to prevent additional flood risk to other land/properties. Where appropriate, new development should incorporate a sustainable drainage system in order to manage surface water run-off.

21. *Policy BENV11: Archaeological Interest Sites.* Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved. Developments which affect sites of regional or local importance will only be approved where the applicant has secured a scheme of works which will in the first instance preserve archaeological remains in situ or where this is not possible by excavation and record.
22. *Policy H1A: Open Space within Developments:* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.
23. *Policy H14: Provision of Affordable Housing within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.

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

RELEVANT EMERGING POLICY:

The County Durham Plan -

Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Staindrop Parish Council:* No objections. The only issue the Parish Council would wish to raise relates to play provision for children at the west end of the village where the development will be located. There is currently a play area at the eastern end of Staindrop, but this is some distance away and during the local consultation

on the development, the Parish Council asked the developer to consider provision of a play area/equipment on a triangle of land at the south-eastern end of the development. The Parish Council would ask whether there is scope for some Section 106 monies to be allocated specifically for this purpose at this location.

25. *Highway Authority*: No objections to the principle of development. The applicant proposes traffic calming and speed limit alterations as part of the proposal, on the C44 highway. It must be stressed that the scheme proposed is indicative only and while the principle of a scheme is acceptable to the highway authority it would be required to be subject to the Council's detailed design and consultation, being separate to the planning process. Any improvement scheme would form part of the S106 agreement. The access would create a wider C44 highway verge which would have to be dedicated to the Council as public highway. It is considered that a replacement hedge boundary should be planted a minimum of 1m inbound of the sight visibility chord to the south, to cater for future lateral growth. Street lighting along the C44 would require improvement.

26. *Northumbrian Water*: No objection but we note that the adjacent sewer network does not have capacity to accommodate the additional flows which would be generated at the present time. A drainage condition could be applied, and Northumbrian Water would be able to carry out further assessment work to inform subsequent investment to enable a foul drainage strategy to be agreed for the site.

INTERNAL CONSULTEE RESPONSES:

27. *Spatial Policy*: The site contributes positively to the setting of the settlement and the proposal would represent an inappropriate encroachment into the countryside. The planning application site adjoins a site in use for employment and the proposed residential use may impact on / or restrict business operations for reasons of amenity. There would also be benefits from the development in terms of employment during the construction process and benefits in terms of supporting local services as well as the provision of affordable housing. The Council's position on 5-year housing land supply was publically tested at a recent public inquiry (APP/X1355/W/17/3180108 – decision issued 10th May 2018) with the Inspector concluding that the use of the Government proposed standardised methodology for calculating land supply would be premature until it has formally come in to force or until the council has adopted a formal position in relation to its OAN. On the 13th June, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the standardised methodology and formally endorses the use of 1,368dpa as the OAN figure. The publication of the updated NPPF in July confirms its appropriateness for use. Against the 1,368dpa figure, the Council is able to demonstrate in excess of 6 years supply. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.

28. *Design and Conservation*: The site lies some distance south of the Staindrop Conservation Area. It will be important to ensure that the long-distance views of the conservation area are not impacted upon, particularly from Cleatlam Lane. It should be clearly demonstrated that there will be no such harm.

29. *Landscape*: Object to Development. The site is within an Area of High Landscape Value. It is visible from the C44 that passes the site to the west and from footpath 11 which crosses the south east corner of the site. The most problematic landscape impact results from taking the access from the C44 through an adjoining field and

into the site to the south of the industrial estate. The position of the main access to the site would create a suburban junction in what is currently countryside and will result in the removal of significant numbers of mature trees (Ts21-27, as detailed in the Senior Tree Officer's comments) and significant lengths of hedgerow. This will result in the character of the countryside in the immediate vicinity being irrevocably changed from a narrow, gently winding country lane whose line does not appear to have changed since the medieval, or early post medieval, enclosure of the fields on either side to become the approach to a modern housing development.

30. *Landscape (Trees)*: The loss of trees proposed would be detrimental to the visual amenity of the area. The development would entail the likely loss of a significant mature oak at the entrance to Staindrop and the loss of 5no. young but established ash trees along the roadside to allow for the visibility splay.
31. *Drainage and Coastal Protection*: Whilst the swale and basin are accepted as the preferred method of transmittance and storage, the transmittance is only for a small proportion of the site. It is advisable that the layout be amended to provide more swales or filter strips. The final design should provide water quality improvement through permeable paving etc.
32. *Ecology*: Providing the recommended habitat creation is included in the overall site design as proposed there should be an overall net gain in biodiversity. The habitat creation needs to be conditioned and the detailed proposals and future management could be agreed at reserved matters stage.
33. *Noise Action Team*: The Apex Acoustics Noise report and addendum demonstrates that there will be an exceedance in terms of the BS4142 assessment however the levels do comply with the BS8233:2014 standards. The exceedance in terms of BS4142 however is over a short time period. This however has been assessed during a period where the commercial units were not fully operational. The assessment can only be undertaken taking account of existing noise levels however there could be an impact on the future growth of the industrial estate should the development proceed. The development is unlikely to cause a statutory nuisance however there could be an adverse impact on future residents as a result of the commercial activities and this residential development could restrict further growth potential of the commercial area.
34. *Archaeology*: This site has been subject to field evaluation which has identified archaeological remains of potential Romano-British date. Accordingly, a condition for archaeological work should be put on any condition granted, to secure further investigation and recording of these remains.
35. *Contaminated Land*: Contaminated land condition required.
36. *NHS*: No contributions required.
37. *DCC Education*: There are sufficient primary and secondary school places available to accommodate pupils that are likely to be generated by the development.
38. *Affordable Housing*: Affordable housing should be provided as 20% of the development in this area. This should be delivered as a mix of tenure with 80% for affordable rent and 20% for affordable home ownership. There is a requirement to provide 10% of the private and intermediate properties for older people.
39. *Public Rights of Way*: The development if carried out as per the indicative proposals would require the diversion of footpath 11 which runs across the south eastern

corner of the site. In addition, para 98 of the NPPF states that planning decisions along with protecting rights of way should also enhance them. With this in mind, the Rights of Way Section have requested a financial contribution for improvements to the Public Rights of Way network and other public access in the vicinity to be included within any S106 agreement.

PUBLIC RESPONSES:

40. The application has been publicised by way of site notice, press notice and neighbour notification letters.
41. Three letters of objection have been received. In summary, the main points of concern are in relation to highway safety, drainage and flooding, loss of green space, construction disturbance, loss of privacy and light, and the effect of loss of view on property value.

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

APPLICANTS STATEMENT:

42. The current outline application seeks approval for the erection Of Up To 50 No. Dwellings with All Matters Reserved Except Access. The site is largely located within the existing development limits of Staindrop and the proposals will provide a major and much-needed boost to the housing supply within County Durham, thereby helping the County meet the housing needs of both present and future generations. It will also result in material benefits that positively address all three dimensions of sustainable development (i.e. social, economic and environmental) identified in the NPPF, on the basis it will result in the delivery of:
- Development that will meet a wide range of local housing needs and include 20% affordable housing in line with County target;
 - Development that will help sustain population levels in the village and thereby support the long term vitality and viability of local shops, pubs, schools and community facilities;
 - Development that will have economic benefits in terms of providing employment throughout construction and beyond for local tradespeople;
 - Improved highway safety terms including 20mph zone outside the school;
43. Prior to the submission of a planning application, the developer engaged in extensive pre-application discussions with Officers over the acceptability of the proposals. This established that there were no objections in principle for residential development in Staindrop. The application site at Cleatlam Lane is without doubt the most suitable site for residential development in Staindrop and there are no realistic alternatives.
44. With the principle established, the suite of supporting/technical documents (covering matters such as drainage/flood risk, ecology, highways etc.) submitted as part of the application confirmed that the proposals will not conflict with any relevant NPPF or saved Local Plan policies, subject to mitigation measures where appropriate.

45. Despite the fact that officers have raised concerns with the development relating to landscape, trees and amenity, they take the view that various harms they have identified (above) with development this site outweigh the benefits and so are recommending refusal. This is a marginal and overly negative call.
46. All planning applications require various competing factors to be balanced. We consider their 'objections' are 'overplayed' and that the 'balance' is firmly in favour of development.
47. With this in mind, we respectfully urge the members to resolve to grant planning permission accordingly, subject to any conditions deemed appropriate on this occasion.

PLANNING CONSIDERATIONS AND ASSESSMENT

48. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the general principle of development, impact on the character and appearance of the area, impact on designated heritage assets, whether the development is compatible with nearby industrial uses, and whether the scheme makes suitable provision for affordable housing, open space and public right of way improvements.

Policy Context

49. Given the age of the Teesdale Local Plan its housing policies cannot be considered as up to date, and the emerging County Durham Plan is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.
50. This engages Paragraph 11 of the NPPF which requires that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking this means either:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the Framework (NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework (NPPF) taken as a whole.

Housing Land Supply

51. On the 13th June 2018, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the Government's standardised methodology for calculating OAN, which is now reflected in paragraph 60 of the NPPF, and formally endorses the use of 1,368 dwellings per annum (dpa) as the OAN. The Council is now able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
52. Although the supply has not yet been established in a recently adopted plan, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.
53. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was, therefore, impossible for the Council to have such an annual position statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals (3213596, 3215357 & 3215186), the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.

Location

54. Staindrop is classed as a tier 3 local service centre in the County Settlement Study on account of its reasonable range of services and facilities, including schools. Regular bus services are also available from Staindrop to Barnard Castle and Darlington.
55. Occupants of development on the application site would not be wholly reliant on private car travel to meet daily education, shopping, employment and leisure facilities and services. As a result, there is no significant conflict with the housing location aims of the NPPF.

Impact on the character and appearance of the area

56. The site is agricultural land that falls within the Area of High Landscape Value (AHLV) designation within the Teesdale Local Plan. Saved Policies GD1 and ENV3 of the Teesdale Local Plan require among other things, that new development does not unreasonably harm the rural landscape of the area and qualities of the AHLV. Policy ENV10 does not permit development which causes unreasonable harm to or loss of any trees, tree belts or hedgerows which contribute significantly to any of the following: Landscape diversity; the setting of nearby existing or proposed buildings; a protected species habitat or visual amenity. Despite the age of these policies, they are consistent with NPPF paragraphs 127 & 170 in respect of ensuring good design and protection of the countryside, and can therefore be given significant weight.

57. The overriding character of Staindrop is an attractive rural village with a predominantly linear character, although the more modern post war residential development at its western end is not entirely in keeping with this character and has been excluded from the Conservation Area, along with the high school.
58. The surrounding countryside, which includes the application site, is nevertheless very important to the rural character and identity of the village. It frames views of the Conservation Area from a network of public footpaths crossing the fields to the south of the village, and from Cleatlam Lane leading into the village. Footpath no.11 passes diagonally through the south eastern corner of the application site before branching off at various points further to the north. It is an attractive pasture landscape comprising a mosaic of small hedgerow-enclosed fields, which in their own right, and given their value to the setting and character of the village, including the Conservation Area, can be regarded as a valued landscape. The County Durham Landscape Character Appraisal identifies this as the Tees Lowland landscape character area. The landscape strategy for this area is to maintain and strengthen the rural character of the landscape between towns and villages and includes aims to enhance and restore characteristic features of the landscape including old hedges and mature hedgerow trees.
59. Furthermore, the Cleatlam Lane approach into Staindrop has an attractive, intimate, rural character, largely as a result of its close framing by mature roadside hedgerows and trees on both sides. There is a large mature Oak tree within the eastern highway verge outside the industrial site, which is a notable landscape feature that makes an important contribution to the character of the lane and general amenity of the area in its own right.
60. The hedgerow to the south of the industrial site is part of a much longer historic field boundary, which preserves an intact historic field pattern and provides clear and strong definition to the southern extent of the village. It too is therefore an important landscape feature.
61. Whilst the main development as proposed would benefit from some containment by the industrial estate to the west and existing residential development to the north, it would take its access from a new estate road breaking through the southern hedgerow and across the adjoining field south of the industrial site. Not only would this be a harmful southern encroachment beyond the strong existing field boundaries, but it would also necessitate considerable clearance of roadside hedges and trees at the site entrance onto Cleatlam Lane to achieve suitable visibility and footpath linkages. This includes loss of the large Oak tree to the north.
62. The loss of these important landscape features and creation of a large suburban style estate access would decimate the rural character of the lane at this point, causing significant harm to the character and appearance of the area and qualities of the AHLV designation. The mitigation planting would take a significant period of time to mature, but even at maturity would not replicate the close intimate character of the lane and overcome the suburban character of the new access road. The Landscape and Tree Sections both object strongly on these grounds.
63. It is therefore concluded that the development would unacceptably harm the character and appearance of the area and unreasonably harm the rural landscape. It would thus conflict with the landscape strategy for the area and policies ENV3, ENV10 and GD1 of the Teesdale Local Plan. There is also conflict with the aims of the NPPF (paragraphs 127 & 170) in respect of ensuring development is well designed, contributes positively to and protects the intrinsic character and beauty of the countryside and valued landscapes.

Designated heritage assets

64. Staindrop Conservation Area sits further to the north and derives some of its significance from an architecturally and historically rich townscape focused around the linear village green. As noted above, a degree of its significance is also obtained from its wider rural setting.
65. The development would result in the effective loss of an area of countryside to housing, extending the built-up area of Staindrop, as apparent from within and outside the Conservation Area. However, notwithstanding the landscape harm identified in the section above, the component of Conservation Area setting lost would only be limited in scale in the context of the Conservation Area's overall setting and considering the extent of modern built up areas within the current north and west aspect of the application site. As such, the harm would be classed as less than substantial, which NPPF paragraph 195 requires to be weighed against the public benefits of the proposal.

Compatibility with nearby industrial uses

66. The application site immediately adjoins the former Staindrop Depot, which now hosts a range of established industrial buildings and is allocated in the Teesdale Local Plan under Policy ECON1 for uses including B2 General Industrial use. Teesdale Local Plan policy GD1(d) requires that development does not disturb or conflict with adjoining uses. This policy is consistent with the NPPF paragraph 170, which seeks to prevent both new and existing development from contributing to or being put at risk from or be adversely affected by unacceptable levels of noise pollution. NPPF paragraph 182 states that planning decisions should ensure that new development can be integrated effectively with existing businesses. It states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established and that where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. In addition, the Planning Practice Guidance states that noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment. Local Plan Policy GD1 can therefore be given significant weight.
67. Most of the buildings on the industrial site are located around the perimeter of the site, particularly down its western boundary, which is shared with the application site. These smaller units are hard up against the boundary. It is possible that not all units are currently in active industrial use, but it is understood that they have in the recent past been used as small workshops, including joinery, paint spraying, vehicle repairs and commercial vehicle storage and are still capable of use. The largest current user occupies the building near the entrance as a vehicle repair and MOT garage. Its doors and extensive yard faces east towards the application site.
68. Whilst the submitted site layout is indicative, the purpose of such details is to demonstrate that the quantum of development being applied for can be accommodated on the site in an acceptable manner. In this case the application is seeking permission for up to 50 dwellings on the site, 13 of which would be backing directly onto the adjacent industrial site and buildings. This means that at least 25% of the proposed dwellings would sit cheek-by-jowl with an industrial site that can be used at any time for potentially noisy and odorous B2 General Industrial uses, which are not subject any working hour restrictions. As such there is considerable potential for conflict to arise between the industrial uses and dwellings through noisy and

odorous activity on the industrial site. Given the density proposed, it would be difficult to accommodate that number of dwellings in a significantly different form and therefore it is not a matter that can simply be left to detailed application stage to address.

69. The application was accompanied by a noise assessment, which noted that due to the rural location, the background noise levels are very low. However, it concluded that despite recording day time noise from drilling, metallic clanking, hammering and use of a wheel nut gun associated with the garage, the noise levels measured did not exceed 10dB higher than the background noise level and therefore the site was suitable for residential development.
70. However, the noise assessment was only carried out over a 24hr period when not all units were occupied or operational and as such, it represents only a very short snapshot in time. Use of the units could change at any time and even existing site activities could vary significantly from day to day, which is difficult to measure and predict. In respect of the existing garage, noise would be likely to be greater on occasions when the garage doors, which face east towards the development site, were open. None of the units have any restrictions on operating hours and could operate into the evening when lower background noise levels would intensify the impact of noise. As such there is considerable uncertainty over the potential unrestricted noise impacts of a fully operational site, not just now, but in the future too. The application does not even propose any mitigation measures to guard against future impacts.
71. Furthermore, even at an apparent current low occupancy, there were still noise instances recorded from the garage of more than 5dB higher than the background noise level, which the Environmental Health Section advise is an indication of an adverse impact, bordering on a significant adverse impact, particularly in the absence of any mitigation. The Council's Technical Advice Note on Noise (TAN-N) suggests commercial noise +5dB above background noise during the day is unacceptable in line with BS4142 assessment. Whilst the applicant has questioned the relevance of BS4142, an Inspector concluded in a recent appeal at Dovecot Hill in Bishop Auckland, that BS4142 is the primary standard in relation to noise sources in cases like this.
72. Even though noisy incidents would most likely be intermittent, the types of noise from existing operations alone is of an impulse, tonal and intermittent nature, that will at times be clearly identifiable and exceeding the Council's TAN thresholds. Even if mitigation had been proposed in the form of upgraded glazing and mechanical ventilation systems giving residents the option of closing windows, this could not be enforced and as such, relying on the need for residents to close their windows would represent a significant observed adverse effect. Accordingly, it is considered that conditions could not be used to secure appropriate mitigation to overcome the impacts. Complaints from future residents are likely, which could result in restrictions being placed on operations at the industrial site and would limit potential for expansion or industrial redevelopment, which is precisely what the NPPF seeks to avoid.
73. Having regard to all these factors, it is considered that the proximity of the proposed dwellings to the adjacent industrial site would be likely to lead to a conflict between the uses, which would harm the living conditions of future residents, lead to potential constraints on existing businesses and their ability to expand, and reduce the attractiveness of the industrial estate to future investors. Accordingly, there is significant conflict with Teesdale Local Plan policy GD1(d) and paragraphs 170 and 182 of the NPPF.

Affordable housing

74. In line with Policy H14 of the Teesdale Local Plan and the advice of the Council's Housing Section, a minimum of 20% Affordable Housing would be required on the site to be split (80% - 20%) between affordable rent and affordable home ownership. This is in accordance with the aims of NPPF paragraph 50 to deliver a wide choice of homes and widen opportunities for home ownership to create sustainable, inclusive and mixed communities. The applicant states they are willing to make affordable housing provision to be secured by Section 106 agreement.

Open space

75. In line with Policy H1A of the Teesdale Local Plan, developments of 10 or more dwellings should make appropriate provision towards open space. This is in accordance with the of NPPF Part 8, which recognises the important role planning can play in facilitating social interaction and creating healthy communities through delivery of social and recreational facilities.

76. The applicant has indicated that they would be willing to make an offsite financial contribution towards provision or maintenance of open space in the locality. As noted by the Parish Council, the nearest play area is on the other side of the village at Stangarth Lane, which is approximately 1500mtrs walk from the application site along public highway. The scheme should therefore be making some play provision within the site, but with the number of dwellings proposed and drainage requirements this is unlikely to be possible if left to detailed application stage. As such it cannot be said at this stage that the proposal makes sufficient provision for open space.

Public rights of way

77. While it is likely that the route of PROW 11, which crosses through the site at the SE corner, could be accommodated within the development, the NPPF at para. 98 advises that planning decisions should protect and enhance public rights of way and access.

78. Even without diverting the PROW, the development would alter its character and lead to some diminishment of the experience of the route. Furthermore, the development would lead to an increase in the use of the PROW and wider network. The Rights of Way Section are therefore justified in their request for a financial contribution for improvements to the Public Rights of Way network and other public access in the vicinity to be included within any S106 agreement.

Other Issues

79. Objectors have expressed concerns over highway issues in the area however, the advice from the Highway Authority is that safe access could be achieved, and the highways network is considered capable of hosting the level of vehicular movements that the development is likely to generate. Traffic calming and speed limit alterations are also proposed on the C44 Cleatlam Lane, which the Highways Authority have noted is acceptable in principle, although it would be subject to the Council's detailed design and consultation and would have to be secured through a S106 agreement.

80. Other concerns were also expressed over flood risk and sewerage capacity on the site. A drainage strategy has been devised involving the use of a basin in the south

east corner of the site and the use of a swale to drain the access road. The drainage and coastal protection team have accepted that the basin and swale are the preferred method of transmittance and storage, however they note that the transmittance is only for a small proportion of the site and therefore the layout would have to be amended to provide more swales or filter strips. Given the outline nature of the application this should be possible to solve through a detailed design. Northumbrian Water have noted that there is not the existing capacity for foul sewerage facilities to serve the site. However, were the development to proceed they have suggested that provision for extra capacity could be made.

81. The site has been subject to an Archaeological field evaluation, which has identified archaeological remains of potential Romano-British origin. However, the Archaeology Section have advised that a condition for further archaeological work could be attached to any approval, to secure further investigation and recording of these remains.
82. In ecological terms the application site is not of high value and there is limited potential for the site to host protected species. The Ecology Section is satisfied that a comprehensive landscaping scheme including new tree and hedge planting would be able to provide a net gain in biodiversity as required by the NPPF.
83. The land is classed as Grade 2 very good quality agricultural land. The loss of Grade 2 agricultural land is a disbenefit of the scheme, but given the small proportion of land affected, is not sufficient to warrant refusal in itself against Teesdale Local Plan Policy ENV12 but can be taken into account in the overall planning balance.

CONCLUSION

84. As the housing policies of the Teesdale Local Plan are out-of-date the application should be decided within the planning balance, meaning that planning approval 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 (NPPF) taken as a whole.
85. The public benefits of the proposal have been carefully considered and would include the provision of new homes, although the boost to housing supply as a benefit of this development is clearly less given the Council's healthy land supply position and as such is only given moderate weight.
86. The potential support for local services and facilities is a significant benefit of the scheme, which would contribute to the social aspect of sustainability. There would be some economic benefits arising through the construction process, but they would be temporary and therefore can only be given moderate weight. The provision of some affordable homes would be a social benefit.
87. There is currently no mechanism to secure the proposed traffic calming measures, but in any event they would be mitigation and are therefore a neutral factor, not a benefit. Similarly, biodiversity enhancements, open space provision and public rights of way improvements are mitigation features, not benefits.
88. Whilst the harm to the setting of Staindrop Conservation Area would be limited, there would be serious negative environmental effects in terms of the impact on the

character and appearance of the area and rural landscape from the harmful landscape effects of the new access arrangements. Furthermore, the proximity of the development to the adjoining unrestricted industrial premises is likely to result in residents being adversely affected by the activities in the industrial premises. As a result, the existing businesses are also likely to be hampered in their ability to carry out their day to day activities and to expand or redevelop without additional burdens, in the form of noise and operational controls, being placed upon them. The proposal is also likely to reduce the attractiveness of the industrial estate to future investors. Consequently, the proposal would result in significant dis-benefits in environmental, economic and social terms. The loss of Grade 2 agricultural land is a dis-benefit, but is not significant and is therefore only given limited weight.

89. When considered having regard to the Framework as a whole, these factors lead to a conclusion that the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The development should not therefore be considered to be sustainable development.

RECOMMENDATION

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

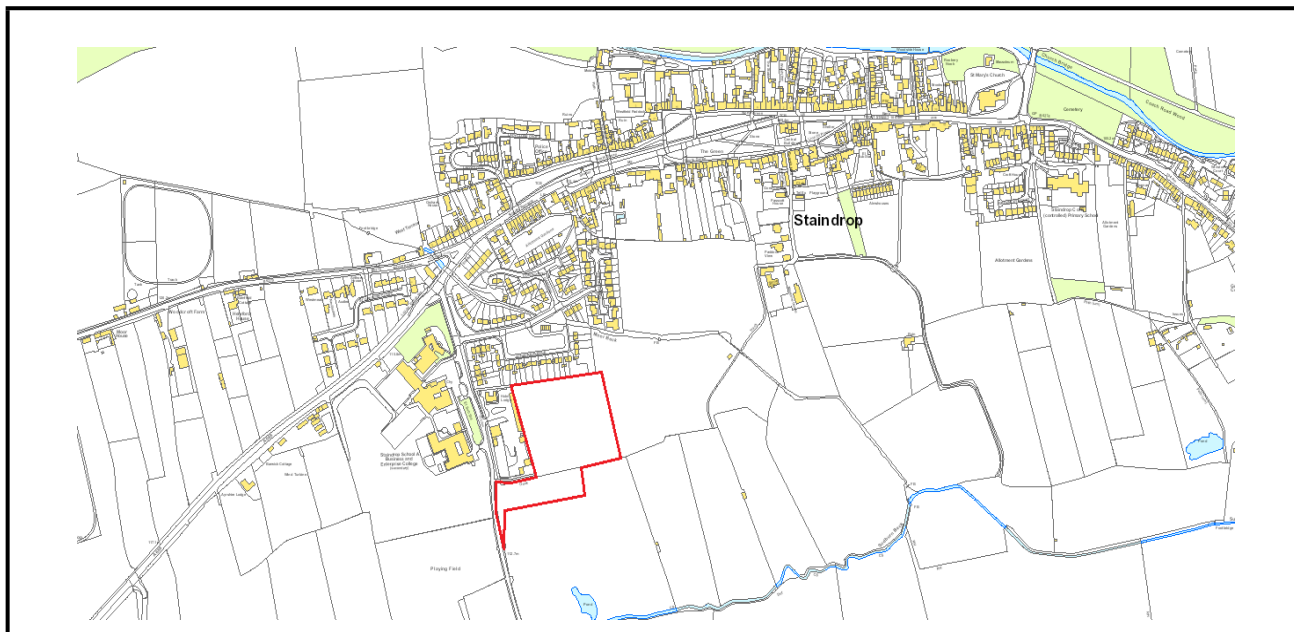
1. The access arrangements and associated works to achieve visibility would result in serious negative effects on the character and appearance of the area and rural landscape, which is designated as an Area of High Landscape Value. This is contrary to Teesdale Local Plan Policies GD1 (a, b & i), ENV3, ENV10 as well as paragraphs 127 & 170 of the NPPF.
2. The proximity of the development to the adjoining unrestricted industrial premises is likely to result in residents being adversely affected by the activities in the industrial premises. As a result, the existing businesses are also likely to be hampered in their ability to carry out their day to day activities and to expand or redevelop without additional burdens, in the form of noise and operational controls, being placed upon them. This conflict between uses is contrary to Teesdale Local Plan Policy GD1 (d) as well as paragraphs 170 & 182 of the NPPF.
3. Consequently, the proposal would result in significant dis-benefits in environmental, economic and social terms. It is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the development plan and the NPPF considered as a whole.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted application form, plans supporting documents
The National Planning Policy Framework (2018)
National Planning Practice Guidance Notes
Teesdale Local Plan
The County Durham Plan (Submission Draft)
County Durham Settlement Study 2012
County Durham Landscape Character Assessment
County Durham Technical Advice Note on Noise (TAN-N)
All consultation responses received



Planning Services

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18th April 2019