

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/20/03233/FPA |
| FULL APPLICATION DESCRIPTION: | Detached 4 bedroom dwelling |
| NAME OF APPLICANT: | Mr & Mrs Stephen Walton |
| ADDRESS: | Land East Of Ornella View, Mickleton, Barnard Castle. DL12 0JY |
| ELECTORAL DIVISION: | Barnard Castle West |
| CASE OFFICER: | Susan Hyde, Planning Officer, 03000 263961, susan.hyde@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located within the village of Mickleton, which is in the upland Tees valley, 7 miles to the north west of the town of Barnard Castle and 1.5 miles to the south east of the village of Middleton-in Teesdale. Mickleton has a predominantly linear form, running east to west along the B6277 highway, and includes vernacular stone built properties, interspersed with areas of open green space within the village.
2. The application site forms a grassed area measuring 0.12 hectares and is mainly in an ancillary residential use by the dwelling Ornella View. Ornella View is a modern detached dwelling located on the south side of the B6277 in an elevated position located close to the east end of the village. The topography of the land rises from the highway and climbs to the north, the level change across the site from the highway measures approximately 6.5m in height.
3. Beyond Ornella View further to the west, is a Belle Settle which forms a historic group of former agricultural buildings. The northern boundary of the site is formed by a dry stone wall providing vehicular access on to the B6277, beyond are fields and further residential properties in Mickleton. The site is bounded to the east by trees, beyond which is an open field in active agricultural use. To the south of the site, a public right of way is located (Footpath 3 (Mickleton)), beyond which lies agricultural fields.
4. The application site is located in the Mickleton Conservation Area and in an area of Higher Landscape Value as designated in the County Durham Plan.

The Proposal

5. Planning permission is sought for the erection of a 4 bedroom detached dwelling, which would be a split level property, of traditional design and appearance. The

dwelling would be constructed of stone under a slate roof and measure approximately 11m in width, a depth of 7.5m and a pitch roof with a maximum height of 7.4m. The two storey element of the building would front out onto the B6277, while a single storey element measuring 12m in length by 6m in width would be located to the rear, effectively at a first floor level to accommodate the land level changes on site.

6. Vehicular access is proposed to be shared with Ornella View to the west via a proposed hardstanding/parking area.
7. The application is being reported to the Planning Committee at the request of Councillor Bell and Mickleton Parish Council due to concerns relating to the visual impact of the development on the Conservation Area.

PLANNING HISTORY

8. Several planning applications have been made with regard to the Ornella View site, and neighbouring Belle Settle farmstead, this includes the erection of the Ornella View under application 6/1998/0321/DM and the extension of the residential curtilage of Ornella View under application 6/2008/0479/DM.

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. *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.
11. *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.
12. *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.
13. *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.

14. *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.
15. *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.
16. *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.
17. *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.
18. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

NATIONAL PLANNING PRACTICE GUIDANCE:

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air design process and tools; determining a planning application; flood risk; healthy and

safe communities; historic environment; housing supply and delivery; land affected by contamination, land stability, natural environment; noise; public rights of way and local green space; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan (CDP)

21. *Policy 6 Development on unallocated Sites* - states that the development of sites within the built up area that are not allocated in the plan or in a neighbourhood plan will be permitted provided they accord with all relevant development plan policies and meet specific criteria in relation to existing permitted uses, coalescence of settlements, loss of land with identified value such as in relation to ecology or recreation, is appropriate, is not prejudicial to highway safety, has good access to sustainable modes of transport to relevant services and facilities, does not result in the loss of the settlements last community building, minimises vulnerability and provides resilience to impacts resulting from climate change, maximises the effective of previously developed land and where appropriate reflects priorities for urban regeneration.
22. *Policy 21 Delivering Sustainable Transport* - states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
23. *Policy 29 Sustainable Design* - requires all development proposals to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
24. *Policy 31 Amenity and Pollution* - development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
25. *Policy 32 Despoiled, Degraded, Derelict, Contaminated and Unstable Land* - states [in part] that development will not be permitted unless the developer can demonstrate that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact on the environment, human health and the amenity of local communities.
26. *Policy 35 Water Management* - states that all new development should adopt the hierarchy of preference in relation to surface water disposal.
27. *Policy 36 Disposal of Foul Water* - states that all new development should adopt the hierarchy of preference.

28. *Policy 39 Landscape* - states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
29. *Policy 40 Trees, Woodlands and Hedges* - states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
30. *Policy 41 Biodiversity and Geodiversity* - states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
31. *Policy 44 Historic Environment* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Mickleton Parish Council* – Raise objections to the application, advising that within the Mickleton Conservation Area Appraisal open spaces were identified as playing a significant part of the character of Mickleton, particularly the east of the village. The value of these open spaces was recognised in the Teesdale District Plan, and remaining open green spaces within the conservation area, are now nearly all being lost and any further development of an open space, would destroy the special and individual character of the village. The development would detrimentally impact on views out of, into and across the Conservation Area. It is also advised that the proposed design of the house is bland, out of character and detracts from the traditional charm and landscape of this very popular village and so does not enhance or preserve the character of the Conservation Area. Windows should be constructed of timber and be sliding sash. The road access to the proposed building would be via a shared drive with Ornella View, additional traffic movements could easily lead to road safety issues. This proposed development is on an elevated site and with the increased area of hard standing and the water run-off will further affect the highway drainage system, which already has issues of flooding problems in the vicinity of the road access. The water pressure is currently poor, and a new dwelling will make this worse.
33. *Highway Authority* – Raise no objection on highways grounds.

INTERNAL CONSULTEE RESPONSES:

34. *Design and Conservation* – Advise that the principle of development from a conservation and design viewpoint is accepted on this site. Design amendments to simplify the north elevation were requested and these have been responded to positively. A more detailed analysis of the true impact of the development, given the

gradient of the site and the elevated position has been submitted. This confirms the new dwelling will be visually prominent and will have considerable presence in combination with Ornella View and other new development around Belle Settle. In reviewing the supporting information, while they down play the impact of the development, it is considered that, in order to mount any meaningful opposition to this proposal such impact would need to cause harm to the significance of the designated asset. Whilst undoubtedly this development will have an impact and it may be desirable to avoid such change for residents, the proposal is not considered harmful to the conservation area when considered against Policy 44 of the CDP. On balance and after careful consideration no objection is made to this proposal. For future reference, it would be suggested that this is the last development opportunity in this location in conjunction with previously completed construction and extant permissions. Should this application be approved then conditions requiring the submission of samples of all external materials, the construction of a stone sample panel, use of timber doors and windows throughout, joinery details at 1:20, details of colour finish (stain or paint) samples of all external hard landscaping materials and means of enclosure should be attached.

35. *Landscape* – Advise that the site is within an Area of High Landscape (AHLV) and within Mickleton Conservation Area. The site forms part of a large garden of the residential property to the west and is located within the settlement limits of the village. There are some trees on the site which add to the visual amenity of the character and appearance of the locality. Whilst the development would be a sufficient distance from the trees, one of trees (T2) requires removal due to disease. From the B6277 to the north, the proposal will be seen in a prominent elevated position above the road although will be seen in the context of the adjacent property and follow the general building alignment in this location south of the road. The proposal will require engineering works to address the site levels however the finished levels in these views will match those of Ornella View. From the public right of way that passes through the site directly to the south, whilst the proposal would be seen in the context of other built residential form within the settlement and along the footpath, the proposal will be clearly visible. The use of traditional materials of stone and would be appropriate to the location. However, in views from the PROW, there will be a large proportion of glass in the southern apexed elevation which do not reflect local fenestration detailing and vernacular language or the surrounding buildings, consideration of this matter should be given.
36. *Arboricultural Officer* – If the decision is to grant permission for the proposed development, it would be prudent to remove the ash tree due to pathogens in the tree. It is advised that further landscaping should take place within the garden which must include a replacement tree, replacement must attain the same growth and height potential of the ash.
37. *Archaeology* – Advise that the site is within the historic core of Mickleton, which is known to be a medieval village. The area appears to be greenfield, in that no building has occurred there, although aerial photos show some activity, this appears to be gardening related. There is archaeological potential for the site due to its location, and its previous use suggests archaeological remains could survive. Accordingly, a watching brief should be carried out on any ground disturbing works which is secured by condition.
38. *Ecology* – Raise no objections to the proposals on ecological grounds, subject to the inclusion of a breeding bird informative in order to address any risk of impact due to vegetation clearance.

39. *Environmental Health (Contaminated Land)* – In reviewing historical maps and available information with respect to land contamination, and the completed screening assessment form it is concluded that there is no requirement for a contaminated land condition.
40. *Environmental Health (Noise)* – The housing development is noise sensitive. The locality maybe regarded as a semi urban, rural setting with both residential housing and agricultural fields being near the site. There are no major roads near to the site, therefore relevant noise levels should be relatively low and comply with the thresholds, stipulated in the Technical Advice Notes. This would indicate that the development will not lead to an adverse impact. Considering, the scale of the development, the construction phase is likely to be relatively brief and a construction hours condition would regarding be appropriate.
41. *Public Rights of Way* - Public Footpath No 3, Mickleton passes within the Red Line Boundary on its southern alignment. Its existence is acknowledged in the application and it appears to remain unaffected by the proposal. A 1.1m post and rail fence is proposed to demarcate the garden area from the footpath, this is acceptable.

INTERNAL CONSULTEE RESPONSES:

42. *NWL* – Do not offer comments on aspects outside their area of control. Information offered in terms of sustainable surface water drainage hierarchy.

PUBLIC RESPONSES:

43. The application has been advertised by neighbour letters, a site notice and a press notice. A second round of neighbour notifications were undertaken following the receipt of additional information and cross section. This has resulted in 21 letters of objection being received against the application and 5 letters of support on the following grounds:
44. Objections:
 - There has been recent significant modern infill development in the village and this dwelling would further erode the open spaces which would be harmful to the character of the village, which is designated as a conservation area.
 - The open views out of the village should be protected.
 - The development would detract from the Conservation Area
 - The 2012 Conservation Area character appraisal and previous planning permissions sought to protect the open spaces within Mickleton Conservation Area
 - A Planning Inspector decision in 2009 spoke of the importance of maintaining this open green space in the Conservation Area.
 - Mickleton is seeking to improve its green spaces – not lose more of them
 - The design is not in keeping with the architecture of the village - particularly the north elevation
 - In combination with other developments in the area the proposal is an over development.
 - The development would add to light pollution in a dark sky area.
 - The ash tree on the development site should be retained.
 - There is no documented need for high end housing in Mickleton
 - The applicant has unfinished developments adjacent to the site and not built in accordance with planning consents
 - Concern that development here will create a precedent for additional development

- Mickleton is a village with limited services and public transport and not a sustainable location for further development. The NPPF seeks to prevent isolated homes in the countryside.
- Any new development should be affordable housing units to support local young residents
- The application site is a green field site not previously developed land
- The development would represent the loss of open space and green infrastructure.
- The development would detrimentally affect the footpath
- The vehicular access road is of concern
- The increase in hard standing will increase run off from the site and add to associated surface water drainage issues which are getting worse from climate change. There is an existing problem with the highway drainage in the area
- Errors in the plans are highlighted.
- The development will affect views and the amount of sunlight received to surrounding properties being situated on the skyline.

45. Support

- Owners of a local business's supports a further family home as it will bring another family into the area and help to support local businesses and keep facilities open.
- The only surface water drainage issue witnessed is from blocked drains near the public house
- There are 2 pubs / restaurants and a garage in walking distance of this site and another family would be welcomed in Mickleton
- The development would have little impact on the character of Mickleton

APPLICANTS STATEMENT:

46. The application site comprises the substantial side garden of Ornella View. The site is well related to the settlement of Mickleton, and is read very much as part of it. The construction of a dwelling in this location will represent a natural, small scale and appropriate level of infill development for the village which can help to sustain its facilities as well as facilities in nearby villages, maintaining their sustainability for families. A substantial garden will still be retained for the existing house, and the new house.
47. The application follows lengthy pre-application discussions with officers to arrive at a scheme which was appropriate in scale and design to the conservation area. The applicant has followed the advice provided carefully, and as a consequence the proposal is for a development very much in keeping with the area. The materials will be high quality and landscaping is proposed to soften the appearance of the development from the right of way to the rear of the plot.
48. We realise that some local people's views will change, but views are not a material planning consideration. The nearest houses to the north are around 50 metres away from the proposed house. Even having regard to the change in levels, the development will have no impact whatsoever on the amenity of occupiers of those houses by way of loss of privacy, light or outlook.
49. The application proposals are entirely in accordance with the newly adopted County Durham Plan, and as such we hope they can be supported.

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

50. 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 relate to the principle of development, locational sustainability, housing land supply and effective use of land, heritage assets and scale/design, landscape/visual impact, privacy/amenity, highways, flooding and drainage, ecology and other issues.

The Principle of the Development:

51. 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 County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
52. Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situation where future opportunities arise for additional new development over and above that identified, this includes for employment and economic generating uses. Policy 6 sets out the that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;

- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
53. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect, the site is considered to fall within the built up area of Mickleton and therefore subject to a detailed analysis of the impacts of the development, including against the criteria of Policy 6 the development is considered to be acceptable in principle.

Locational Sustainability

54. CDP Policy 6 part f requires that new development within or outside but well related to existing settlements has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires new development to deliver sustainable transport, including by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
55. Paragraph 103 of the NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
56. In this respect, it is noted that the village has a limited provision of facilities with pub, restaurant and garage in walking distance. A regular bus service provides access to the local facilities in Middleton in Teesdale and wider facilities in Barnard Castle. The nearest bus stop is located approximately 200m to the east of the site. In this context 1 dwelling is considered to be of a scale commensurate with the role and function of Mickleton and would represent infill development in an established village, located close to neighbouring residential property. The application site is not considered a rural location for the purposes of Paragraph 79 of the NPPF but would help support local services and amenities.
57. Having regard to the accessibility by sustainable modes of travel, the proportionality to the size of the settlement and service provision, it is considered the development of a single dwelling would accord with Policies 6 (Part f) and 21 of the CDP and Part 9 of the NPPF in this respect.

Housing land supply and Effective use of Land

58. With regards housing supply, 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.

59. It was established under the adoption of the CDP that the Council can demonstrate in excess of 5 years housing land supply (6.3 years). The CDP was adopted in October 2020 and therefore, in accordance with paragraph 74 of the NPPF, a five year supply of deliverable housing sites, with the appropriate buffer can be demonstrated
60. Policy 6 of the CDP requires that development proposals make as much use as possible of PDL and reflect priorities for urban regeneration. The policy also sets out that inappropriate backland development should be avoided. The NPPF seeks to boost significantly the supply of housing, as well as using land that is physically well related to existing settlements. Section 11 (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.
61. The site is not considered previously development land (PDL), as it part forms part of the residential curtilage of Ornella View and agricultural land (although not in a productive use). However, the fact that the site is not classed as PDL does not in itself preclude development or result in policy conflict with the CDP or NPPF in this respect.
62. Objections have been received relating to the lack of demonstratable need for a 4-bedroom home in this location. While policies within the CDP and NPPF seek to promote a mix of dwellings types and sizes, at this scale of development there are no specific policy requirements regarding the scale/nature of the dwellings in a specific area or requirement to demonstrate need. The proposal would fall below the threshold for the provision of affordable housing or to meet the needs of older persons and people with disabilities (over and above building regulations requirements). It is also noted that Policy 19 of the CDP within the NPPF seeks to encourage self builds and custom builds
63. Overall, the Council has a healthy housing land supply and the weight afforded to the benefit of additional housing should be reduced accordingly, however the proposal would represent the provision of a self/custom build which CDP Policy 19 and the NPPF seeks to promote. There is no policy presumption against building on non PDL, and the development would fall below the threshold of affordable housing provision.

Heritage Assets and Scale/Design:

64. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found to the heritage assets, with a public benefit test referenced similar to that within the NPPF.
65. NPPF parts 12 and 16 advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment
66. Given the location of the site within a conservation area regard is to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
67. Part d of CDP Policy 6 requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 29 of the CDP outlines that development proposals

should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments.

68. The site is a relatively large plot of land that forms part of the perceived curtilage of Ornella View. The topography of the land rises from the highway to the south and climbs to the north with the proposed siting of the dwelling being on the brow of the land mass in a similar position to Ornella View, approximately 25m back from the highway. The front elevation is designed to reference a former agricultural dwelling with an arched opening, window above, and ventilation style openings at first floor. Materials are proposed to be in natural stone with a blue slate roof. The proposed two storey height of the building would reflect the adjacent two storey, detached dwelling to the west, Ornella View and the cross section of the site demonstrates that the ridge level of the new dwelling will be lower than that of Ornella View. To the rear the ground level change accommodates a single storey offshoot which would face onto the Public Right of Way.
69. This siting of the dwelling will be visible from public vantage points – notably the highway to the north where the dwelling will be viewed in conjunction with Ornella View and the grouping of Belle Settle. To the south where a public footpath is located immediately to the rear of the residential curtilage and the view of the single storey off shoot would be viewed beyond a proposed hedge.
70. The Mickleton Conservation Area appraisal 2012 identifies the predominant use of natural materials and the agrarian origins of the village reflected in the built form in the village. The proposed design of the dwelling references this on the front elevation. The appraisal details this area of Mickleton as being characterised by the open spaces between the built form of the village and the value of the retention of the open spaces. Reference is made in the plan to the former local plan, the Teesdale District Local Plan and protected open spaces, however following the adoption of the County Durham Plan the former local plan does not carry any weight. In the County Durham Plan all of Mickleton Conservation Area is covered with a designation of being in a higher landscape area.
71. In this case the significance of the site derives from the location in the conservation area. Significance is identified in the conservation area appraisal as contributing primarily to the remnants of openness between building groupings which remain more prevalent at the eastern end of the village. This site is not considered to be an area of open space to be protected as the site has the relationship and appearance of forming part of the wider residential curtilage of Ornella View. The boundary line to east of the site forms a clear defined line between the agricultural land beyond, which is considered an open space worthy of protection. This site has been carefully and thoroughly assessed by the Council's Design and Conservation Officer who advises that the site has the appearance of clearly forming part of the wider curtilage of Ornella View and differs in character from the more natural and rural space to the east of the site, and to the south of the site.
72. The key views identified in the conservation area appraisal in and from the village are not assessed to be detrimentally affected by the proposed development with the closest key view being the view from the open field to the east by Dr Hill. Due to the topography of the area, the boundary treatment, the alignment of the road and the use of the application site the open field to the east is viewed as a separate parcel of agricultural land to the application site. It is however considered that this is the last development opportunity in this location, in conjunction with previously completed

construction and extant permissions. Development of other sites would need to be assessed on their own planning merits.

73. In terms of the design of the building itself, the Design and Conservation Officer advises that design amendments to simplify the north elevation were requested and these have been responded to positively, and the design is considered acceptable. However in the event of an approval it is recommended that conditions should be attached to control the finer details of the design including materials to be used, joinery details (with a preference for timber windows) and details of all external hard landscaping materials and means of enclosure. It is also considered expedient to remove permitted development rights for the property given its sensitive location.
74. Other heritage assets in the locality are not assessed to be detrimentally affected by the proposed development with the closest listed building being 70 metres to the east on Robinsons Bank, and no non designated assets are affected.
75. The site is located within the historic core of Mickleton, which is known to be a medieval village. The Council's Archaeology Officer advises that the area appears to be greenfield, in that no building has occurred there, although aerial photos show some activity, that appears to be gardening related. There is archaeological potential for the site due to its location, and its previous use suggests archaeological remains could survive. Accordingly, it is advised that a watching brief should be carried out on any ground disturbing works which is secured by condition.
76. While the concerns of the Parish Council and residents are appreciated, it is considered that the proposed siting of the detached dwelling is not located in an area of open space that forms an important view in the conservation area. The siting is considered to be on land that has a close visual relationship with the wider residential curtilage of Ornella View and it is considered that the addition of one further dwelling in this location would be read as part of the small group of buildings adjacent to Bell Settle. The design of the building is also considered acceptable to the character of the conservation area. For the purposes of Policy 44 of the CDP, Part 16 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as advised by the Council's Design and Conservation Officer, the development is concluded to have a neutral impact on the conservation area and would not result in policy conflict or harm that would justify refusal of the planning application.

Landscape/Arboricultural impact

77. Policy 6 part d, of the CDP requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 39 of the County Durham Plan states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. These are similar requirements to those outlined at Policy 6. Policy 39 also sets out that development affecting Areas of Higher Landscape Value (which the site is located in) will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

78. The site is located within an Area of High Landscape (AHLV) and within Mickleton Conservation Area. There are some trees on the site which add to the visual amenity of the character and appearance of the locality. Whilst the development would be a sufficient distance from the trees, one of trees (T2) requires removal due to disease and it is proposed to replace this with two replacement trees, which could be secured by a landscaping condition. The tree overhanging the access would also require some light pruning. The conclusions of the submitted Arboricultural reports are considered sound by the Council's Arboricultural Officer.
79. From the B6277 to the north, the Council's Landscape Officer has advised that the proposal will be seen in a prominent elevated position above the road, although in the context of the adjacent property Ornella View, and follows the general building alignment in this location south of the road. The proposal will require a limited amount of engineering works to address the site levels which are clarified in the submitted cross section however the finished levels will be similar, but a little lower than those of Ornella View. From the public right of way that passes the site directly to the south, the proposal would be seen in the context of other built residential form within the settlement. The proposed native species hedge along the south boundary will visually screen the residential development and forms an appropriate boundary treatment.
80. It is advised by the Landscape Officer that the proposed traditional materials of stone would be appropriate to the location. Along the eastern boundary where the site bounds the agricultural field there is an existing dry stone wall which is proposed to be retained which provides a clearly defined boundary between the agricultural and residential land.
81. Some concerns are raised regarding views from the PROW, where there would be a large proportion of glass in the southern apexed elevation which does not reflect local fenestration detailing and vernacular language or the surrounding buildings. In considering this matter and whilst the glazing element would to a degree be more prominent than a solid wall or reduced amount of glazing, this element is typical of modern rear extensions to which is how this element of the building would be read. The retained stone boundary wall and proposed boundary hedge would provide a degree of screening and softening from views from the Public Right of Way. On balance it is considered that this element would not result in a policy conflict or warrant refusal of this application.
82. Whilst there could be an increase in light pollution, this is considered to be limited due to the scale of the development and the existing development to the area, and would not likely have a significant impact on the dark sky designation of the wider area.
83. Overall, it is considered that the proposed development would assimilate into the surrounding landscape, being read in the context of existing development rather than an encroachment into the perceived countryside. The development is therefore considered to comply with Policies 6, 39 and 40 of the County Durham Plan and Parts 12 and 15 of the NPPF in this respect.

Privacy / Amenity:

84. CDP Policy 6 part a requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land. Policy 29 part e of the CDP requires all development to provide high standards of amenity and privacy and minimise the impact of development upon existing adjacent and nearby properties. CDP Policy 31 seeks to support proposals only where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The

proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result.

85. 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.
86. Objections have been received from local residents in relation to the impact of the development in terms of overshadowing and overlooking.
87. 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 of 2 storey scale:
 - Main facing elevation to main facing elevation containing window/s serving a habitable room - 21 metres between two storey buildings
 - Main 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
88. 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.
89. In assessing the development against the above policy context, it is noted that the application site is located on a generous plot where the dwelling would be set back from the highway by approximately 25m. The minimum separation distances to neighbouring properties are therefore exceeded while an adequately sized garden for the existing and proposed property would be provided.
90. Residents to the north of the development site will be able to see the dwelling and it may appear in the skyline from some properties. While this could negatively reduce their view, the loss of a view is not a material planning consideration. While there may be increased shadowing over garden areas in winter months this is not considered to be of a sufficient impact to warrant refusal of the planning application on this basis given the separation distances set out above.
91. With regard to noise nuisance the Environmental Health Officers have assessed the submitted information, raising no objections to the proposals. Whilst housing

development is considered to be noise sensitive, the surrounding may be regarded as semi residential. There are no major roads near to the site, therefore relevant ambient noise levels should comply with the thresholds, stipulated in the TANs (Technical Advice Notes). Considering, the scale of the development, the construction phase is likely to be relatively brief and assuming works are kept within suitable hours (via an appropriate condition), it is not expected that the impact of this phase likely to lead to a breach of the levels stated in the TANS.

92. Overall, whilst appreciating residents concerns, it is considered that the proposed development can be accommodated onto the site without resulting in overdevelopment, whilst achieving satisfactory levels of private amenity space. The development is therefore considered to satisfy the provisions of CDP Policies, 6, 9 and 31, the adopted residential amenity standards SPD and Parts 12 and 15 of the NPPF in this respect.

Highways

93. Policy 6 (criteria e) of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
94. The application site would be served via the existing vehicular access to Ornella View and two off street parking provision would be secured within the wider curtilage on a hardstand area to the side of the dwelling. Manoeuvring space would be provided within the plot to allow vehicles to leave in a forward gear. Although no specific parking bays are to be created and no garage provided, the Highways Authority consider the amount of off-road hardstand indicated would comfortably accommodate parking demand for a dwelling of this scale.
95. Overall, it is considered that the proposed development is acceptable from a highways perspective, with no highway objections are raised to the application. It is not considered that the resulting traffic increase serving the site would give rise to a severe cumulative impact on the local road network. Proposals would satisfy the provisions of CDP Policies 6, 21 and 29 and Part 9 of the NPPF.

Flooding and Drainage

96. CDP Policy 35 requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development. Meanwhile CDP Policy 36 concerns disposal of foul water. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
97. The application site is located in flood zone 1, with the lowest risk of flooding. The proposed development would be set back into the site and utilises the existing vehicular access. The additional area for parking and turning is proposed to be constructed of permeable cobbles in the interests of sustainable drainage and the

remainder of the site is proposed to be drained into the main combined sewer. Foul drainage is proposed to be drained via the mains drainage system. The submitted details of surface water drainage are adequate to demonstrate the development should avoid surface water run off onto the adjacent carriageway and/or localised flooding. It is noted that the existing highway has experienced localised flooding with drain blockages, however the Highways Authority has separate powers to address such matters. It is therefore considered that the proposal would comply with CDP Policies 35 and 36 and provisions of Part 14 of the NPPF in this respect.

Ecology

98. CDP Policy 41 seeks to ensure new development minimizes impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity. Part 15 of the NPPF ensures that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity.
99. In this respect after reviewing the submitted ecology reports in support of the application, The Council's Ecologist has raised no objection on ecological grounds advising that the proposals are considered acceptable subject to the inclusion of a breeding birds informative. It is therefore considered that the proposals would conform to CDP Policy 41 to the principles of Part 15 of the NPPF in this respect.

Contamination

100. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 178 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
101. The Council's Environmental Health Team have assessed historical maps and available information with respect to land contamination including the completed screening assessment form. No objections to the development are offered and it is advised that there is no requirement for a contaminated land condition. The proposal would therefore accord with policy 32 of the CDP and Part 15 of the NPPF in this regard.

Other matters

102. Objections have been received that the proposal lies outside settlement limits for the village as defined in the Teesdale District Local Plan (TDLP). The TDLP has now been superseded by the County Durham Plan and previous settlement boundaries are no longer afforded weight in decision making. The CDP does not include any settlement boundaries. Similarly, although previous decisions are material considerations, each application must be assessed on its own merits based on an assessment on the impacts of the development and against relevant planning policies in force at the time.
103. It is considered that the submitted plans as amended accurately reflect the development proposed and context of the site.

CONCLUSIONS

104. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
105. It is concluded that the proposal would represent the development of a site that is well related to the existing settlement, is compatible with adjacent land uses, would not result in inappropriate back land development or loss of land that has a recreational, ecological or heritage value. The development is considered appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement and would not result in a negative impact on the character and appearance of the consideration area. The development would not be prejudicial to highway safety and is considered to be in a sustainable location. It is therefore concluded that the development would accord with relevant policies of the County Durham Plan and the NPPF.
106. The proposal has generated public interest. All of the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not considered sufficient to justify refusal of this application. There are no material considerations which indicate otherwise and therefore the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Site location plan Received 06.11.2020
Proposed floor plans, elevations, site layout plan and cross section Drawing no. 01 Rev C Received 26th May 2021

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 29, 31, 35, 36, 39, 40 and 41, of the County Durham Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.
3. Notwithstanding any details of materials submitted with the application no development shall take place above foundation level until samples of all proposed external walling and roofing materials, including precise details of heads, cills and surrounds and other external fenestration details, have been submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies 6, 29 and 44 of the County Durham Plan and the NPPF.

4. No development shall take place above foundation level until a sample panel of the proposed stone and pointing to be used in the construction of the new build dwellings has been erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be retained for reference on site throughout construction. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies 6, 29 and 44 of the County Durham Plan and the NPPF.

5. Notwithstanding the submitted details, no windows or external doors shall be installed until their precise specification and colour finish details, including section and joinery details at a scale of no less than 1:20, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies 6, 29 and 44 of the County Durham Plan and the NPPF.

6. Prior to occupation of the dwelling a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include accurate plan based details of the following:

Details of soft landscaping including planting species, sizes, layout, densities, numbers

Precise details of hard landscaping materials, including edging and boundary treatments, including bin storage

Details of external lighting

Provision of a native species hedgerow to the south of the site adjacent to the Public Right of Way.

Provision for the replacement of tree T2.

The detailing of permeable surfacing for all new hardstandings.

All means of enclosure

Landscaping shall be carried out in complete accordance with the approved landscaping scheme. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to provide biodiversity enhancement to comply with Policies 6, 29, 41 and 44 of the County Durham Plan and Parts 12 and 15 of the NPPF.

7. The development hereby approved shall be carried out in complete accordance with the Arboricultural impact assessment (Andrew Hampton, Dated November 2020).

Tree protection as detailed in the Arboricultural impact assessment shall be installed prior to the commencement of any development on the site.

There shall be no storage of materials and equipment and no underground services trenches or service runs shall be installed within the root protection areas of retained trees as detailed in the Arboricultural Impact Assessment.

Reason: To ensure the works do not adversely impact on existing mature trees around the site and to protect the visual amenities of the surrounding area, in accordance with Policy 40 of the County Durham Plan and Part 15 of the NPPF.

8. The development hereby approved shall be implemented in complete accordance with the Preliminary Ecological Appraisal (All About Trees, Rev A, January 2020) and Ecological Assessment Biodiversity Calculations, All About Trees, February 2020) including but not restricted to retention and enhancement of the central grassland areas adjacent to the public footpath and southern boundary hedge and trees.

Reason: To conserve protected species and their habitat in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the NPPF.

9. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, AA, B, C, D, E, F, G of Part 1 and Classes A and B of Part 2 of Schedule 2 to the said Order shall be carried out without written approval of the local planning authority, upon an application having been submitted to it.

Reason: In order that the local planning authority may exercise further control in this locality in the interests of the visual and residential amenity of the area and to comply with Policies 6, 29, 39 and 44 of the County Durham Plan and aims of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

The County Durham Plan (CDP)

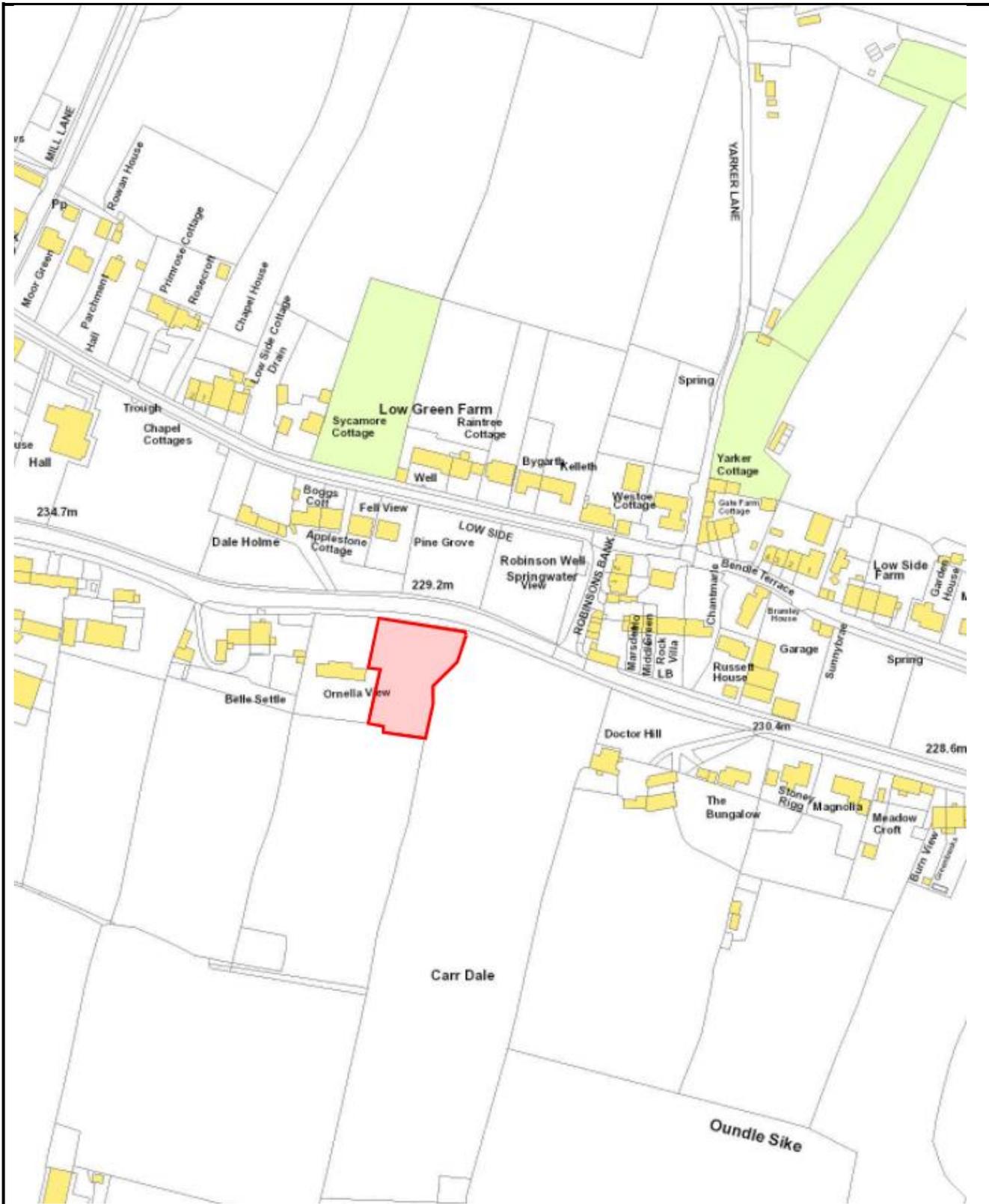
Residential Amenity Standards SPD

Mickleton Conservation Area Appraisal

Statutory consultation responses

Internal consultation responses

External consultation responses



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| <p>Planning Services</p> | <p>DM/20/03233/FPA Land East Of Ornella View, Mickleton, Barnard Castle. DL12 0JY</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>Comments</p> | <p>Date June 2021</p> |