

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/17/00518/OUT

FULL APPLICATION DESCRIPTION: Outline application for residential development (up to a maximum of 100 dwellings), including access, with all other matters reserved (amended details, July 2017).

NAME OF APPLICANT: Toft Hill Ltd

ADDRESS: Land At Holme Farm
Toft Hill
Bishop Auckland
DL14 0QQ

ELECTORAL DIVISION: Evenwood

CASE OFFICER: Graham Blakey, Senior Planning Officer
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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

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

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

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

The Proposal

4. The application seeks outline planning permission, with all matters reserved expect for access, for the erection of up to 100 dwellings on a site of 3.55ha. The application site would have approximately 75 metres of frontage on to the A68 to provide vehicular access with the application site boundary running perpendicular to the A68 north towards Holme Farm and Amberfields. The housing developments of Castlefields and Southfield Drive would form the southern and eastern boundaries, with the Holme Farm access track lying to the eastern boundary.
5. An indicative site plan indicates that a landscape buffer would be proposed to the western boundary of the site running from the A68 up to Holme Farm. Possible drainage solution is proposed to the north east corner of the site, the natural low point of the application site. Access is proposed from the A68 to the west of Osbourne Bungalow at the point where the layby to the A68 begins. A revised layby arrangement is proposed, that would see the layby extended westward along the A68 and northward to facilitate visibility from the proposed new access. The public footpath would be retained through the site.
6. This planning application is being reported to Committee as the development constitutes a major development comprising of more than ten dwellings.

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework

(NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.

9. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 1 – Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
11. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
14. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
15. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
16. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimizing impacts on biodiversity and providing net gains in biodiversity where

possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

17. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

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

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; design; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The Teesdale District Local Plan (TDLP) (2001)

19. *Policy GD1 – General Development Criteria.* States that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
20. *Policy ENV1 – Protection of the Countryside.* Within the countryside developments will be permitted for: agriculture, rural diversification, forestry, nature conservation, tourism, recreation, local infrastructure and existing countryside uses. Proposals must not harm landscape and wildlife.
21. *Policy ENV10 – Development Affecting Trees and Hedgerows.* Development will only be permitted where it avoids unreasonable harm or loss to protected or mature trees and hedgerows which contribute to local amenity.
22. *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.
23. *Policy ENV15 – Development Affecting Flood Risk.* Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.
24. *Policy ENV17 – Sewerage Infrastructure and Sewage Disposal.* Proposals for development which will increase the demands for off-site sewerage infrastructure, such as surface water drainage, sewerage and sewage treatment, will be permitted only where adequate capacity already exists or satisfactory improvements can be

provided in time to serve the development without detrimental effects on the environment.

25. *Policy BENV3 – Development Adversely Affecting the Character of a Listed Building.* Development which would adversely affect the character of a listed building or its setting will not be permitted.
26. *Policy BENV11 – Sites of Archaeological Interest.* Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved.
27. *Policy H1A – Open Spaces within Developments.* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development in accordance with the minimum standards.
28. *Policy H3 – Housing Developments on Sites Of More Than 0.4 Hectare.* States that development will be permitted on sites over 0.4 hectare, comprising previously developed land, within the development limits of identified settlements.
29. *Policy H6 – New Housing in the Countryside.* A new dwelling will not be permitted in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry, and where the need cannot reasonably be accommodated within an existing town or village. Where such justification exists and permission is granted for such development, an appropriate occupancy condition will be attached.
30. *Policy H14 – Provision of Affordable Housing with Developments.* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.
31. *Policy T2 – Traffic Management and Parking.* Car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site, in accordance with the standards set out in appendix 2, except in areas where the provisions of Policy T3 apply.
32. *Policy T7 – Public Transport.* Public transport services and infrastructure growth will be encouraged, in particular through implementation of criterion U of Policy GD1 and through its policies relating to the location of developments.
33. *Policy T8 – Encourage Cycling.* Cycling will be encouraged within the administrative boundary, and provision for off-road cycle routes will be pursued.

RELEVANT EMERGING POLICY:

The County Durham Plan

34. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18

February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highway Authority* – Raise no objection. The proposed development would produce increased traffic flows through the A68/B6232 junction to the east. Modelling has indicated that the development, and these increased traffic flows, would not have a significant impact upon the network. The proposed re-worked layby arrangement would maintain a level of off-road parking as currently, and would also allow for visibility to the west to be achieved.
36. *Northumbrian Water* – Raises no objections, subject to the imposition of a condition to agree the proposed drainage strategy, including foul water drainage.
37. *Drainage and Coastal Protection* – Raise no objection. Source controls are welcomed, and more detail would be required by condition. The greenfield run-off rate would be 5.2 l/s and not the 7.8 l/s referred to in the Flood Risk Assessment (FRA).

INTERNAL CONSULTEE RESPONSES:

38. *Spatial Policy* – In this part of County Durham, the statutory development plan currently comprises the ‘saved’ elements of the Teesdale District Local Plan 2002 (TDLP). Paragraph 14 of the NPPF makes clear that a presumption in favour of sustainable development is at the heart of the National Planning Policy Framework. Paragraph 7 of the framework defines three dimensions of sustainability: economic, social and environmental. Having regard to NPPF and recent case law, it is considered that policies can be considered to be ‘out of date’ where a Local Planning Authority is unable to demonstrate a 5 year Housing Land Supply (Paragraph 49 of NPPF). The Council cannot currently demonstrate a 5 year Housing Land Supply and so Policies associated with the delivery of housing have to be weighted accordingly. As a result, the two ‘limbed’ test set out in the ‘Decision Taking’ section of paragraph 14 of NPPF should be engaged in this instance.
39. The saved local plan policies can be considered as part of the planning balance assessment of the Paragraph 14 ‘first limb’ test where they relate to any identified harm and benefits. Therefore, Saved Policies GD1, H1A, H14, ENV1, ENV10, ENV12, ENV15, ENV17, BENV3, BENV11, T2, T7 and T8 remain relevant when considering those aspects of the scheme. Policy 3 is also relevant in so far as it defines the extent of the existing built up area, albeit that weight should not necessarily be afforded to this in determining the proposal. There are no specific policies from the NPPF which indicate the development of this site should be restricted (‘second limb’ of paragraph 14, NPPF).
40. The NPPF seeks to boost significantly the supply of housing, and the delivery of housing (including affordable housing) would count in favour of any scheme, and

would be afforded weight in the planning balance (against any harm which any consultees may identify) in light of the current position in respect of the 5-year housing land supply position (which is not considered to be a significant shortfall). The site itself (part of) was assessed within the SHLAA and harm was identified in respect of landscape and visual impact, intrusion into the countryside, and accessibility to shops, services and facilities by non-car modes of transport. These represent the identified harm which must be taken into account in applying paragraph 14 of the NPPF.

41. *Design and Conservation* – Raise no objection in principle. The setting of Houghton House, grade II listed, to the west of the application site would undoubtedly be altered by the proposals, despite the presence of modern agricultural buildings (which could be removed at any time). In terms of considering this impact in relation to the NPPF the level of harm would not justify refusal in its own right. More widely, the impacts upon the landscape and streetscene from this development would be considerable, and unless these can be successfully addressed no support can be offered for this proposal.
42. *Landscape* – Concerns are raised over the wider landscape impacts from the development as a result of the encroachment in to the countryside. This visual impact is exacerbated now that the proposals for the layby beside the entrance involve the loss of two healthy, mature roadside trees, which make a significant positive contribution to the streetscape.
43. *School Places and Admissions Manager* – A development of 100 houses could produce an additional 30 primary pupils and 12 secondary pupils. There are no primary school places available therefore an additional classroom will be required and a contribution of £412,650 will be required towards the cost of this. For secondary school places, this application needs to be considered along with those for Woodhouses Farm and it may be that a contribution for secondary school provision will be required also.
44. *Ecology* – Raise no objections. Officers consider that the submitted Preliminary Ecological Appraisal report is sufficient to inform the application and that no further surveys are required with regard to protected species. The re-worked mitigation strategy provided together with ensuring that the amount of open space on site is deliverable should be requirements secured by condition.
45. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. The submitted Phase 1 report outlines a suitable methodology for the Phase 2 site assessment and this should be required for agreement by condition.
46. *Environment, Health and Consumer Protection (Noise, Dust and Odour)* – Concerns are raised over the impact of the proposed access point to the development adjacent to the existing housing, with no impact assessment outlining the impacts and subsequent mitigation provided. The indicative site plan shows housing close to the A68 to the south of the application site. There is potential for an existing high volume noise climate as a result and
47. Raise no objections considering that plots to Heathway would feature mitigation measures which would offset the level of road noise measured on site. Conditions to ensure mitigation measures are implemented are required.
48. *Environment, Health and Consumer Protection (Air Quality)* – Submitted air quality risk assessment which outlines some risk of pollutants arising from the proposed development at both construction and operational phases. Further work required on the proposed strategy and mitigation is needed.

49. *Sustainable Travel* – No objections are raised, although some revisions to the Travel Plan are suggested.
50. *Access and Public Rights of Way* – Raise no objections noting that there is a public footpath (No. 43, Etherley) which runs across the application site. The path is noted on the indicative site plan and needs to be accommodated in the final layout.

PUBLIC RESPONSES:

51. The application was advertised within the press, on site and letters were sent to neighbouring properties. No representations from the public have been received.
52. The application was advertised within the press, on site and letters were sent to neighbouring properties. In total 100 objections have been received to date. In summary, the issues raised were:

Sustainability

- There is insufficient facilities and amenities to sustain the current population, let alone a further 100 houses.
- Only one public house, one primary school, part time doctors surgery and no shop or post office – information out of date.
- Nearest shop is 2.5 miles (either West Auckland or Holmes garage). There is nowhere to buy a pint of milk, a newspaper or a loaf of bread.
- Future occupiers will be heavily dependent upon car use to access services.
- Oversupply of Housing – within the village there are already homes up for sale and rent so there is a plentiful supply of housing already without the need for new houses being built. This indicates a saturated housing market even now.
- Unreliable bus service to Bishop Auckland (taking 30 minutes) which does not run after 8pm or on Sundays or Bank Holidays. Does not go to West Auckland or St Helen Auckland (new shopping area).
- Other brownfield sites in the area are available for development and should be built upon first.
- Other sites in the area are yet to be completed, the Council needs to allow these to reach completion and assess the available properties in the area before allowing new housing.

Visual Impact

- Proposed development would result in loss of more greenspace in the area, and an importance open space within the village.
- It would be a highly visible and visually harmful feature across the field for a considerable length. It would unreasonably harm the rural landscape and fail to contribute positively to making this part of the countryside better for villagers.
- Area is outside the previous limit of development in Toft Hill and Etherley.
- Urbanisation of the village detracting from the historic rural character.
- Lots of new housing proposed to brownfield sites in the Bishop Auckland area, so greenfield sites should be protected for the good of the environment and community.
- Loss of views from existing neighbouring properties would have an impact upon residents and upon property prices.
- Loss of mature trees to highway verge would detract from the street scene.

Highways

- A68 runs through Toft Hill and is extremely busy, adding traffic from 100 extra houses would compound this as the road and the surrounding network cannot cope with the additional vehicles.

- B6282 junction is a bottleneck at rush hour.
- Construction traffic would have a significant increase upon these problems.
- Recent incidents – removal of school crossing patrol, van crashing into a home on Toft Hill causing structural damage, car smashing into Doctors surgery.
- New access – previous planning permission for a new access to Holme Farm from the position proposed was refused planning permission in November 2016 on highways safety and visual impact grounds.
- Visibility from proposed new access would remain poor despite amendments, with parked cars to either side of the access likely and opposite, likely to cause even more accidents.
- Cyclists – visibility would impact upon the safety of cyclists on the A68.
- Emergency vehicles regularly experience delays due to doubled parked resident's vehicles (which have nowhere else to park).
- Unsafe as it is for children to walking to and from school, 20mph limit near school already campaigned for.
- Removal of the layby opposite housing on Toft Hill where residents park vehicles, likely to cause more accidents due to the poor layout of the adjoining new road and cause more parking on pavements obstructing pedestrians and road users (TDLP Policy GD1 (D) and (Q)).
- Travel Plan – figures are unrealistic (amounts to less than 1 car per household leaving on a morning). Most will be 2 car + families.
- Bypass – is urgently needed to accommodate the existing traffic flows, adding 100 new homes should be secured alongside the bypass.
- Mud and dirty dragged out on to the road by construction traffic, wheel washing and daily road cleaning would be required.
- Access to Southfield Drive has been poorly thought out in the past and this development will make this worse through increased traffic.
- Proposed Parking – unclear if this for new development or existing residents. Would be a breeding ground for anti-social behaviour.

Amenity

- Noise from passing traffic to the A68 is already at its maximum, this development will add more vehicles and so more noise.
- Dust and emissions from the development, at both construction and operational phases, would impact upon amenity and health of nearby residents.
- Anti-social behaviour from the informal play area located close to the rear of the Castlefields estate.

School

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

Others

- Field is already poorly drained and this will make new footings a difficulty if not impossible.
- PROW crosses the site, this needs to be addressed within the proposed scheme.
- Investment in utility infrastructure required to cope with development.

APPLICANTS STATEMENT:

53. The council does not currently have a five-year housing land supply, therefore as set out within this statement, policies which seek to control the delivery and distribution of new housing are not up-to-date and cannot be considered in the determination of the application. The application should therefore be considered in the context of the presumption in favour of sustainable development.
54. Further to this, the NPPF is clear in its direction that the overriding planning aim is to support sustainable development (Paragraph 49) as advocated within the Ministerial Forward: "Development that is sustainable should go ahead, without delay- a presumption in favour of sustainable development that is the basis for every plan, and every decision." The NPPF provides clear guidance that proposals for housing applications should be considered against the three dimensions of sustainable development and not just as against the tests of the Development Plan. It is clear in advising that the sustainability benefits of a housing development are a material consideration which should be given due-regard and weighting by the determining authority. This approach is clearly outlined through recent appeals that are included as within the appendices to this statement.
55. Taking the above into consideration, this statement has identified that the proposal comprises sustainable development and that it would not result in any significant adverse impacts that demonstrably outweigh the benefits which arise from the scheme. The benefits to the scheme are outlined below:
- The proposal would provide much needed housing in an area which lacks a five-year housing land supply and therefore provide dwellings to meet the needs of present and future generations in a sustainable location.
 - In accordance with the current requirements, the applicant will discuss the provision of 15% affordable housing with the council. This would contribute to the delivery of objectively assessed affordable housing need within the district and would improve the housing tenure mix of the area.
 - The proposal would contribute to the delivery of objectively assessed market housing within the district.
 - The scheme would provide onsite recreation facilities for use by the whole community.
 - The properties would be built to modern building regulations requirements and therefore provide excellent thermal performance through insulation and heating systems, helping to ensure the proposal is contributing towards carbon savings and the move to a low carbon economy.
 - The proposed development would generate employment opportunities in construction and in other sectors linked to the construction market. There would also be ongoing maintenance costs and services required by the occupants which would supplement the local economy.
 - The proposal would support social infrastructure, providing a contribution towards education facilities.
 - The scheme will provide housing in close proximity to services, facilities and employment opportunities. Additionally, the occupants would shop and live locally; therefore, ensuring that local services have a greater catchment population to serve.
 - This site represents an entirely logical and acceptable location for accommodating additional housing growth in Toft Hill and Etherley and the wider Durham County Council area.

- The proposals exhibit good design and provide a layout that is considered a logical future extension that will contribute positively to the built form of the settlement.

56. The proposed development is considered to be commensurate with both local and national planning policies, and represents a sustainable location for development.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

57. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received insofar as they raise planning matters. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, highway safety, landscape impact, layout and design, affordable housing, residential amenity, ecology, public open space, flood risk and drainage, heritage impacts and other issues.

The Principle of the Development

The Development Plan

58. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Teesdale District Local Plan (TDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.

59. The TDLP was adopted in 2002 and was intended to cover the period to 2010. However, NPPF Paragraph 211 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances.

The NPPF

60. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are

out-of-date, granting permission unless:

i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

ii) specific policies in this Framework indicate development should be restricted.

61. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
62. Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged, and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as policies for the supply of housing within the TDLP are out-of-date where outlined below.

Five Year Housing Land Supply

63. The NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development and that if the Council cannot demonstrate a five year housing land supply, then housing policies in a Local Plan cannot be considered up to date. The housing trajectory associated with the withdrawn County Durham Plan (CDP) is no longer relevant and similarly the CDP Objectively Assessed Need (OAN) for housing figure no longer exists. This raises the issue of what is the requirement against which the supply is to be measured in order to calculate whether or not a 5 year housing supply exists.
64. On 15 June 2016 a report into the County Durham Plan Issues and Options (the first stage of the re-emerging plan process) was presented at Cabinet. The report was approved at Cabinet and consultation on the CDP Issues and Options commenced on 24 June. In relation to housing, the Issues and Options present three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the CDP plan period). The three alternatives are:
 - 1,533 houses per year (29,127 houses by 2033)
 - 1,629 houses per year (30,951 houses by 2033)
 - 1,717 houses per year (32,623 houses by 2033)
65. As of April 2017 the Council considers that it has a deliverable supply of 10,234 (net) new dwellings for the next 5-year period. Set against the lowest figure the Council can demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around about 4.51 years' worth supply and against the highest figure, 4.20 years of supply. Recent case law has indicated that the extent of any shortfall in supply is a material planning consideration which should be factored into the planning balance under Paragraph 14.
66. Whilst none of the three scenarios within the Issues and Options has been publicly tested, it does serve to demonstrate that set against varying potential figures, one of

which may be identified as the OAN following consultation in the Preferred Option Stage Local Plan, the Council has a relatively substantial supply of housing.

67. Nevertheless, the decision-taking requirements of NPPF Paragraph 14 apply, as the Council does not have a five-year supply in the terms of the NPPF requirements and additionally the relevant local plan policies may be out of date for other reasons, as discussed below, and will only be rebutted where a proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits, both in the form of a contribution to housing supply and any other benefits, or if specific policies in the NPPF indicate development should be restricted.

Assessment having regards to Development Plan Policies

68. The TDLP, through Policy H3 states that housing development will be permitted on sites within the settlement limits, where it accords with other environmental policies. TDLP Policy H6 sets that housing in the countryside, beyond settlement limits will be unacceptable, except in specific circumstances. It is clear that these policies are, in NPPF Paragraph 49 terms, policies for the supply of housing. The Secretary of State has previously concurred with a Planning Inspector who considered that where policies for the supply of housing, such as these, are based on housing figures of some age, and which did not represent an objectively assessed housing need, are "out of date" irrespective of the position on 5 year housing land supply. Given the age of the TDLP and housing supply figures that informed it, the housing supply policies therein do not reflect an up to date objective assessment of need. Policies H3 and H6 are therefore considered to be "out-of-date" for the purposes of Paragraph 14 of the NPPF, and the weight to be afforded to the policies is reduced as a result. However policies in Paragraphs 14 and 49 of the NPPF do not make "out of date" policies for the supply of housing irrelevant in the determination of a planning application. Nor do they prescribe how much weight should be given to such policies in the decision, this being a matter for the decision-maker, having regard to advice at Paragraph 215 of the NPPF.
69. Policies H3 and H6 are considered to be partially consistent with the NPPF in terms of directing housing to the most sustainable settlements, while seeking to protect the open countryside. It is however recognised that the NPPF promotes a more flexible approach to site selection, and it is considered that only moderate weight can be afforded to these Policies, in accordance with Paragraph 215 of the NPPF.
70. As relevant policies for the supply of housing within the TDLP are out-of-date, and as a result of the current housing land supply position, the presumption in favour of sustainable development is engaged. Consequently, the acceptability of the proposed development rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.

Locational Sustainability of the Site

71. The County Durham Settlement Study (2012) is an evidence based document which categorises Toft Hill as part of the wider 'Low and High Etherley, and Toft Hill' group of settlements. Together these are classified as a "medium-sized village", with access to a minimal set of services and limited employment opportunities.
72. The planning statement provided by the applicant outlines that the greater Toft Hill / Etherley settlement grouping to encompass the Toft Hill Primary School, The Sportmans' Inn public house, Etherley Methodist Church, St Cuthbert's Church and Etherley Cricket Club. The statement outlines that the bus stops are located to the

A68 at no greater than 160 metres from the site entrance point. Upon further investigation by officers, bus travel is noted as being possible from these stops, via High and Low Etherley to the Town Centre of Bishop Auckland, 3.6 miles (5.75km) by direct road link from the application site. The bus service runs hourly (No. 86) from roughly 6.30am until 9pm Monday to Saturday, with no services on Sundays or bank holidays.

73. Paragraph 61 of the NPPF sets out that planning decisions should address the connections between people and places and the integration of new development into the natural and built environment. Paragraph 38 of the NPPF promotes larger scale housing developments to have key facilities, such as primary schools and local shops within walking distances from most properties. TDLP Policies T7 and T8 encourage the use of public transport and cycling through new development. TDLP Policy GD1 includes similar requirements to encourage sustainable travel and also looks to ensure that new development should not generate unacceptable levels of traffic on the local road network. All three policies are considered to be consistent with the NPPF.
74. From the application site, Toft Hill Primary School is located at a walking distance of approximately 450 metres from the entrance to the site, with Bishop Auckland Town Centre and its range of services is 5.75km away. Tindale Crescent, an area of newer retail development that would attract future residents of this development is between Bishop Auckland and St. Helen Auckland to the south east of Toft Hill, and sits 3.26 miles away (5.25km). No direct, regular public transport option to Tindale Crescent is currently possible, with anybody wanting to travel between Toft Hill and Tindale Crescent needing to travel via Bishop Auckland.
75. Local residents have raised several concerns over the quantity and quality of the local bus service. The Council's Sustainability officer has raised concerns that the bus service to and from the village is poor. Similarly, the lack of employment opportunities within the village is limited due to the poor level of service provision, with opportunities within the wider area (such as Darlington, Durham, Crook) without direct access by public transport being extremely limited. Therefore, officers consider that the bus service provision in Toft Hill does not offer a significant alternative to a reliance upon the private motor car for accessing employment and major services offered in main towns beyond that of Bishop Auckland. These concerns carry significant weight with regards sustainability of the site.
76. Of the services within the Toft Hill / Etherley grouping, these are all accessible via the highway network or a network of public rights of way to the north of the application site, with only the highway network guaranteeing lighting of these linkages. This would discourage private car use to some degree, offering weight in favour of the proposals. However, the highway network features an inter-region main road (A68) which runs from Darlington in the south to Edinburgh in the north, and is the main road in the area. Residents cite traffic to be heavy at times and of varying sized vehicles, with Heavy Goods Vehicles a regular feature in their experience. Accessing Toft Hill Primary School on foot would require crossing of the A68.
77. Remaining policies within the TDLP that are of relevance to the site are considered to relate to specific matters rather than influencing the principle of the development.
78. Overall, it is considered that while walking distances to key facilities such as the primary school and public house are possible, future residents would have to travel some distance to access employment and major services, which in all likelihood would be undertaken by private car. The number of car journeys would be considered significant as a result of the number of houses proposed and the location of the site in relation to employment and major services. This carries significant weight against the

sustainability of the location of the site and as such, the development would be contrary to TDLP Policies GD1, T7, T8, and Paragraph 61 of the NPPF in this regard.

Highway Safety and Access

79. NPPF, at Paragraph 32, sets out that safe and suitable access can be achieved for all people while setting out that developments that generate a significant amount of traffic should be supported by Transport Assessments or Statements. In addition Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety, including the capacity of the road network to accommodate additional flows have been raised by local residents.
80. A previous planning application (ref: DM/16/02886/FPA) was refused under delegated powers for the creation of a farm access in the same location as proposed in this application for housing development. This new vehicular access to serve 100 dwellings is essentially the same in principle as that submitted previously; that of replacing the nominal parking spaces within the existing A68 lay-by with an alternative parking location within the application site. The current proposal goes further, by closing the existing A68 lay-by completely to facilitate a new access for residential development. Extensive dialogue has taken place between the Highway Authority and the highways consultant on this aspect of the proposals, and a revised scheme put forward which retains the A68 lay-by but which pushes the lay-by further into the field to the north and redefining the extent of the highway. The lay-by would be extended westwards by 40 metres and maintain visibility to the west along the A68 due to a set-back from the carriageway edge. The scheme proposed would meet the requirements of the Highway Authority, in principle.
81. The application is accompanied by a Transport Assessment (TA) which seeks to inform on and assess the key highways related implications of the development. This includes the accessibility of the development; trip generation and traffic assignment; future year flows; operational assessment of junctions; highway safety; and present highways works necessary to facilitate the development.
82. Following discussions with the Highway Authority, the applicant updated the TA with new figures for the modelling and with observations of queuing at the A68/B6282 junction, applying them to a longer timescale (10 years). The Highway Authority have noted that there has been a wide variation in queue length and note that this is likely due to the A68 being a popular HGV route that leads to a build-up of traffic on southbound movements due to the climb up into the village from the River Wear valley to the north. Observed queueing characteristics at the A68/B6282 Church Street priority junction, by both the highway consultant and Highway Authority, were that queueing on the A68 eastbound approach was at times lengthy but also capable of quick dissipation to zero or near zero across immediately adjacent 5 minute time periods. The Highway Authority conclude that the proposal will result in additional delays at this junction at peak periods. In considering the traffic impact therefore, consideration has been given to alternative junction control types, albeit, each of these has drawbacks at this location and/or would be difficult to implement given existing geometry and the need to incorporate existing accesses. On balance therefore, while additional delays at this junction would be experienced it is not deemed that these would form a severe, cumulative impact upon the highway network, as required under the terms of paragraph 32 of the NPPF.
83. As a result, the proposed development would not lead to a severe residual cumulative impact in the context of Paragraph 32 of the NPPF.

Landscape Impact, Layout and Design

84. TDLP Policies GD1 and H12 require that developments should be designed and built to a high standard which contributes to the quality of the built environment while also having an acceptable impact on the surrounding landscape of the area, whilst TDLP Policy ENV10 seeks to avoid unreasonable loss or harm to protected or mature trees. This is reflected in Parts 7 and 11 of the NPPF which also seek to promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
85. Paragraph 58 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. It is therefore considered that full weight can be afforded to TDLP Policies GD1, H12, ENV10 and ENV12 due to their compliance with the NPPF in this respect. Therefore the key policy consideration in this matter is whether the site is read as an appropriate natural extension to the village, or is read as an incursion into the open countryside, and whether it represents good design.
86. Landscape officers note that the site lies within a Landscape Improvement Area as defined in the Durham Landscape Strategy, but not within any nationally or locally designated landscapes. The site is characterised by a strong, urban edge with dwellings, and their gardens and boundaries forming the edge of the settlement to the application site boundary. This scheme proposes a 15 metre structure planting belt along the western site boundary, albeit with limited details of a specific planting strategy provided at this outline stage. Its purpose would be to limit the visual impact of the proposed development as a result of its incursion in to the countryside. Landscape officers consider the success of the structure planting would be linked to details of the planting scheme.
87. Landscape officers also raised concerns that the visual impact of the development would be exacerbated by the proposed loss of two mature roadside trees in order to create the proposed vehicular access. These trees are assessed as making a significant positive contribution to the streetscape, and the Landscape officer notes that they should be retained.
88. In broad landscape terms, the position of the site against the edge of the built environment would have a significant impact upon the countryside in this location. The loss of mature trees to the highway edge, which have a significant visual amenity value within the views taken from the highway (A68), would also cause significant harm and would be a material consideration in the planning balance.
89. The scheme would feature 0.69Ha of open space, the majority of which would form part of the structure planting belt to the western boundary of the site. The indicative layout also includes a drainage pond to the north east corner of the site that would likely form part of the drainage scheme for the site, with detail to follow at a later planning stage.
90. In summary, the development acknowledges its incursion into the countryside through the provision of structure planting along the open countryside boundary. This mitigation is undermined by the loss of mature trees to the highway boundary where the creation of the main vehicular access to the development would require their removal. Incursion of the built form into the open countryside and loss of the mature trees are both aspects of the development which cause a significant adverse impact upon the immediate countryside and streetscene and which both represent a conflict

with Paragraph 58 of the NPPF which aims to protect the character of areas and streetscapes.

Affordable Housing

91. In order to widen the choice of high quality homes and widen opportunities for home ownership, Paragraph 50 of the NPPF encourages the provision of affordable housing based on evidenced need, where Local Authorities should “plan for a mix of housing”, “identify the size, type and tenure of housing that is required in particular locations” and “where affordable housing is needed, set policies for meeting this need on site”. The up-to-date evidence in the Strategic Housing Market Assessment by the Council establishes a requirement for 15% provision in West Durham, amounting to 15 dwellings in this case.
92. This would be delivered in the form of 75% affordable rent (11 units) and 25% affordable home ownership (i.e. discounted sale – 4 units). The applicant has confirmed that this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 (as amended).

Residential Amenity

93. TDLP Policy GD1 also requires that development should not disturb or conflict with adjoining uses, and also not compromise public health. This Policy is considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 11 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
94. Given the outline nature of the application no indicative site layout has been provided and so further comment upon this aspect should be reserved for a later planning stage. However, Officers consider that the site could accommodate the amount of development proposed whilst ensuring adequate privacy and amenity for both existing and prospective occupiers.
95. The Council’s Environmental Health officer has, however, raised concern over the proximity of the proposed access to the development in relation to the existing properties to the east (Osbourne Bungalow, properties to Castlefields). Daily vehicle movements using this road and junction could result in an adverse impact to the amenity of these properties, and the access road should be moved away (west) to reduce the impact or mitigation proposed. No mitigation has been proposed in the application.
96. Similarly, the proposals would likely see new development constructed close to the A68, the busy main road through the village. The potential for adverse impact upon the future occupants of any new housing adjacent to the A68 is noted by Environmental Health Officers.
97. No assessment of background noise or the noise climate of the immediate area has been undertaken and no subsequent mitigation measures proposed. Therefore, proposals would be in conflict with TDLP Policy GD1 and these concerns would carry weight against the proposed development.

98. With regard to air quality, the application is accompanied by an air quality risk assessment which finds that the impact of the development upon air quality during the construction and once occupied would contain some potential risks. Further work is on-going between the applicant's air quality consultant and the Council's Environmental Health officer to agree a suitable strategy which will be reported to members at the committee meeting.

Ecology

99. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. TDLP Policy GD1 seeks to protect the ecology of the plan area, and is consistent with Part 11 of the NPPF in this regard. There are no designated areas which border the site or within 2km of the site boundaries. An ecology appraisal has been submitted with the application, highlighting that no species that are afforded special legal protection under the Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site. The reports therefore conclude that the risk of protected species being on the site or the development being a risk to the protected species are low. The report also concluded that no further survey work was required. The County Ecologist has considered the content of the submitted information and has advised that the findings are sound. As there would not be a disturbance to an Ecologically Protected Site (EPS), there is no need to consider whether an EPS Licence would be likely to be granted.
100. As an outline planning application, limited detail of mitigation measures for developments of this nature (i.e. greenfield) is possible, however general principles can be proposed, and following discussion with the County Ecologist a suitable Ecological Mitigation and Compensation Strategy has been included within an amended Ecology Appraisal and is considered acceptable with regard to NPPF Part 11 and TDLP Policy GD1.

Public Open Space

101. TDLP Policy H1A seek to ensure adequate provision of open space and recreation space is provided in new housing development. This Policy is considered only partially NPPF compliant as the evidence base has now been updated within the Open Space Needs Assessment (OSNA). The Council's Open Space Needs Assessment (OSNA) 2010 is considered the most up to date assessment of need for the purposes of Paragraphs 17 and 73 of the NPPF.
102. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for six typologies, either within the site, or through a financial contribution towards offsite provision, in lieu. Having regard to the proposed layout, it is considered that the development accommodates 0.69ha of open space which is formed primarily from the proposed western structure landscaping, SuDs drainage basin and other pockets of open space indicated upon the indicative site plan. To ensure that this would be delivered, a condition to require this 0.69ha of open space as a minimum would be appropriate were a positive recommendation made.
103. While an amount of open space is proposed on site, this is below the 1Ha of space required by the OSNA. As this is not proposed on site, the applicant has offered a contribution in lieu of provision on site to cover the shortfall to enable renovation and improvements to existing areas of open space within the electoral division. This financial contribution has been calculated using the OSNA (2010) as £295,200, and

would be secured by way of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).

104. Overall therefore, the application is considered to be in accordance with TDLP Policy H1A and Paragraph 73 of the NPPF with regards to the provision of public open space.

Flood Risk and Drainage

105. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. TDLP Policy ENV15 states that development which may be at an unacceptable risk of flooding, or may increase the risk of flooding elsewhere will not be permitted. This policy is considered to be NPPF compliant and can continue to be afforded significant weight.
106. The application is accompanied by a Flood Risk Assessment (FRA), which highlights that the application site is located within Flood Zone 1 with a low flood risk possibility. The FRA identifies that the site is at low risk of flooding from fluvial, groundwater and overland flows due to the elevated nature of the site close to the watershed.
107. With regards to how the development would address drainage, the FRA outlines a source control methodology which is in line with the Council's Sustainable Urban Drainage Systems Adoption Guidance. An attenuation basin would form part of that methodology and would be located within the application site. Overall, a discharge rate of 7.8 l/s is proposed based upon the greenfield run-off rate calculation which would infiltrate into the ground via a soakway. No further detail beyond the above is possible due to the outline nature of the planning application.
108. The Council's Drainage and Coastal Protection officers have indicated that they welcome the adherence to the Surface Water Management Train, but that the infiltration of surface water run-off should be confirmed via a geo-technical site investigation report.
109. The development proposes to follow all aspects of the Council's surface water management train and so would provide a suitable scheme of surface water drainage in principle that the development would meet the required greenfield run-off rate. A lack of confirmation that discharge from the drainage basin can successfully soakway is noted by Drainage officers, however the FRA indicates the requirement to adhere to the established hierarchy of surface water disposal (soakway, watercourse, drainage system). On balance, the proposed scheme of surface water disposal is acceptable and compliant with TDLP Policy ENV15 and Part 10 of the NPPF.

Heritage Impacts

The application site does not lie within a designated heritage asset. The closest designated heritage asset is Houghton House, a grade II listed building situated approximately 400m away to the west. In assessing the proposed development regard must be had to the statutory duties imposed on the Local Planning Authority under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. When considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses. If harm is found any such harm must be given considerable importance and weight by the decision-maker.

110. Design and Conservation officers note the farm house is surrounded by farm development and that the impact upon the setting of the designated heritage asset is minimal at this distance. In terms of non-designated heritage assets, none have been identified within the immediate vicinity of the site.
111. Design and Conservation officers raise no objections to the proposal noting the site contains no designated or known non-designated heritage assets nor are there designated close to the application site.
112. Paragraph 134 of the NPPF states that the impact of an application upon the significance of a designated heritage asset should be taken into account in the determination of the application, and that the scale of any harm or loss to significance should be weighed in the balance. In this instance, with there being no impact upon significance, the application is considered to be acceptable in this regard, and in accordance TDLP Policy BENV3 and Part 12 of the NPPF.

Other Issues

113. A formal public footpath (No. 43, Etherley Parish) crosses the site from west to east and would be required to be accommodated and improved through new surfacing, and in parts adopted highway footpath, with no objections in principle offered by Access and Rights of Way officers.
114. The School Places Manager has advised that there are sufficient places at secondary schools in the vicinity of the development; however there would be no space available for primary aged pupils in the vicinity. As such, a development of 100 dwellings would generate 30 primary school pupils and as such a contribution of £412,650 would be required to facilitate the expansion of nearby Toft Hill Primary School. The applicant has confirmed that they would make such a financial contribution by way of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
115. A phase 1 ground investigation report has been provided by the applicant in response to the proposed sensitive end use of the site. The report has identified a suitable methodology and outlined an appropriate scope for the site investigation works. Environmental Health and Consumer Protection officers raised no objection to the proposal. The proposed development therefore complies with Paragraphs 109 and 121 of the NPPF which would ensure the site and the surrounding area would be safe from contamination risks.
116. Residential travel planning forms a part of encouraging future residents to utilise sustainable modes of public transport. Submitted with the application was a framework travel plan for the development. Revisions have been requested by the Council's Travel Planning Team and submission of a revised plan could be secured through condition.

Planning Balance

117. As a result of relevant policies for the supply of housing being out of date (and not up to date in the absence of a 5 year housing land supply), the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF, which states that permission should be granted unless, any adverse impacts of doing so would significantly and demonstrably outweigh the

benefits, or specific policies in this Framework indicate development should be restricted. No specific policies within the NPPF are considered to indicate development should be restricted and therefore planning permission must be granted unless any adverse impacts of the proposed development significantly and demonstrably outweigh any benefits.

Benefits

118. The development would assist in contributing to housing land supply at a time when the Council cannot demonstrate a 5 year housing land supply against an objectively assessed need. Recent Case law states that the weight given to a proposal's benefits in increasing the supply of housing will vary, depending, amongst other things, on the extent of shortfall, how long a shortfall might persist, and how much of it the development would meet.
119. Given that even in the most exacting scenario, the Council can demonstrate 4.2 years of supply; it is considered reasonable to suppose that any shortfall is likely to be temporary, and that there is likely to be a boost in supply through housing allocations, once the County Durham Plan is adopted. Consequently, it is considered that the approval or otherwise of this particular development would not be critical to the overall supply of deliverable housing sites in the County. As a result, the benefits of this scheme in terms of boosting housing delivery are limited, and less weight should be afforded to the benefits of delivering new housing than would otherwise be the case if a less healthy land supply position applied.
120. Nevertheless, this boost in supply would extend to the delivery of affordable homes as the development proposes the delivery of 15% affordable housing provision in accordance with the Strategic Housing Market Assessment (SHMA).
121. To a degree the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.

Adverse Impacts

122. The Toft Hill / High Etherley village grouping is not considered to be a location that is sustainable for a development of the scale proposed, with limited access to a range of services and facilities within the village. As such, there would be a greater reliance by prospective residents upon the private motor car to access day-to-day services and facilities, contrary to the core principles of the NPPF.
123. The proposed development would be an incursion into the countryside which, despite attempts to mitigate, would result in adverse landscape harm to an area of open countryside.
124. Creation of the proposed access to the site would result in changes to the current roadside layby arrangement and the loss of healthy, mature roadside trees that make a significant positive contribution to the streetscape; their loss would have a detrimental impact upon the wider streetscene of the village.

CONCLUSION

125. The proposed development is considered contrary to Paragraphs 38 and 61 of the NPPF, which promote the sustainable development of residential developments with close access to key facilities and services. However, the NPPF sets out that on the basis of the Council's housing land supply position and the out-of-date nature of its relevant housing land supply policies, that the presumption in favour of sustainable development is engaged. In the context of Paragraph 14, the development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
126. As set out above, the proposed development would result in adverse impacts through its poor access to services and facilities, landscape impact and mature tree loss and collectively it is considered that such adverse impacts would significantly and demonstrably outweigh the marginal benefits identified above.
127. The proposal has generated significant public interest, with 100 letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

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

1. The Local Planning Authority considers that the adverse impacts of the development in terms of the proposal's poor access to services and facilities resulting in reliance upon private car movements and the adverse landscape impacts are such that they would significantly and demonstrably outweigh the benefits in the context of Paragraph 14 of the NPPF, and accordingly, the proposals are considered contrary to Policies GD1, ENV1, T7, and T8 of the Teesdale District Local Plan and Paragraphs 38, 58, and 61 of the NPPF.

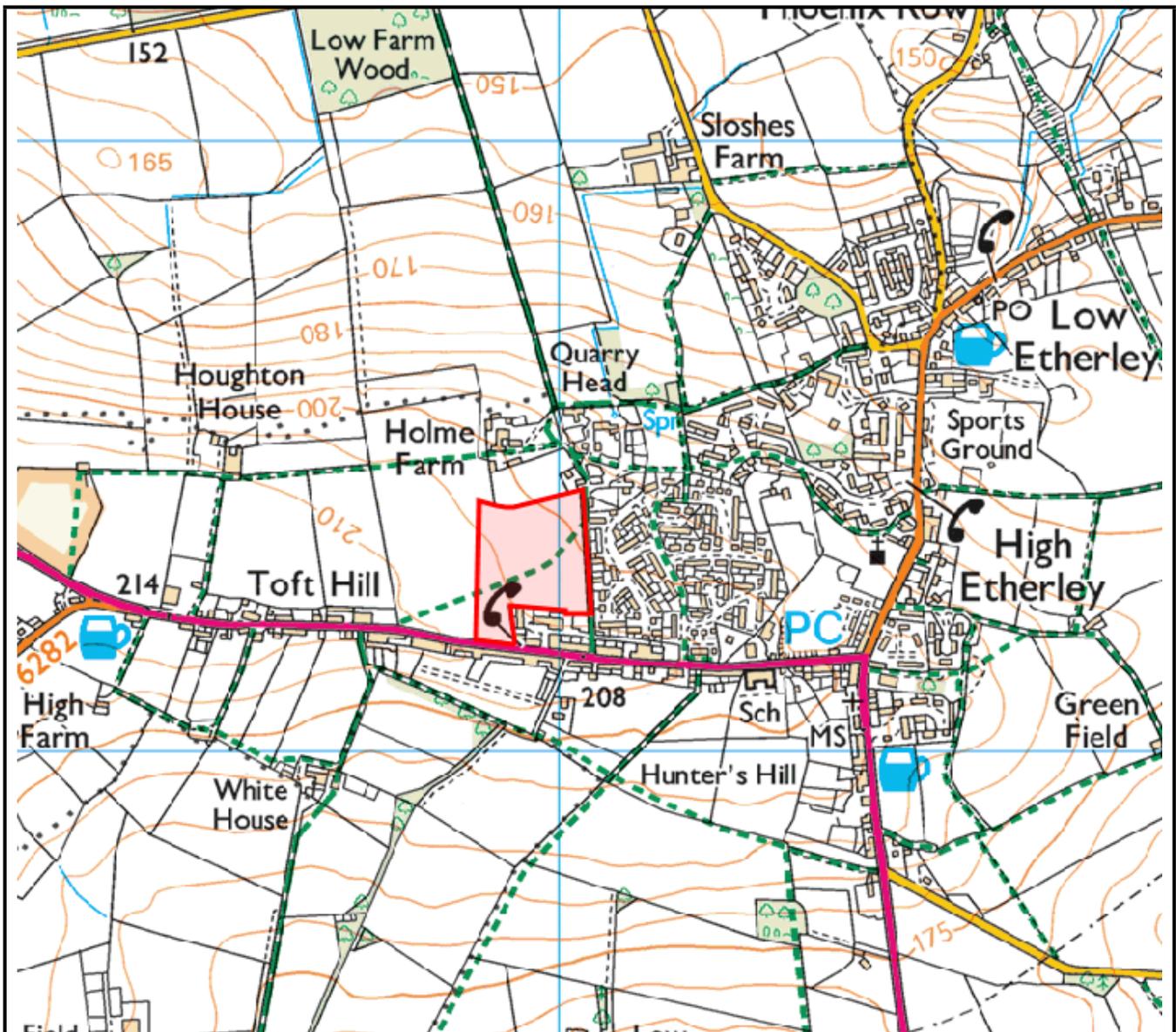
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- County Durham Settlement Study (2012)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- National Planning Practice Guidance

- Teesdale District Local Plan
- Evidence Base Documents e.g. SHLAA, SHMAA, County Durham Settlement Study and OSNA
- Statutory, internal and public consultation responses



Planning Services

DM/17/00518/OUT

Outline application for residential development (up to a maximum of 100 dwellings), including access, with all other matters reserved (amended details, July 2017).

Land At Holme Farm, Toft Hill, Bishop Auckland

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Comments

Date Sept 2017

Scale Not to scale