

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/02967/OUT
FULL APPLICATION DESCRIPTION:	Outline all matters reserved except access for construction of 12no. dwellings including demolition of farm buildings
NAME OF APPLICANT:	Mr & Mrs M Betney
ADDRESS:	Green View Lodge Hamsterley Bishop Auckland DL13 3QF
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises of an existing pig farm and part of an adjoining field to the south of Saunders Avenue in Hamsterley. Site area is 0.82 hectares and the majority of the site, apart from the initial section of access lies beyond the Hamsterley settlement boundary and therefore within the countryside. Hamsterley is a village of rural character closely surrounded by open farmland. It is set mainly on an east to west axis along Saunders Avenue around areas of registered village green, which includes the strip of land along the site frontage on Saunders Avenue. The surrounding countryside is designated in the Teesdale Local Plan as an Area of High Landscape Value (AHLV).
2. The pig farm is accessed off Saunders Avenue between Green View Lodge and the Working Mens Club. The main buildings lie approximately 120m south of Saunders Avenue and comprise a series of timber clad pig housing buildings and feed silos. Public footpath number 6 runs down the first 90m of the farm access before branching west into the adjacent field and travelling south through the field alongside the farm buildings. Hamsterley Primary School and its associated playing field lies to the north west of the site. The site boundaries contain groups of mature trees and shrubs, particularly to the northwest and southeast.
3. The application is in outline for residential development of 12no. dwellings with access being the only matter not reserved for future consideration. As such, apart from the access details, the proposed site layout plan is treated as indicative. The proposed access would involve works to the existing access onto Saunders Avenue to create an adoptable access to serve the new dwellings. This would include widening the junction with 6m radii, pedestrian footpaths and alterations to the parking and access arrangements for Green View Lodge and Green View. These works would be on land registered as village green.

4. The application is reported to the Planning Committee as it constitutes a proposal for major development.

5. PLANNING HISTORY

6. There is limited planning history available for the site and that which does exist is related to the existing pig farm at the site. Planning approval for 3 pig fattening houses was refused in 1978, while planning approval was granted for the erection of an implement house in 1980.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
8. *NPPF Part 4 – Promoting sustainable Transport.* The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
11. *NPPF Part 8 - Promoting healthy communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with

communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning.

12. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
13. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
14. *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.

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

LOCAL PLAN POLICY:

15. The following saved policies of the Teesdale Local Plan are relevant to the application:
16. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
17. *Policy ENV1: Protection of the Countryside.* This policy restricts the type of development that would be permitted in the Countryside. Tourism and recreation developments would be considered acceptable where compliant with other policy and where they do not unreasonably harm the landscape and wildlife resources of the area.
18. *Policy ENV3: Development Within Or Adjacent To An Area Of High Landscape Value* The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
19. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.

20. *Policy ENV15 Development Affecting Flood Risk:* Development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. Where appropriate, new development should incorporate a sustainable drainage system in order to manage surface water run-off
21. *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. Where main drains are not available to serve a development, alternative methods of sewage disposal will be assessed by the developer in line with the advice in Circular 3/99, prior to the determination of the application.
22. *Policy H1A: Open Space within Developments:* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.
23. *Policy H14: Provision Of Affordable Housing within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.
24. *Policy TR10: Development affecting Public Rights of Way* Development which would directly affect a public right of way will only be permitted if an acceptable and equivalent alternative route is provided. Where possible development should facilitate the incorporation rather than diversion of public rights of way.

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

RELEVANT EMERGING POLICY:

The County Durham Plan -

25. 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 was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. *Hamsterley Parish Council:* Has made a number of comments:

- The access will cause risk of accident.
- More parking congestion because of proximity to the school.
- Increased pressure on services and utilities within the village.
- The access road would require alteration and crossing of the village green, which DCC cannot authorise.

27. *South Bedburn Parish Council*: support this application but would like to see more than 2 affordable houses.

28. *Highways Authority*: The northern section of the site has Village Green status (reference VG45 on DCC records). The development would require the highway serving the proposed dwellings to be constructed and laid out to an adoptable standard. This will affect the Village Green land both in terms of physical extent of new engineering works upon Village Green grassed areas and likely reconstruction of areas already hardened. My understanding is that this would require the agreement of Village Green trustees, and may require an application to the Planning Inspectorate. Without this matter being addressed I cannot conclude that an appropriate access will be available therefore would ask that the application is not determined in the meantime pending further information.

In relation to parking provision plots 1 and 2 must to have 2 car spaces each. Plot 12 parking - the hard paved parking area should be extended fully to the eastern site boundary to permit vehicles to exit the plot in a forward gear (the plot is at the end of a long cul de sac). Please verify if the historical vehicular access to the existing dwelling Green View is to be terminated and if the 'gifted area' is intended to be accessed from the proposed new adoptable highway only.

29. *Northumbrian Water*: No objections subject to drainage condition.

INTERNAL CONSULTEE RESPONSES:

30. *Education*: There are sufficient primary and secondary school places available to accommodate pupils from this development.

31. *Affordable Housing*: The Strategic Housing Market Assessment (SHMA) sets out the affordable housing requirement across the County, the West delivery area has an affordable housing requirement of 15%, equating to 2 affordable units across this development, as has been proposed. A discount market sale product would be acceptable, but an indication of open market price is required to allow the percentage discount to be determined to ensure the units comply with affordability criteria.

32. *Contaminated Land*: Contaminated land condition required.

33. *Drainage and Coastal Protection Team*: For Outline Planning we are satisfied with the surface water drainage proposals as per the flood risk and drainage assessment RO/FRA/17058.1. However we would like to see above ground attenuation developed for the final drainage proposals as opposed to below ground attenuation. This can be further discussed when the full planning application is made.

34. *Ecology*: I have viewed the Preliminary Ecological Appraisal and I am satisfied that the site is generally of low value for priority or protected species and habitats. It is however noted that the recommendations suggest that both bat and breeding bird features should be built into the proposed new houses on site. The number of these

to be included have however not been stated. In order to ensure a net gain as required by the NPPF, it is recommended that at least 4 integral bat roost units, and at least 5 bird boxes (a mixture of house martin cups, sparrow terraces, and a swallow overhang) be included in the proposed development. This should be the subject of a condition, and be included in the proposed elevations or site plan at reserved matters stage to ensure it is deliverable.

35. *Landscape Section*: The site is within an Area of High Landscape Value and is outside the settlement boundary. It is primarily visible from the public footpath that passes north-south across part of it. The majority of the site shown for development is currently taken up with the pig farm buildings and a suitable development could potentially result in a significant visual improvement. However the part of the site immediately south of Hamsterley Primary School is currently a field and its development would result in a negative change in the landscape character, which I would resist.

The tree survey makes clear that there is no arboricultural justification for the removal of most of the trees that are proposed for removal simply because they are in the way of the proposed layout. I therefore oppose the removal of trees 1, 2, 3 and 6 as contrary to saved policies ENV1, ENV3 and ENV10. The purpose of carrying out a tree survey is to enable the site layout to avoid damaging retained trees. These trees should be retained, and it is clear that a significant revision of the layout is required.

36. *Landscape Section (Trees)*: The site has numerous trees around the perimeter, both in and outside the boundary of the development. The proposal will look to remove the majority of the trees inside the site and while some of the trees have faults, they are prominent and visible from the main road and the public footpath and the loss would be to the detriment of the visual amenity. As these trees are generally around the perimeter of the site, it is feasible for some development to take place while retaining most of them and replacing others that are in a poorer condition.

Many of the trees in the site that are marked for removal are in reasonable condition and make a positive impact to the visual amenity. The development is therefore not supported from an arboricultural perspective and conflict is identified with Policy ENV10.

37. *Archaeology Section*: The proposed layout indicates that much of the new development will be located over the current farm buildings. These buildings are likely to have destroyed any below-ground deposits. I therefore have no objection on archaeological grounds.

38. *Noise Action Team*: No Objection.

39. *Public Rights of Way*: In the event of approval an application to divert this footpath will be required and the drawings have suggested a proposed new route. On the basis of approval of the layout I am assuming that the public right of way will follow the footpath within the new development to then be part of future adoption. Once this path leaves the adopted network I would expect a high quality path to be provided for the full length to where it meets footpath 5 to the south of the development, at this point a gate will need to be provided. Between plots 9 and 10 where it is proposed to provide a gated access for pedestrians and agricultural vehicles, I would suggest that a separate gate for public use needs to be provided. This would enable the agricultural gate to be locked for security or any future stock control. We will also need to discuss with the agent how access by the public will be maintained during development.

Can I therefore ask that in the event of approval a condition is included whereby discussions are commenced as soon as possible with the Rights of Way section to agree on path specifications, width, materials, and furniture and access provision to the remaining section of path outside the development.

PUBLIC RESPONSES:

40. The application has been publicised by way of press notice, site notice and neighbour notification letter.
41. Support has been received from Councillor Heather Smith who considers that the development will provide much needed new housing in the village along with two affordable homes. She notes that complaints have been made to her about smell from the site and suggests that development of this site would provide support to existing services and facilities within the village. She has noted a positive response to a public consultation exercise undertaken by the applicant.
42. In addition there were three further letters of support on similar grounds of environmental improvements from removal of the pig farm and benefits of additional housing in the village.
43. Two letters of objection have raised concerns that the rural appearance surrounding Hamsterley should be retained and that the negative impacts identified in relation to the pig farm have been overplayed. There is also concern that the access would cross registered village green and cause highway safety issues.
44. The adjacent Hamsterley and District Social Club is concerned about possible impact on their access.

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

APPLICANTS STATEMENT:

45. You have before you a wholly reasonable and well-conceived proposal for a modestly-scaled residential development of 12no. houses in the village of Hamsterley, two of those dwellings being affordable homes. The scheme represents a huge opportunity for the village, as it proposes the removal of a long-standing issue in the village, that of a pig farm, and its replacement with new, well designed housing which will bring new life-blood into the village, with the prospect of reinforcing the well-being of the future of the village, with such support as the prospect of new children for the village primary school.
46. Disappointingly, the planning and landscape officers in particular have taken issue with one aspect of the proposal, in that whilst it is acknowledged that the area occupied by the unsightly pig-farm buildings can be redeveloped, they are resisting the application because it includes a limited area of worthless land covered in nettles and thistles which adjoins the farm buildings, and which has been included in the proposed development in order to ensure the viability of the scheme. If the scheme was not to be viable, then it makes little sense to the farmer other than to continue with what is a profitable, though noxious, pig-rearing enterprise. The farmer stands at a crossroads, as he has to either invest considerably in the upgrade of the pig farm for environmental and animal welfare reasons, or he achieves a viable planning permission for the redevelopment of the site, for which a local builder based within

the Bishop Auckland area, employing a local workforce, has already expressed an interest.

47. The officers argue that the use of the area of scrubland included in the application site represents an intrusion into what is a piece of valued countryside, with a resultant impact on the general landscape. Members are requested to closely consider this opinion when visiting the site. It is regrettable that in coming to this position, officers seem to have paid little, if any, attention to the assessment report prepared by a landscape architect consultant engaged at some expense by the applicant and whose report found that the landscape impact was negligible, if it existed at all.
48. A public consultation exercise was undertaken in August 2017 prior to the submission of the application, when all residents in and immediately surrounding Hamsterley were provided with a document explaining the proposal (This document will be available for Members at the Committee). Although the response was limited, over 90% of responses were overwhelmingly in favour of the opportunity to see the removal of the pig farm and the end of the odour pollution across the village. This message formed part of the application submission to the Council.
49. All that is being sought in this application is the realisation of the opportunity to remove the pig farm and its associated problems, and replace it with a modest development wholly proportionate to the village of Hamsterley. This is a development which, it is categorically believed, would not have a negative impact on the village or its surrounding countryside, and which certainly does not have adverse impacts which significantly and demonstrably outweigh the benefits of the development, and this is the test Members are obliged to consider as required by the NPPF.

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 issues are whether the proposal would constitute sustainable development, having particular regard to whether the site would be a suitable location for housing having regard to reliance on private car travel; the effect on the character and appearance of the area and affordable housing and open space requirements.

Planning Policy Context

51. The main part of the application site lies outside the development limits of Hamsterley as defined in the Teesdale Local Plan and is consequently within the countryside for the purposes of saved policy ENV1 of the Teesdale Local Plan. Policy ENV1 seeks to protect and enhance the countryside and only allows for development that is required for the purposes of agriculture, rural diversification, forestry, nature conservation, tourism, recreation, local infrastructure, or related to existing countryside uses, subject to landscape impact and satisfying other relevant policies. The proposal is not for one of the specified purposes and is therefore contrary to policy ENV1.
52. 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, housing policies in a Local Plan such as Policy ENV1 cannot be considered up to date.

53. In June 2016 consultation was carried out on the County Durham Plan Issues and Options, which presented three alternative assessments of housing needs, each based on average net completions up to 2033 (the end of the proposed plan period), these being:

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)

54. 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 need figure the Council took the position that it could demonstrate a supply of 4.91 years of deliverable housing land, against the middle figure around 4.51 years' worth supply and against the highest figure, 4.20 years of supply.

55. Whilst none of the three scenarios within the Issues and Options were publicly tested, they served to demonstrate that set against varying potential figures, the Council had a relatively substantial supply of housing at that time.

56. However, on 14 September 2017, the Government published a consultation document entitled "Planning for the Right Homes in the Right Places". That consultation introduced a standard methodology for calculating housing need. Applying that methodology for County Durham, the housing need figure would be 1,368 dwellings per annum. This is still a consultation document and final figures may yet change but on this basis, the Council would be able to establish a supply of housing land in excess of 5 years.

57. Case law indicates that the boost to housing supply is a material planning consideration which should be factored into the planning balance test under Paragraph 14.

58. Given that the most up to date OAN methodology is contained within a consultation draft only and the very recent publication of that document, the Council is yet to formalise its position on the issue of 5 year land supply. In the interim period until it does so, it is considered that the three scenarios identified in the Issues and Options stage can no longer be relied upon and accordingly, the weight to be given to any benefits a housing proposal might have in terms of the boost to housing supply ought to be less than if the Council were to continue to rely upon the Issues and Options scenarios where a 5 year supply could not be demonstrated.

59. Given that Policy ENV1 is considered out of date in relation to housing supply, this engages Paragraph 49 of the NPPF which requires that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF explains that for decision making, this means granting permission unless any adverse impact would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted. The proposal is therefore subject to the planning balance test, which will be considered in the sections below.

Location

60. Hamsterley is classified in the County Durham Settlement Study as a tier 5 small village, but it does have some facilities including a primary school. The site is not isolated from the village and new development would help to support the existing

services and facilities. Accordingly there is no significant conflict with the aims of NPPF paragraph 55 in respect of avoiding isolated dwellings in the countryside.

Impact on the character and appearance of the area

61. Whilst saved policy ENV1 has been considered out of date in respect of housing supply, this does not mean that it can be completely disregarded, as it remains part of the development plan. The secondary aim of policy ENV1 is to help protect the intrinsic value and character of the countryside.
62. In addition, Policy ENV3 states that within the Area of High Landscape Value development will be permitted where it does not detract from the area's special character and pays particular attention to the landscape qualities of the area.
63. Policy GD1 sets out various criteria that will be applied to all new development. Amongst these is criterion (I) which seeks to ensure that new development would not unreasonably harm the rural landscape of the area. Criteria (B)c) requires landscape and natural features on the site to be retained and incorporated into the design and layout of the scheme to ensure development is in keeping with the character and appearance of the area.
64. When read together, Policies ENV1, ENV3 and GD1 expect a comprehensive and co-ordinated approach to development which takes account of the site's natural and built features and its relationship to the surrounding area. They also seek to ensure that new development creates a sense of place that incorporates satisfactory landscaping, including existing landscape features, and maintains the character of the countryside. These aims are consistent with the NPPF, which expects new development to be of a high standard of design that takes the opportunities available for improving the character and quality of the area and recognises the intrinsic character and beauty of the countryside.
65. The character of the application site is mixed. The part of the site that hosts the existing pig sheds is of poor environmental character. Its appearance within the site is however significantly worse than from outside the site. Although no strong odour was noted at the time of the visit, the Council's Environmental Health section has previously investigated odour at the site on several occasions over the last few years, although no odour-related action has been taken. Whilst agricultural land and buildings are excluded from the NPPF definition of previously developed land, removal of the pig farm would be an environmental benefit and an appropriate redevelopment scheme on the part of the site that hosts the pig sheds would be welcomed.
66. However, the development proposal is not just confined to the area occupied by the farm buildings. The application site also includes part of the field to the west of the pig buildings, which would extend the built development into undeveloped countryside in a manner which would not represent a natural extension of the built form of the village. The applicant's landscape assessment has significantly underplayed the value of the landscape and impacts. It fails to acknowledge that the land has a designation as an Area of Landscape Value and that development into the field would necessitate the removal of good value trees which contribute positively to the landscape character.
67. Hamsterley is a rural village where the countryside runs closely up to the settlement itself and is designated as an Area of High Landscape Value. This is considered to represent a valued landscape in line with the NPPF due to the function it performs in relation to the rural character of the settlement. There is a public footpath passing

directly through this particular field and a notable group of trees along the field boundary next to the buildings in the upper part of the site, which increases the contribution of this field to the rural character of the village. The condition of the field itself has been allowed to become overgrown through the absence of active agricultural use and management, but there is no reason why that could not be improved and therefore its current condition does not carry significant weight to justify its development in a way which would have a permanent negative landscape impact.

68. The encroachment of development into the adjacent field would necessitate removal of the tree group along the boundary. These trees are visible from Saunders Avenue and from public footpath no.6. The Tree Survey classifies these trees as category B and C and are therefore worthy of retention. Any dwellings along the access behind Green View Lodge would also conflict with the adjacent trees in the school grounds, which form part of the valuable tree group that is visible from Saunders Avenue.
69. On the whole, the encroachment of development beyond the built up area of the pig farm and loss of trees would in combination be to the detriment of visual amenity and landscape character.
70. As far as the access works are concerned, the improved access onto Saunders Avenue would necessitate the widening and formalisation of the existing driveway access to an adoptable standard road with radii and pedestrian footpaths spanning the majority of the front of the site. As pointed out in a number of representations, the land to the front of the site is registered village green. Whilst this would also require separate consent for development on a village green and there is no guarantee such consent would be given, it is a matter for the applicant. There would however be a significant change to the character of the site frontage. At present the access is domestic in character and the grassed area, although cut by driveway access to the adjacent property, is clearly viewed as part of the village green extent on the southern side of Saunders Avenue. The village green is an essential part of the character of the village. The formal access road would be unlike any other residential access in the village and together with the effect on a section of village green there would be a materially harmful impact on the character and appearance of the area from this formal access road.
71. Taken as a whole, it is considered that the proposal for 12 dwellings could not be successfully accommodated without causing harm to the character and appearance of the area. There is conflict with Teesdale Local Plan Policies ENV1, ENV3 and GD1(B).

Affordable Housing

72. In line with saved Policy H14 of the Teesdale Local Plan and advice from the Council's Housing Section, there is a need for the provision of affordable housing in the area, equating in this case to the delivery of 2 affordable units in the development. This Policy is consistent with the NPPF in respect of delivering a wide choice of high quality homes and to create sustainable communities. The Council's Housing section has confirmed that the affordable units could be Discount Market Sale as long as the discount applied ensures the units can be considered affordable.
73. The applicant has indicated willingness to enter into a S106 agreement to secure the 2 discount sale units. The applicant's current suggestion of a sale price equating to 75% of market value would not meet the Council's identified affordable house price figure of £96,500 so further work would be required on the S106 before it could be said that the scheme makes appropriate provision of affordable housing.

Open Space

74. Policy H1A seeks the provision of open/play space within developments of 10 or more dwellings. This is in accordance with the aims of NPPF Part 8, which recognises the important role planning can play in facilitating social interaction and creating healthy communities through delivery of social and recreational facilities.
75. The Open Space Needs Assessment (OSNA) identifies a deficiency of useable open space play space in the Hamsterley and South Bedburn electoral area. The only formal play or recreation facility in Hamsterley is the tennis courts at the far west of the village, approximately 700m from the application site. There is a distinct lack of a children's play area.
76. The development of 12 family homes would increase the need and use of open space and recreation facilities. In line with the OSNA, the development should provide a minimum of 54 sqm of play space within the development together with an offsite contribution of £20,665 towards the maintenance or improvement of other types of open/recreation space in the locality.
77. The indicative scheme did not initially propose to secure any play space within the site, but was willing to secure the additional £20,665 off site contribution in a S106 agreement. The applicant has however now agreed to provide the necessary play space within the site. This could be secured through the S106 in addition to the off-site payment and the details would be finalised through any reserved matters application. There is no conflict with Teesdale Local Plan Policy H1A.

Highway Safety

78. There have been representations concerned with safety of the access, but the Highway Authority is satisfied that the proposed access would not be detrimental to highway safety. Detailed comments about parking spaces could be addressed at reserved matters stage.
79. The Highway Authority is however concerned that the access works are dependent on getting other consents for development on a village green and therefore the ability to secure an appropriate access is uncertain. They have requested that the application is not determined until this matter is resolved.
80. However, as this is a matter outside the planning system it would not be appropriate to delay determination of the application. It is ultimately a matter for the applicant to sort out and if the necessary village green consent was not obtained the development couldn't go ahead anyway.
81. There is no conflict with Teasdale Local Plan policy GD1 in respect of providing safe access.

Other Issues

82. Encroachment of development into the adjacent field would obstruct the public footpath (No.6 Hamsterley) which runs through the field alongside the farm buildings, necessitating its diversion through the development. The diversion would require separate consent. Teesdale Local Plan Policy TR10 states that where possible development should facilitate the incorporation rather than diversion of public rights of way. If the site were to be developed within its built up limits the footpath would not require diversion. Diversion through the residential environment could lead to a

minor diminution of the rural experience of the footpath. It is therefore a negative aspect of the scheme, however, as the details are still to be finalised and are subject to separate consent there are not sufficient grounds for this to form a basis for refusal at outline stage.

83. The submitted Preliminary Ecological Appraisal advises that the site is generally of low value for priority or protected species and habitats and the Ecology section have raised no objection subject to the provision of new bat and bird roosting opportunities within any development scheme. This could be secured by a condition and detailed application.
84. The bottom part of the site is identified as an overland flood flow route. Discharge of surface water to a watercourse is proposed based on the existing drainage feature on the southern boundary. While raising no objection, the Drainage and Coastal Protection Section would like to see above ground attenuation developed for the final drainage proposals as opposed to below ground attenuation. This could be resolved by a condition and detailed application.

CONCLUSION

85. In accordance with paragraph 49 of the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.
86. The proposal would provide a moderate benefit of adding 12 dwellings to the mix and supply of housing at a time when there is not an up to date 5 year housing supply, albeit that it is considered the weight to be applied to this benefit ought to be slightly reduced. There would also be some support for local services and temporary employment benefits during the construction period. This would contribute to the economic and social aspects of sustainability.
87. The removal of the pig farm and its associated odours are significant environmental benefits, but this could still be achieved by a different scheme of development so it does not carry overriding weight.
88. Limited weight can be given to provision of affordable housing at this stage because although 2 affordable homes have been pledged by the applicant, the level of discount proposed within the supporting information would mean that the sale price of the units would not meet affordability criteria. Open space provision is required to mitigate the effects of the development rather than being a benefit and is therefore a neutral factor in the planning balance.
89. The encroachment of development beyond the existing farm buildings into the Area of High Landscape Value and removal of trees that make a positive contribution to the amenity of the area would be harmful to landscape character. The scale and design of the new access and impact on a section of the village green, would result in harm to the character and appearance of the area. These are significant environmental disbenefits.
90. It is considered that the adverse impacts of granting planning permission for this particular scheme would significantly and demonstrably outweigh the benefits. When assessed against the development plan and the NPPF considered as a whole, on balance, the overriding consideration is that the scheme would not be sustainable

development. There is substantial conflict with Teesdale Local Plan Policies ENV1, ENV3 and GD1(B).

91. The application is therefore recommended for refusal.

RECOMMENDATION

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

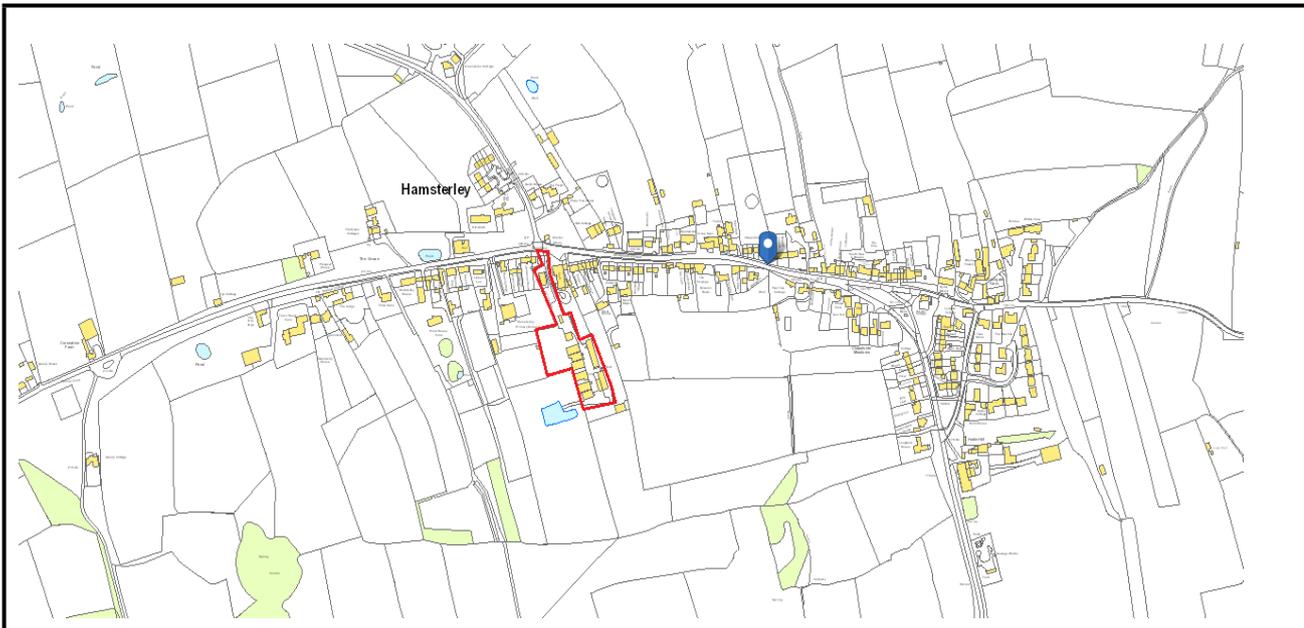
1) The proposed development by reason of its encroachment into the landscape designated as Area of High Landscape Value and removal of trees that make a positive contribution to the amenity of the area, along and the effect of the new access on the site frontage and character of the village green, would have a materially harmful impact on the character and appearance of the area. This is contrary to Saved Policies ENV1, ENV3, GD1(B) of the Teesdale Local Plan, and when assessed against the development plan and the NPPF considered as a whole, it is considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in the balance of all considerations, the issues of concern could not result in a positive outcome being achieved. There may be scope for an acceptable scheme to be achieved, but issues of landscape impact and design of the access will need to be addressed.

BACKGROUND PAPERS

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



Planning Services

Outline all matters reserved except access for construction of 12no. dwellings including demolition of farm buildings

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

14th December 2017