



Area Planning Committee (South and West)

Date Thursday 22 September 2016
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 21 July 2016 (Pages 1 - 6)
5. Applications to be determined
 - a) DM/16/02622/FPA - Caravan, Spring Lane, Sedgefield (Pages 7 - 18)
Conversion of redundant storage/workshop building to form a single dwelling (resubmission of DM/15/01122/FPA)
 - b) DM/16/01871/FPA - Land to the West of Corbrae, Todhills (Pages 19 - 32)
Erection of a single detached dwelling (resubmission of withdrawn application - DM/15/03197/FPA)
 - c) 3/2003/0267 - Land North of Smith Street, Tow Law (Pages 33 - 44)
Outline application for up to 38 no. dwellings with all matters reserved
 - d) DM/15/03615/FPA - Land to the Rear of 7 And 8 Meadow Close, Middleton-in-Teesdale (Pages 45 - 58)
Erection of 5 no. detached dwellings and 4 no. semi-detached dwellings

- e) DM/16/01931/FPA - 16 Meadhope Street, Wolsingham (Pages 59 - 66)
Installation of UPVC Windows (Retrospective)
 - f) DM/16/00848/FPA - Fern House, Cotherstone, Barnard Castle
(Pages 67 - 74)
Erection of first floor and single storey extension to rear
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
14 September 2016

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

Councillor H Nicholson (Chairman)
Councillor M Dixon (Vice-Chairman)

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson,
E Huntington, C Kay, S Morrison, A Patterson, G Richardson,
L Taylor, C Wilson and S Zair

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 21 July 2016 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson, E Huntington, A Patterson, G Richardson, H Smith, C Wilson and S Zair

1 Apologies

Apologies for absence were received from Councillors H Nicholson and C Kay.

2 Substitute Members

Councillor H Smith substituted for Councillor H Nicholson.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 23 June 2016 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

6 DM/16/01879/FPA - Ox Close Nursery School, Ox Close Crescent, Spennymoor

Consideration was given to the report of the Planning Officer regarding an application for the erection of a single storey flat roof extension of Ox Close Nursery School, Ox Close Crescent, Spennymoor (for copy see file of minutes).

The Planning Officer gave a detailed presentation on the application which included plans and photographs of the site.

Councillor K Thompson, Local Member, addressed the Committee having requested the application be brought to Committee. The attached Primary School had recently been granted permission for the erection of two additional classrooms and additional nursery places would exacerbate the existing highway problems.

Councillor Thompson referred to the Sedgefield Local Plan as outdated and referenced National Policy, confirming that part 4 of the NPPF (Promoting Sustainable Transport) had only partially been referenced in the report. There had been no photographs taken of the area at peak times to show the considerable number of vehicles that park on the highway during school pick up and drop off times. During these times Ox Close Crescent was not a safe environment for cyclists or pedestrians. The report referenced Section 32 of the NPPF which stated that development should only be refused on transport grounds if the residual cumulative impacts of development were severe. Although the report stated that it would be difficult to demonstrate, the cumulative impact was severe in this case. Section 35 advised that developments should be designed to create safe and secure layouts which minimised conflicts between traffic and cyclists or pedestrians and home zones should be established where appropriate. This has not been considered as part of this application and Councillor Thompson suggested that a condition to create a home zone and restrict parking around the school at peak times would alleviate the problems.

He referred to his role as a Parish Town Councillor and although he was not representing the Town Council with regards to this application, he could confirm the Town Council were willing to consult with the County Council in order to alleviate the problems regarding Ox Close Nursery and Primary Schools.

The Applicants agent addressed the Committee and confirmed that the application would allow the nursery to benefit from an additional 16 spaces and following the report being published he had visited the site and a fourth car parking space would be provided on the site.

The Principal DM Engineer confirmed that he was aware of the highways issues on Ox Close Crescent during school pick up and drop off times due to an increase in vehicles as the School had expanded over the years. He referred to the additional parking space which had been pledged by the applicant, however it could not be supported by the Highways Authority as three was the maximum permitted with regards to this application.

In response to a question from Councillor Patterson, the Applicants agent confirmed that the additional nursery places would be staggered over 2 sessions and therefore there would be an additional 8 spaces on a morning and 8 on an afternoon.

On considering that the 16 additional places would be staggered, Councillor Davidson suggested that this would not have any significant impact on the highway. The Committee were unable to refuse the application based on existing highways issues alone and he therefore moved the recommendation.

In addition, Councillor Richardson highlighted the size of the parking spaces – they were wider than a standard parking bay and a disabled parking space was being catered for. Councillor Boyes agreed was sympathetic towards the existing congestion described by Councillor Thompson, however he agreed that three additional parking spaces were adequate and the situation would not be made

worse by the proposal. Councillor Boyes seconded the recommendation and it was.

Resolved

That the application be approved on the grounds as outlined in the report.

7 DM/15/02770/FPA - Former Department Of Transport Storage Depot, Bowes, Barnard Castle

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of existing buildings and erection of 14 no. dwellings (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the site which included photographs of the site.

In response to a question from the Chairman, the Senior Planning Officer confirmed that affordable housing was offered on site by means of two reduced price properties which would be offered at discounted market value. The figure would be finalised on consultation with the Councils Valuation Officers.

Councillor Davidson highlighted that the 2 houses offered at a reduced sale price only equated to only 14% of the 15% affordable housing required by applications. He queried whether the applicant should be offering a third property at a discount market value to account for the 1% deficit. The Senior Planning Officer confirmed that there was no legal obligation to seek 15% and the offer was reasonable considering the scale of the development. Councillor Davidson therefore moved the recommendation.

In response to a question from Councillor Huntington the Solicitor confirmed that the discounted price for affordable housing would be required not just on first sales, but on subsequent sales of the two properties.

Councillor Richardson was concerned that four access routes was excessive for the size of the proposed site, but also due to the speed at which vehicles could be travelling off the A66. The Senior Planning Officer confirmed that there had been no objections from Highways and although it was an awkward site to develop due to its shape and size, the applicant had put forward a rational proposal.

Councillor Clare agreed that the site could have had fewer access points and he acknowledged that the road was accessed from the A66, however he highlighted that cars travelling from the A66 would be travelling on the opposite side of the road and the vehicles approaching the A66 would be travelling at a much slower speed. He seconded the recommendation and it was;

Resolved

That the application be approved on the grounds as outlined in the report.

8 DM/15/03564/FPA - Land To The West Of The Paddock, Sunnyside, Bishop Auckland

Consideration was given to the report of the Senior Planning Officer regarding an application erection of 9 no. four bedroom detached dwellings on Land to the West of The Paddock, Sunnyside, Bishop Auckland (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the site which included photographs of the site.

The Committee Services Officer read a statement on behalf of Councillor Hart, local Member. He welcomed the application acknowledging that the sustainability of small villages depended on new development, however he was disappointed that no substantive changes had been made with regards to the concerns raised by local residents.

The residents of nos. 2 and 3 The Paddock were both primarily concerned by the separation distance of the proposed new developments and concerns had been raised due to the lack of parking provision. It was likely that cars would overflow onto Front Street, causing a reduction in visibility for motorists and pedestrians entering and exiting the development. No attempts had been made by the applicant to address these concerns however the applicant had amended the plans in order to retain and protect the original hedgerow, a change which was welcomed by Councillor Hart. In order for him to withdraw his concerns, he required further amendments to the proposal and this had led him to request the application be considered by the Committee.

The Applicants agent addressed the Committee, confirming that the site was between The Paddock and a row of cottages to the West, and included within the settlement of Sunnyside. The logical next step in concluding the village was to develop the piece of land in between. He confirmed that the proposed dwellings were similar to those at The Paddock, although they were smaller in size.

Permission granted in 2012 had recently expired and there had been no substantial changes to the proposal. He confirmed that no objections had been made, other than from residents of The Paddock. In response to the submissions put forward, he confirmed that the windows in question were on the gable end of the properties and were situated within non-habitable rooms. In addition there was a large 1.8m boundary fence which ensured that there would be no impact on privacy. One of the properties had a large extension which had further decreased the distance between the plots to 14m, however this was still within an acceptable range considering the windows in question were secondary. He confirmed that each property would have a garage and a driveway and denied the likelihood of cars spilling out onto the highway. On summing up, he reminded Members of the Senior Planning Officers recommendation to approve the application and described the proposals as an asset to the housing stock of the village.

The Chairman invited the Senior Planning Officer to comment on the objections from nos. 2 and 3 The Paddock with regards to separation distances. The Senior Planning Officer confirmed that he had been inside of no. 2 The Paddock to

consider the impact that the proposed dwellings would have. He confirmed that the windows were on the ground floor, side elevation of the property. As they did not relate to the north and south facing principal windows, they were classed as secondary windows and the addition of the fence further protected the privacy of the property. It was considered that the property would not suffer a detrimental impact in terms of loss of privacy or outlook and the 21m guideline was relaxed where the amenities of an area were not considered to be compromised.

Councillor Patterson was disappointed that a site visit had not been arranged for this application. Since the original application had been granted there had been a reduction in public transport, which isolated the village. In addition she was concerned that cars may spill onto the road at Gladstone Terrace as it was an unclassified single dirt track road and not suitable for cars. The Senior Planning Officer confirmed that the proposed properties would benefit from a garage and a driveway for two parked cars and therefore it was not envisaged that vehicles would spill onto the highway. Furthermore, there would be no access from Gladstone Terrace as it was surrounded by the protected hedgerow.

Councillor Boyes referred to the need for regeneration in small villages to ensure their sustainability and complimented the design of the proposal, suggesting that the development would complete the settlement boundary.

In response to a query from Councillor Clare, the Senior Planning Officer confirmed that the separation distances were not such that a request to reposition or recommend refusal could be sought. He reiterated that the windows were secondary and referred Members to the design of new housing estates where it was not uncommon for houses to be spaced at a similar range to the plans submitted.

Councillor B Armstrong had concerns regarding the self-build nature of the plots as when work had commenced on the first property, there was no timescale on which the development should be finished. The owners of this property could potentially be living on a building site for a significant period of time. The agent confirmed that the applicant was able to control schedules for completion of work and he would usually recommend that work should be complete in no more than 12-18 months.

In response to a query from Councillor Wilson, the Senior Planning Officer confirmed that should any deviations from the plans submitted be required, a new application would need to be put forward for consideration.

Councillor Boyes moved and Councillor Clare seconded that the application be approved.

Councillor Patterson referred again to separation distances from nos. 2 and 3 The Paddock and highlighted that should a 3x3m conservatory be erected under permitted development rights, the distance would reduce significantly. The Senior Planning Officer confirmed that condition no. 14 had removed some permitted development rights relating to extensions and hardsurfacing from plots 2-6 in order to protect the hedge and a further condition was requested by Councillor Patterson

which removed permitted development rights for extensions from plots 7-9 due to concerns over privacy.

The Solicitor commented that should the application be approved, there could be no deviation from the layout submitted without submission of a further application. With regards to self-build plots, the Local Planning Authority had no control over the time it would take to develop the whole site, however the landowner could impose a condition of sale which required the property to be completed within a certain period of time.

Upon a vote being taken, it was **Resolved:**

That the application be approved subject to the conditions outlined in the report and with the addition of the following condition:

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no development falling within Class A (enlargement, improvement or other alteration of a dwellinghouse) of Schedule 2, Part 1 shall be carried out within the curtilage of the Plots 7-9 without the prior written permission of the Local planning authority on an application submitted to it.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/02622/FPA
FULL APPLICATION DESCRIPTION:	Conversion of redundant storage/workshop building to form a single dwelling (resubmission of DM/15/01122/FPA)
NAME OF APPLICANT:	Mr Morrow And Hoare
ADDRESS:	Caravan, Spring Lane, Sedgefield. Stockton On Tees, TS21 2HS
ELECTORAL DIVISION:	Sedgefield
CASE OFFICER:	Laura Eden Senior Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a triangular shaped parcel of land measuring 0.23ha in area, located in the open countryside to the south of Sedgefield. The adopted highway Spring Lane is located to the east, where an existing vehicular access into the site is taken.
2. The site is enclosed by a mature hedgerow to Spring Lane and to the north, while to the west a post and rail fence is present, allowing ready views to the surrounding countryside. The site is in poor condition, with areas of hardstanding and rubble. A number of small brick built structures on site have collapsed.
3. On the northern portion of the site a timber and brick built building is present. This is clad in corrugated sheets, measuring 15m in length by 4.2m in width. It has a mono pitch roof construction with an overall height of 4.1m and 2.7m to the eaves. A number of unauthorised timber structures for the accommodation of livestock/horses and a static caravan have been removed from the site following intervention by planning enforcement and as a result of fire and vandalism damage to the caravan.
4. The building is currently disused and it is not entirely clear what its former use was. Within the application it is described as a former storage/workshop building however the submitted plans indicate that the former use most likely related to stabling.

The Proposal

5. Planning permission is sought for the change of use of the main building to form a dwelling house. The submitted elevations indicate that the existing corrugated cladding would be removed and replaced with timber boards, while windows and an

access door would be located in the existing openings to the building. The existing roofing material would be removed and replaced with a tiled roof. Two bedrooms, an open plan kitchen and living area would be created within the property.

6. A large proportion of the existing hardstanding would be removed and grassed over in line with a scheme of wider landscaping on the site, including the planting of trees and hedgerow around the perimeter. The existing site access would be amended and set back into the site by approximately 10m. The retained areas of hardstanding would facilitate the altered access arrangements and as well as providing vehicle parking space. The location plan indicates that only the northern portion of the site would be used as residential curtilage and it is unclear what the remaining portion of land would be used for.
7. The application is a resubmission of a previous refused scheme that was dismissed on appeal. Although the two applications are alike in terms of the proposed development a report detailing the condition of the existing building and its potential for conversion has been submitted in support of the resubmission.
8. This application is being referred to the Planning Committee at the request of Sedgfield Town Council due to the extensive history of the site and the recent planning appeal. (Detailed comments outlining the Town Council's objections will follow once they have had their monthly meeting on 12th September)

PLANNING HISTORY

9. The land has been previously used as a coal yard and haulage business. This ceased in approximately 1993. Since then there have been a number of unauthorised uses that have taken place on the land and periods of no use in-between.
10. An enforcement investigation was undertaken in 2003 into a use involving the storage and repair of vehicles which subsequently ceased.
11. Further enforcement investigations took place in 2012 and 2013. These related to renovation works to the building to create a stable and the enclosure of the site and use for the keeping of horses and siting of touring caravans. A further inspection in 2012 noted two touring caravans within the fenced enclosure, storage of horsebox, horse drawn carts, keeping of dogs and horses. The 2013 investigations surrounded the change of use of the site to residential, the siting of the static and touring caravans and the keeping of horses.
12. In 2014 a retrospective planning application was received for the change of use of the land to the stationing of two caravans for residential purposes to form one private traveller pitch with the former workshop (application building) being used for equestrian purposes. This application was later withdrawn.
13. Planning permission was refused in 2015 for the conversion of the redundant storage/workshop building to form a single dwelling (DM/15/01122/FPA). The proposal was considered to represent an isolated new dwelling within an unsustainable location in the open countryside without special justification. This decision was upheld at appeal on 21st April 2016.
14. It is the LPA's view that there is no lawful use of the site due to the mix of unauthorised uses that have taken place since the haulage business ceased. The site circumstances are not considered to have significantly changed since the

previous decisions were issued. Unauthorised structures including the static caravan have however been removed from the site.

PLANNING POLICY

NATIONAL POLICY:

15. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. 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.
16. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
17. The following elements are considered relevant to this proposal;
18. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
20. *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.
21. *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.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (1996) (SBLP)

22. Policy E1 (Maintenance of Landscape Character) Sets out that the council will seek to encourage the maintenance of distinctive landscape areas by resisting proposals that would damage the character and appearance of the River Wear Valley and requiring that landscaping features fit into a development proposal.
23. Policy E11 (Safeguarding sites of Nature Conservation Interest) Sets out that development detrimental to the interest of nature conservation will not normally be permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
24. Policy H8 (Housing in villages) - Sets out that within the residential framework of Sedgfield Village housing development will normally be approved.
25. Policy D1 (General Principles for the Layout and Design of New Developments) sets out several key principles for the layout and design of new developments.
26. Policy D3 (Designed with pedestrians, cyclists, public transport) aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.
27. Policy D5 - Layout of housing development - Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.
28. Policy E15 – Safeguarding of Woodlands, Trees and Hedgerows. Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.

RELEVANT EMERGING POLICY

The County Durham Plan

29. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. *Sedgfield Town Council* – Requested application is determined by the Planning Committee due to the extensive history of the site and the recent planning appeal.

Detailed comments outlining the Town Council's objections will follow the monthly meeting on 12th September.

31. *Highways Authority* – Offer no objections to the scheme advising that a condition relating to the construction of sight visibility splays to be constructed prior to occupation

32. *Northumbrian Water* – No comments to make

INTERNAL CONSULTEE RESPONSES:

33. *Planning Policy* – No comments received

34. *Building Control* – Likely the building would require remedial structural repairs to feasibility convert the building. Further investigation and appropriate structural details would be required for a Building Regulations Application.

35. *Tree Officer* – No objection subject to the imposition of a condition relating to tree protection

36. *Drainage Section* – The site is not classed as a major development and is not in a location with the potential to flood. Surface water should be designed in accordance with Building Regulations Hierarchy of Preference

37. *Ecology* - Offer no objections advising that the likely risk to protected species is low but recommend an informative to address any risk to breeding birds using the existing building

38. *Environmental Health (Contaminated Land)* – Suggest a conditional approach to deal with any potential land contamination

39. *Environmental Health (noise)* – No comments received

PUBLIC RESPONSES:

40. The application has been advertised on site and neighbouring residents including interested parties from the previous application were notified. Three letters of representation have been received from local residents.

41. The objections relate to the previous refusals and planning history of the site, the unsatisfactory access arrangements and highway safety concerns, development within the countryside, drainage issues pursuant to waterlogged adjacent fields, the lack of a water supply to the site and that the land should be cleared given the extensive enforcement case history.

APPLICANT'S STATEMENT:

42. In respect of the proposal the Inspector notes the development plan is silent on the matter. As such the Inspector considers the proposal should be evaluated in the light of paragraph 55 of the Framework. Paragraph 55 allows for exceptions where development in the countryside would be allowed. One of these "special circumstances" is "where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting". The Inspector acknowledges that by bringing the previously developed site back into use there would be some improvement to the immediate setting. He also confirms the building is disused.

43. The Inspector's concerns surrounded the notion of whether the building is sound and capable of conversion. The applicants have commissioned a Condition Report that is included as part of the application. The report has been prepared by a relevant professional expert, namely a chartered building engineer and chartered surveyor. The Report details the external and internal condition of the building, identifying various minor repairs and remedial works that are needed. The report concludes; "Based on our visual inspection of the property, we are of the opinion that the existing construction is in a satisfactory structural condition, readily capable of retention, and being converted in accordance with the design proposals, and accompanying upgrading works for proposed conversion to standard residential accommodation."
44. We say that this professional evaluation demonstrates, beyond any reasonable doubt and in principle, that "the building is sound and capable of conversion". The proposal would bring into productive use a small rural building with no adverse impact on the character and appearance of the immediate environment and the surrounding area. The opportunity exists to enhance the surrounding area by means of a planning condition to acquire additional tree planting to take place. The proposal satisfies one of the special circumstances for new homes in the countryside as set out in the National Planning Policy Framework, and as a result the proposal can correctly be regarded as being sustainable development. In the absence of an up to date Development Plan policy on the reuse of rural buildings, the presumption in favour of sustainable development should be given decisive weight.

PLANNING CONSIDERATIONS AND ASSESSMENT

45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; access and highway safety, residential amenity, ecology and other considerations.

Principle of development

46. This application is a resubmission following a recent refusal by the local planning authority and a subsequent dismissal on appeal. The proposed scheme has not changed rather it seeks to address points which were raised within the appeal decision such as whether the building is capable of conversion.
47. In assessing the previous proposal the local planning authority cited saved Sedgefield Borough Local Plan policies W1, H8 and D1 and considered that collectively these sought to direct housing development to the settlements which were best able to support this in accordance with the principles of the NPPF. Reference was also made to policy H13 which related to the conversion of redundant buildings in the countryside although it was noted it was not a saved policy. However after a review of the aforementioned policies in the appeal decision, the Inspector concluded that the development plan was silent on the matter before him. He did raise a query in relation to policy H8 and whether it could be regarded as up to date insofar as it relates to housing land supply. For clarification the local planning authority accept that SBLP housing supply figures are based on historic supply figures and as such are considered to be 'out of date' in the context of paragraph 49 of the NPPF. Furthermore, DCC is currently unable to demonstrate a 5 year land supply.

48. Paragraph 14 of the NPPF states that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development' and for decision makers this means that where relevant policies are 'out of date' that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies the NPPF as a whole. It is therefore considered in this instance that the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. Clearly, whether any benefits of the proposed development are significantly and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.
49. Although the site lies within relatively close proximity to Sedgefield the surrounding area is rural in character. Within this context the building stands alone being predominantly surrounded by large open arable fields. The Appeal Inspector noted that there was a clear transition from the built up edge of Sedgefield to the countryside which led him to conclude that the site was considered to be isolated in terms of paragraph 55 of NPPF. Furthermore, there is no pavement and limited roadside verge along the narrow unlit road which serves to discourage pedestrian activity. A bus route does not operate along the lane and although it is possible that occupants could cycle to Sedgefield the site is considered relatively remote from local services, amenities and employment sites which would foster reliance upon the private car. This would be contrary to sustainability principles and the environmental dimension of the NPPF.
50. To promote sustainable development in rural areas the NPPF states that housing should be located where it would enhance or maintain the vitality of rural communities. The example given within the framework is that where there are groups of smaller settlements development in one village may support services in a nearby village. The site lies outside the village of Sedgefield and regardless of this stance the creation of a single dwelling would result in minimal impact in terms of the vitality of the adjacent settlement. Paragraph 55 of the NPPF then sets out that although isolated new houses should be avoided in the countryside, there may be special circumstances in which a development of this nature could be considered acceptable. This includes the re-use of a redundant or disused building and where the development would lead to an enhancement of the immediate setting. This is the case put forward in this application and following the recent appeal decision further information has been submitted in support of this.
51. The first test of the exception is that the proposal relates to the re-use of a redundant or disused building. It is agreed that the building is currently disused and although there is no specific policy requirement for the possibility of alternative uses to be explored it is considered that in principle the building could be brought back into a productive re-use for a variety of rural enterprises. No marketing has been undertaken to establish any potential interest in the site for such types of appropriate uses.
52. The building is of an adhoc construction. It comprises of a mixture of facing materials being bricked skinned to the gable elevations and parts of the front and rear. Large parts of front and rear elevations are constructed from timber and corrugated sheeting with the roof also having the latter covering. The current application benefits from a Condition Report which seeks to overcome concerns about whether the building is capable of conversion or reuse without substantial or complete rebuilding. The report concludes that 'the existing construction is in satisfactory structural condition, readily capable of retention and being converted.'

53. Neither the NPPF nor the Planning Practice Guidance seeks to interpret what needs to physically take place to reuse a building. With regards to the submitted report it relates only to a visual inspection of the building. It is not a full building survey and covers only the principal structural elements of the building. No structural assessment of the existing building has been undertaken with regards to the proposed residential use. The report is therefore limited in its scope and does not adequately demonstrate that the building is capable of conversion or reuse without substantial or complete rebuilding.
54. The second test of the exception is the requirement that the development would lead to an enhancement of the immediate setting. It is accepted that the site is currently in an untidy condition however it is considered that this reflects poor land management over a number of years arising from neglect and the siting of inappropriate structures and units. Since the original refusal and appeal dismissal further structures and the static caravan have been removed from site which has improved its overall appearance. While the formation of the dwelling has the potential to tidy up the site and improve the appearance of the building, this is not considered to result in a significant enhancement. The site has a relatively neutral impact on the surrounding landscape due to being screened by existing mature hedging along boundaries of the site especially the road frontage. Public views of the site are limited given that there are no footpaths and only limited roadside verges along Spring Lane. Furthermore passing motor vehicles would only see a glimpsed view through the existing gate. The single storey building is largely screened by a grouping of trees to the north eastern corner of the site and boundary hedging when approaching the site from Sedgefield in particular. It is therefore not considered that any marginal improvement in the appearance of the site would be sufficient to justify an isolated new dwelling.
55. The proposal would contribute in a limited manner to the economic and social dimensions of sustainable development through the creation of a single new dwelling. In addition there would be some limited visual improvements to the site. Notwithstanding this however the site is considered to represent an isolated dwelling in the countryside and it is not considered that there are any special circumstances that would justify allowing development which would conflict with the promotion of sustainable development as set out in the NPPF.

Access and Highway Safety

56. The access to the site is taken directly off the unclassified adopted highway Spring Lane. In considering the suitability of this access, the Highways Authority offers no objections in principle to the use of the access following the submission of amended plans showing the provision of a minimum 2.4m x 66m visibility splay to the south of the development, setting of the access gates 10m into the site and the increase of the junction radii to 6m. It has been requested that the visibility splay is constructed prior to the occupation of the dwelling and such a matter could be controlled by means of a condition. On this basis the development could be served by an appropriate means of access as advised by the Highways Authority in line with policy D3 of the Sedgefield Local Plan.

Residential Amenity

57. In considering the scheme the Council's Environmental Health section offer no objection. Given the isolated nature of the site privacy distances are comfortably achieved while future residents would have appropriate levels of amenity space.

Ecology

Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential risk of the development on protected species, namely bats. This report concludes that there is a low risk of any protected species being located on the site.

58. The Ecology Section offers no objection to the scheme but recommend an informative to address any risk to breeding birds using the existing building. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

Other Issues

59. The drainage officer has confirmed that according to the Council's Flood Data the site is not in a location within a potential to flood. Surface water drainage will be subject to the requirements of Building Regulations. A package treatment plant is proposed to deal with the disposal of foul water. Given the minor nature of the development the Environment Agency's is not a statutory consultee. It may be the case that the developer will require an Environmental Permit from secured through the Environment Agency to discharge from this treatment plant. It is therefore not considered necessary to further control this matter.
60. The Contaminated Land Officer has assessed the screening assessment form and the historical maps. It is noted that this development constitutes a change of use to a more sensitive land use, that one of the previous uses of the site was as a haulage depot and that areas of existing hardstanding will be replaced with garden areas. On this basis they confirm that a condition is required to be imposed.
61. The removal of the hedgerow to accommodate the sight visibility splays would have some visual impact and open up views into part of the site. However, this could be replanted within the site to maintain an appropriate amount of screening going forward. The tree officer notes that whilst there is unlikely to be any major tree loss of damage as a result of this proposal a scheme for tree protection should be agreed and implemented for the duration of construction works. Such matters can be resolved through the imposition of planning conditions and would therefore accord with policy E15 of SBLP which expects development proposals to retain important groups of trees and hedgerows.

CONCLUSION

62. The site is considered to be isolated in the context of paragraph 55 of the NPPF which states that isolated new houses should be avoided in the countryside except where there are special circumstances. Such circumstances include the re-use of a redundant or disused building and where the development would lead to an enhancement of the immediate setting.
63. It is accepted that the building is disused and in poor condition but it is not considered that sufficient evidence has been submitted which adequately demonstrates that the building is capable of conversion or reuse without substantial or complete rebuilding. Furthermore, there would only be limited enhancements that

would arise to the immediate setting as a result of the development. Consequently the special circumstances outlined in paragraph 55 are not considered to be applicable in this case.

64. The proposal would contribute in a limited manner to the economic and social dimensions of sustainable development through the creation of a single new dwelling. In addition there would be some limited visual improvements to the site. Notwithstanding this the site is isolated and not well related to Sedgefield and it is not considered that there are any special circumstances that would justify allowing development which would not comply with the social and environmental roles of sustainable development specified in the Framework. Applying the planning balance of paragraph 14 of the Framework, the adverse effects of allowing this proposal would significantly and demonstrably outweigh the benefits. The proposal would not therefore represent an acceptable and sustainable form of development.

65. It is accepted that subject to appropriate conditions the development would provide an acceptable means of access. Whilst the scheme would preserve highway safety in terms of the proposed access arrangements the lane is poorly served by public transport and pedestrian routes. Ecological interests would also be safeguarded and the development would have an acceptable impact on the amenity of surrounding residential properties.

66. In conclusion the development of this site for residential purposes is considered to conflict with the promotion of sustainable development as set out in the NPPF, there are no material considerations which indicate otherwise therefore the application is recommended for refusal.

RECOMMENDATION

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

The development would result in the formation of a new isolated dwelling within an unsustainable location in the open countryside without special justification, contrary to the sustainable development objectives of the National Planning Policy Framework, including paragraph 55.

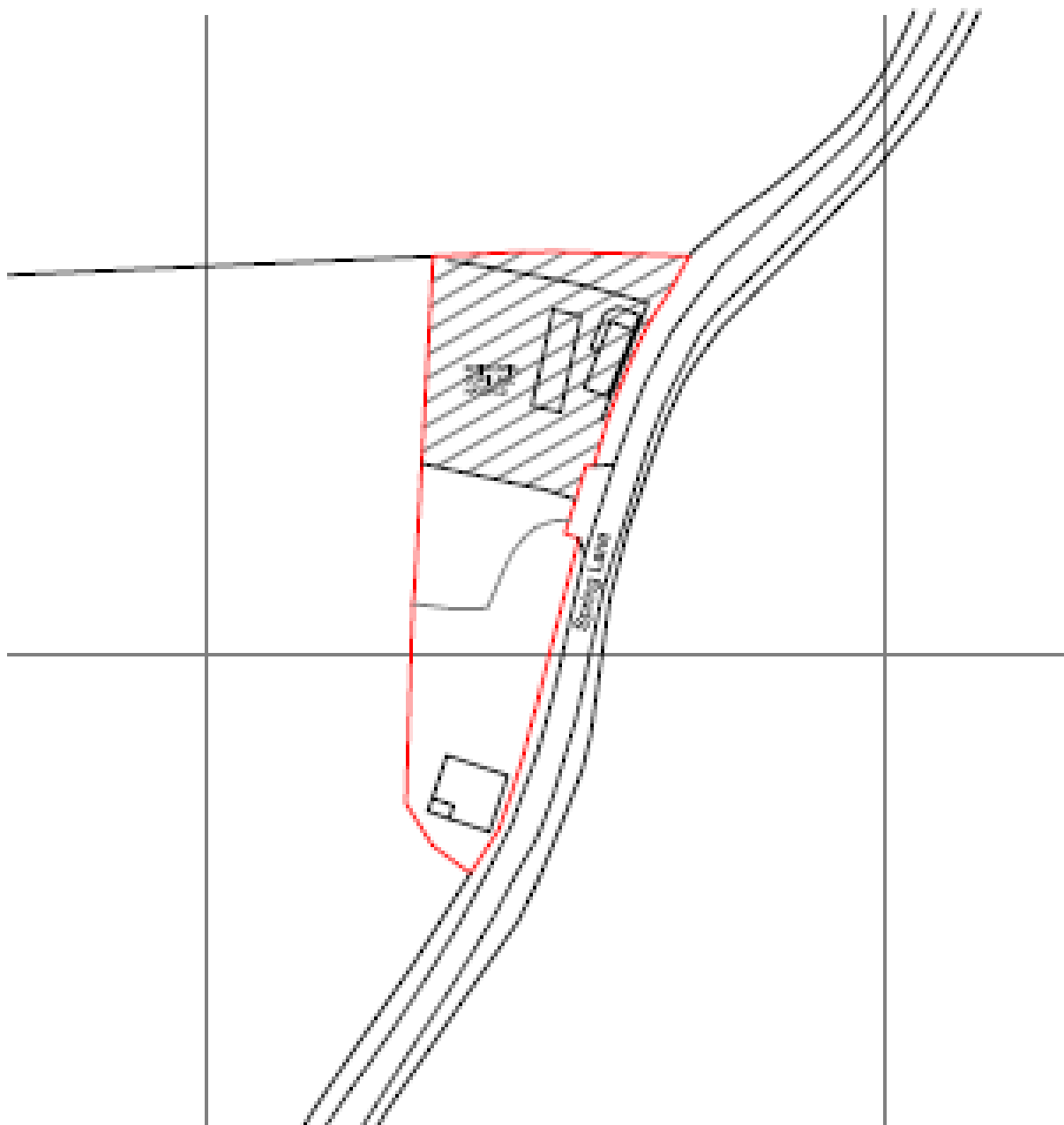
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse 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)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Sedgefield Neighbourhood Plan

- Evidence Base Documents
- Statutory, internal and public consultation responses



Planning Services

**Conversion of redundant storage/workshop building to form a single dwelling (resubmission of DM/15/01122/FPA)
Mr Morrow And Hoare
Caravan, Spring Lane, Sedgfield.
Stockton On Tees,
TS21 2HS
Ref: DM/16/02622/FPA**

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**Date
22nd September 2016**

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01871/FPA
FULL APPLICATION DESCRIPTION:	Erection of a single detached dwelling (resubmission of withdrawn application - DM/15/03197/FPA)
NAME OF APPLICANT:	Mrs Rachel Quin
ADDRESS:	Land To The West Of Corbrae, Todhills, DL14 8BB
ELECTORAL DIVISION:	Spennymoor
	Laura Eden
CASE OFFICER:	Senior Planning Officer
	03000 263980
	laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of a rectangular shaped parcel of land measuring 0.27ha in area, located within Todhills between Newfield and Byers Green. The surrounding area is predominantly rural in character. Todhills largely consists of an operational farm, brickworks and several residential properties located at the corner of the junction with Long Lane and the road that leads to Byers Green. Four properties are situated to the east immediately adjacent to the farmhouse. A further residential property is situated on the opposite side of the road backing on to the brickworks. Some 140m further to the east on the north side of the road lies Corbrae, a residential property and cattery, with a further residential property adjacent to it. The application site relates to a detached field between the main grouping of buildings and Corbrae. There is an existing access to the field served off the unclassified road that leads to Byers Green.
2. The boundaries to the site consist of mature hedgerows and trees with the exception of an open section at the north eastern corner of the site. The site was previously occupied by a farm which benefitted from a number of associated buildings and a residential dwelling. These buildings were demolished in around 1986-1987 and the site cleared. This has since revegetated although four lines of exposed foundations remain which relate to the farm house and an outbuilding respectively.

The Proposal

3. Planning permission is sought for the erection of a two storey detached dwelling. The property would measure 12.6m wide by 10.8m deep. It would have an overall height of 8.8m and 5m to the eaves. It would be of brick construction with a blue slate roof and cream UPVC windows. The property would have four double bedrooms, one with en-suite facilities, a main bathroom, two reception rooms, an open plan kitchen, dining and family room and a separate utility. The site would be accessed through the

existing entrance to the site albeit with improved visibility splays. This would have implications for the existing hedgerows and a replacement planting scheme is proposed. The property would have three off-street car parking spaces.

4. The application is a resubmission of a previous withdrawn scheme. Although the two applications are alike in terms of the proposed development further information has been submitted in support of this current submission relating to the principle of development and contaminated land.
5. This application is being referred to the Planning Committee at the request of a local member Cllr Geldard. He considers that there are complex issues to determine regarding the sustainability of the site therefore it is his preference that the application is determined by committee rather than being a delegated item.

PLANNING HISTORY

6. This application is a resubmission of application DM/15/03197/FPA for the same development. Officers previously raised concerns about the unsustainable location of the site and to a lesser extent land contamination issues which meant that the application was unlikely to be looked upon favourably. The application was subsequently withdrawn.
7. In terms of the more general history of the application site information has been provided by the applicant to indicate that the Church Commission built the farm. It was demolished in around November 1986 and the further outbuildings were removed in 1987. The site appears to have been cleared for around 30 years.

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), although the majority of supporting Annexes to the planning policy statements are retained. 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.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. The following elements are considered relevant to this proposal;
11. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
12. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A

wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.

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.
14. *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.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan (1996) (SBLP)

15. Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows) Sets out that development proposals are expected to retain groups of imports trees, copses and hedgerows and replace any trees which are lost.
16. Policy H11 (Housing development in the countryside) Sets out that outside the towns and villages listed within other policies of the plan the extension, infilling or redevelopment of ribbons or of sporadic groups of houses will not normally be approved.
17. Policy H17 (Backland and Infill Housing Development) Sets out that development on backland and infill sites should provide satisfactory means of access, standards of amenity and is in form and keeping with the surrounding area.
18. Policy D1 (General Principles for the Layout and Design of New Developments) sets out several key principles for the layout and design of new developments.
19. Policy D3 (Designed with pedestrians, cyclists, public transport) aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.
20. Policy D5 - Layout of housing development - Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.

RELEVANT EMERGING POLICY

The County Durham Plan

21. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. *Spennymoor Town Council* – No response received
23. *Highways Authority*– There is a requirement for the sight visibility splays to be constructed in advance of the occupation of the dwelling and maintained thereafter.
24. *Coal Authority* – Require a condition to be imposed to secure intrusive site investigation works to establish whether the coal mining legacy poses a risk to the proposed development and if subsequent remediation work is required.
25. *Northumbrian Water* – Notes that the public sewer adjacent to the development will not be affected by the development

INTERNAL CONSULTEE RESPONSES:

26. *Planning Policy* – Proposals should be considered in the context of the presumption in favour of sustainable development. The proposal is considered to represent an unjustified and unsustainable form of development on greenfield land within the countryside with limited access to services, facilities and public transport. On this basis it would be contrary to both national and local planning policy
27. *Landscape Section* – There will be some significant but localised landscape and visual impacts arising from the removal of the front boundary hedge to accommodate highways requirements
28. *Tree Officer* – The submitted tree protection plan is adequate to protect the prominent trees on site
29. *Drainage* – Confirms that according to the Council's Flood Data the site is not in a location within a potential to flood. Surface water drainage would be subject to the requirements of Building Regulations.
30. *Ecology* – A Phase 1 Habitat Assessment is not required to support the planning application
31. *Environmental Health (Contaminated Land)* – Is satisfied with the submitted and amended Phase 1 Assessment. Due to its findings a contaminated land condition is required.

32. *Environmental Health (Noise)* – Consider it unlikely the adjacent cattery would adversely impact upon the new dwelling and vice versa. The brickworks is a long running business with potentially noise and dust impacts associated with it. Although there are concerns about locating a further dwelling close to a significant industrial practice it is noted that there are neighbouring properties in closer proximity to it, there are controls in place to minimize certain environmental impacts and no complaints have been recorded associated with the site.

PUBLIC RESPONSES:

33. The application has been advertised on site and neighbouring residents were notified. Eight letters of support have been received from local residents including local members Cllr Geldard and Cllr Thompson.

34. The letters of support state that the applicant is from Todhills and if the dwelling was approved it would allow her growing family to remain here, the property is in character and keeping with the area, it is a brownfield/untidy site therefore redevelopment would improve the appearance of the area, there was a house formerly on the site, that by expanding and developing further housing in rural communities will support the viability of surrounding shops and services, it would improve the sustainability of such areas, in addition to supporting the local economy as the applicant keeps her horses on the farm.

APPLICANTS STATEMENT:

35. I currently live at 'Berry Edge' cottage at Todhills, just opposite the site, in a bungalow I purchased and renovated in 2006. However I am now married with 2 small boys (ages 9 months and nearly 3 years) and unfortunately the property is not at all large enough or suitable for a growing family - but I have all my local ties here; hence this application.

36. I would love to be able to stay in Todhills as I am part of the community here, hence the desire to build a new family home on the site of the old Clarence Farmhouse. If I am granted planning permission, my parents are going to move into my old home at the small bungalow so they can be close - that is something which is totally sustainable and reduces the need to travel. This will mean they can help with childcare, be a closer part of the community and help me so that I can continue to work full time. My husband and I were married at the church in Byers Green and both of our children have been baptised here too.

37. I lived very close by at Middlestone Moor growing up (under 3 miles away from Todhills) and love this area. I have stabled my horses at Todhills Farm for the last 20 years (since I was 16 years old) and spent most of my adult life here. One of my horses is now 25 and I have had him since he was a foal which means he has lived at Todhills Farm for over 20 years. Living across the road from these horses allows me to look after them myself, something I obviously wouldn't be able to do if I had to move further away. This is another sustainable aspect to this application - I actually want to be here, my family is part of the established community, the horses have been here all their lives and my parents are to take on my current bungalow and downsize - freeing up their property further away. Despite the Policy Planners saying all new houses should be inside the old settlement lines - this is actually a win-win situation for everyone, with no down-side as the site used to have a farmhouse on anyway.

38. This is a sustainable location - it is where I am already and where I want me, my family and my parents to be - in amongst the community of which we are part. The

planning process should allow for this, especially on this useless site, which you can see from the photographs still has the foundations for the farmhouse at ground level. The land can't be farmed because of this.

39. I am friends with all of my neighbours, something which I think is essential when living in a small community - they have all written in to support this application. I just hope the Planning Committee can understand this from a local point of view, this is a dwelling for an established local family, with horses and friends nearby and all with strong community links which is something I hope you can help, nourish and protect with a planning approval on this site which used to have a house on anyway.

PLANNING CONSIDERATIONS AND ASSESSMENT

40. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; access and highway safety, residential amenity, scale, layout and design, ecology, landscaping and trees and other considerations.

Principle of development

41. Todhills comprises of a working farm, eight residential properties, a cattery and brickworks. Development is established over some 350m along the road that leads to Byers Green, primarily to the northern side of the highway. The developed area is mainly grouped towards the road junction and there is a gap of some 150m between Clarence House/Berry Edge with Corbrae lying further to the east.
42. The Sedgefield Borough Local Plan (SBLP) does not identify any settlement limits for Todhills as it does for other towns and villages within the boundaries of the former Borough. It also falls outside the list of settlements identified by policies H2 and H8. As such the site is considered to be in a countryside location therefore saved policy H11 (developments in ribbons or groups of houses in the countryside) is considered to be the most relevant policy. This policy is considered to be partially consistent with the NPPF (less descriptive in terms of what would be relevant exceptions) given that it has a dual role and a wider remit of protecting the countryside. Furthermore it seeks to direct housing development towards the settlements that are best able to support such development. The proposed development would be contrary to this policy as development in such locations would not normally be approved.
43. Paragraph 14 of the NPPF states that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.' The issue of whether Todhills is a sustainable location for housing development is a key material consideration. In addition, with regard to Paragraph 14 (the presumption in favour of sustainable development) means that for decision makers where relevant policies are 'out of date' that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole or specific policies (between Paragraphs 18 and 207) in the framework indicate that development should be restricted.
44. SBLP housing supply figures are based on historic supply figures and as such are considered to be 'out of date' in the context of paragraph 49 of the NPPF. Furthermore, DCC is currently unable to demonstrate a 5 year land supply. Recent Court of Appeal judgments have however confirmed that policies such as H11 have a

dual role with a wider remit of protecting the countryside from development that will be harmful to it. Some weight can therefore continue to be afforded to policies H11 as the approach to development in the countryside partially accords with NPPF guidance.

45. Consequently, it is considered that in this instance, the proposal should not be assessed against compliance with policy H11 (although it does retain some materiality with regards to development in the countryside), but instead should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.
46. The County Durham Settlement Study (2012) provides an important part of the evidence needed to inform a settlement hierarchy to inform where new development such as housing should be located. There are six groupings within the study ranging from highest order settlements (tier 1 – main towns) down to the lowest order settlements (tier 6 – hamlets). In accordance with sustainable development principles outlined within the NPPF new housing development should be located in the areas best able to support it. There are exceptions to this presumption but Todhills due to its form, complete lack of amenities, facilities and services is not even classified within the Settlement Study and would be regarded as a small grouping of houses forming a ribbon of development along a highway. It is acknowledged the site occupies a central location between the settlements of Newfield (tier 6) and Byers Green (Tier 5). In this respect any future occupiers of the property would face a walk in excess of 640m and 500m respectively to reach even the edge of these settlements. It is acknowledged that there are bus stops that lie close to the site however only limited services operate from them. The routes include the 104 and 111 services which run approximately every 90 minutes Monday to Saturday and the latter operates a hourly service on a Saturday only. Neither operate on a Sunday and there is no very early morning or evening service. Although it is possible that occupants could cycle to neighbouring areas these are devoid of the shops, services, amenities and employment opportunities to sustain everyday life. Existing and future residents are therefore going to be dependent on the private car to travel out to visit a supermarket and wider shopping, access education beyond primary school level, make use of indoor sports facilities and employment opportunities would be limited. This goes to the heart of whether it is appropriate to locate additional housing within such an area.
47. Although the site lies within relatively close proximity to other properties within Todhills the surrounding area is rural in character being predominantly surrounded by large open fields. The proposed dwelling would occupy a central and detached position between Clarence House and Corbrae and would not be closely related to the limited surrounding development. In light of this and the concerns surrounding sustainability it is considered that the site is isolated in terms of paragraph 55 of NPPF. This would be contrary to sustainability principles and the environmental dimension of the NPPF.
48. To promote sustainable development in rural areas the NPPF states that housing should be located where it would enhance or maintain the vitality of rural communities. The example given within the framework is that where there are groups of smaller settlements development in one village may support services in a nearby village. The site lies outside of any recognised settlement and the application contains no evidence to support this stance. Irrespective of this the creation of a single dwelling would result in minimal impact in terms of the vitality of the adjacent settlements. Paragraph 55 of the NPPF then sets out that although isolated new

houses should be avoided in the countryside, there may be special circumstances to which a development of this nature could be considered acceptable. This includes the re-use of a redundant or disused building and where the development would lead to an enhancement of the immediate setting.

49. Despite the existence of some limited foundations of former buildings on the site these were demolished around 30 years ago therefore would not meet the intentions of this exception policy. The second test of the exception is the requirement that the development would lead to an enhancement of the immediate setting. In this respect the site is well screened and scrubbed over such that there is no harm to the locality in terms of its appearance. It is therefore not considered that there are any special circumstances which would justify an isolated new dwelling in the countryside.

50. The NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any fixed surface infrastructure. The definition excludes amongst other things land that has been occupied by agricultural buildings, land in built up areas such as private residential gardens and land which was previously developed but where the remains of the permanent or fixed structures have blended into the landscape in the process of time. This matter has been the subject of much discussion between the agent who considers that the site constitutes previously developed land and officers within the Council. The site was previously occupied mainly for the purposes of agriculture however it did benefit from an associated dwelling. The NPPF makes it clear that agricultural land is not previously developed land. Details have been provided showing the remains of foundations. Two trenches relate to the former farmhouse and two relate to former outbuildings associated with the agricultural use.

51. Whilst the NPPF's definition of previously developed land does include land that is or was developed with permanent structures it excludes from the definition land where the remains of the structures have blended into the landscape. As noted that the site is well screened with only glimpsed views through the field gate. Whilst the foundations may be visible on close inspection given they are set well within the field, are at ground level and the land is scrubbed over therefore it is considered that they have blended into the landscape. It is therefore the local authority's view that the site does not fall within the definition of brownfield land due to the previous agricultural use and existing site circumstances. Notwithstanding this, while the NPPF does promote the use of previously developed land there has been a shift to an assessment of the overall sustainability of a site, including the development of suitable greenfield sites. Given that the overall appearance of the site is not considered to be detrimental to the appearance of the locality it is not considered that there would be any overriding benefits of redeveloping the site that would overcome the sustainability concerns.

52. The proposal would contribute in a limited manner to the economic and social dimensions of sustainable development through the creation of a single new dwelling. Notwithstanding this the site is considered to represent an isolated dwelling in the countryside and it is not considered that there are any special circumstances would justify allowing development which would conflict with promotion of sustainable development as set out in the NPPF.

Access and Highway Safety

53. The access to the site is taken directly off the unclassified adopted highway that leads to Byers Green. The suitability of otherwise of this existing access which is proposed to serve the dwelling is considered to be the main highway issue in relation to this proposal.

54. The dwelling is required to be served by a 2.4 by 120m junction site visibility splay. To facilitate this two different options were discussed including using the existing access and upgrading it or alternatively creating access within a central point of the field. The latter was discounted by the applicant as it would have resulted in two accesses into the site and the removal of significant levels of vegetation. On this basis the scheme has proceeded on the premise that the existing access will be upgraded. This would still mean that existing hedgerows and trees which line the site frontage would need to be removed. Subject to a condition being imposed relating to the implementation of the visibility splay prior to occupation and its maintenance the Highways Authority has confirmed that the development could be served by an appropriate means of access in line with policy D3 of the Sedgefield Local Plan.

Residential Amenity

55. Saved policies H17 (B), D1 and D5 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide for satisfactory amenity and privacy for new and existing adjacent dwellings. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings, requiring a minimum 21m separation between opposing windows of primary elevations. These policies are in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

56. Given the isolated nature of the site privacy distances are comfortably achieved while future residents would have appropriate levels of amenity space.

57. In considering the scheme the Council's Environmental Health section (noise) offer no objection to the scheme although they note that the proposed dwelling would be in close proximity to the brickworks and a commercial cattery. As there are other properties in closer proximity to these aforementioned businesses it is considered unlikely that the development would adversely impact on their operation. Furthermore, there have been no recorded complaints pursuant to the brickworks and there are existing controls in place to minimise certain environmental impacts. Noise and odour issues are not inherently associated with catteries unless they are badly managed. Despite having some concerns regarding the siting of a further dwelling near a significant industrial practice no adverse comments have been raised. Planning officers are therefore satisfied that the proposal has the potential to accord with both national and local policy in this regard.

Scale, Layout and Design

58. SBLP Policies D1, D2 and D5 seeks to ensure that new development is satisfactory in terms of its design and that the needs of users of a development are accommodated. Policy H17 sets out that infill development should be in form and keeping with the surrounding area. For the avoidance of doubt the local plan specifies that 'infilling' is the filling of small gaps within small groups of houses. Part 7 of the NPPF deals with good design generally advising that it is a key aspect of sustainable development, indivisible from good planning that can lead to making places better for people. (infill development?)

59. Todhills consists of only eight properties and there are a range of different house types within the area ranging from bungalows, larger detached properties and semi-detached cottages. The properties are constructed from a variety of different materials including render, pebbledash and brick are of varying scale and massing. As such there are not necessarily any particular design characteristics that would be specific to this grouping of houses. On this basis the proposed dwelling would not

look significantly out of place in terms of its detailed appearance albeit that it would be the largest property in this area. The main issue relates to its siting is not necessarily within the plot rather the street scene generally. Although it would sit in between the main two groups of development in Todhills it would be physically detached from both. In that sense it is not considered that it is well related to the grouping nor would it constitute infill development in terms of policy H17 of the local plan. It would lead to a new property which would encroach upon the countryside

Ecology

60. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The Ecology Section offers no objection to the scheme and does not consider that a Phase 1 Habitat Assessment is required to support the application. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

Landscaping and trees

61. The removal of the hedgerow to accommodate the sight visibility splays would have some localised adverse landscape and visual impacts. It is acknowledged that this could be replanted to maintain an appropriate amount of screening although in the short to medium term this would have an adverse visual impact as this takes time to mature and develop. The tree officer has advised that the submitted tree protection plan should be adequate to protect the prominent trees on site. Overall it is considered that such matters can be resolved through the imposition of planning conditions and would therefore accord with policy E15 of SBLP which expects development proposals to retain important groups of trees and hedgerows.

Other Issues

62. The drainage officer has confirmed that according to the Council's Flood Data the site is not in a location within a potential to flood. Surface water drainage will be subject to the requirements of Building Regulations. The application forms state that it is not known how the scheme is proposed to deal with the disposal of foul water. Given the minor nature of the development it is not considered necessary to further control this matter as the developer would either liaise with Northumbrian Water directly regarding a connection to the adjacent sewer or with the Environment Agency if an environmental permit is required.

63. The development site is located approximately 270m from the edge of Todhills quarry landfill site. Although the site has ceased to accept waste it still continues to produce landfill gas therefore it would be expected that any contaminated land risk assessment of the site would take account of this. The Phase 1 report submitted in support of the previous application did not adequately address all the possible sources of land contaminated and was therefore was considered inadequate to inform the proposal. Similar concerns were initially identified with the current submission, however extensive work took place with the agent, his appointed consultants and the Contaminated Land section prior to the validation of the application. The Phase 1 Assessment is considered to be acceptable and on this basis a condition is suggested to be imposed requiring the submission of further information.

64. It is noted that a number of letters have been received in support of the planning application from local ward members and occupants of Todhills. The letters of support

state that the applicant is from Todhills and that if the dwelling was approved it would allow her growing family to remain here however this cannot be guaranteed. The applicant already has a property within Todhills. The proposed dwelling is not considered to be in character with the existing form of development and would have a significant localised impact on the landscape. It is not considered that the site is brownfield or in an untidy state being well screened and covered in vegetation. Although there was a dwelling formerly on the site this was there in connection with the farming operation that ran from the site and was demolished in excess of 30 years ago. The creation of a single dwelling within a location without shops and services would not be considered to enhance the viability of area nor would it have any meaningful impact on housing land supply. The applicant already stables her horses on the farm therefore the economic situation would be no different to if she continued to reside in her existing property or the proposed one. Whilst these points of support are noted it is not considered that they alter the planning balance in light of the significant concerns regarding the unsustainable nature of the development through the creation of an isolated dwelling within the countryside.

CONCLUSION

65. The proposal has been assessed against the policy documents identified above and it is concluded that the development would represent the formation of an isolated new dwelling in the countryside, contrary to local and national planning policies. Paragraph 55 of the NPPF states that isolated new houses should be avoided in the countryside except where there are special circumstances.
66. The proposal would contribute in a limited manner to the economic and social dimensions of sustainable development through the creation of a single new dwelling. Notwithstanding this and it is not considered that there are any special circumstances that would justify allowing isolated development which would not comply with the social and environmental roles of sustainable development specified in the Framework. The site is not considered to be particularly well related to Todhills generally or surrounding settlements. Newfield and Byers Green are both lower order settlement and are considered unsustainable locations to locate new housing development. The site is not in an untidy state and the erection of the property would have some localised adverse landscape impacts through the loss of the established hedgerow and the creation of a new dwelling in the countryside. It is not considered that the creation of a single dwelling would contribute to the viability of services within neighbouring areas. Applying the planning balance of paragraph 14 of the Framework, it is considered that the adverse effects of allowing this proposal would significantly and demonstrably outweigh the benefits. The proposal would not therefore represent an acceptable and sustainable form of development.
67. It is accepted that subject to appropriate conditions the development would provide an acceptable means of access. Whilst the scheme would preserve highway safety in terms of the proposed access arrangements there are concerns at the overall lack of sustainable modes of transport to surrounding settlements. Ecological interests would also be safeguarded and the development would have an acceptable impact on the amenity of surrounding residential properties.
68. In conclusion the development of this site for residential purposes is considered to conflict with Local Plan Policies and the promotion of sustainable development as set out in the NPPF. Despite local support for the proposal it is not considered that there are material planning considerations which indicate otherwise therefore the application is recommended for refusal.

RECOMMENDATION

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

The development would result in the formation of a new isolated dwelling within an unsustainable location in the countryside without special justification, contrary to policies H11 and H17 of Sedgefield Borough Local Plan and the sustainable development objectives of the National Planning Policy Framework, including paragraph 55.


STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse 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)
- National Planning Practice Guidance
- Sedgefield Borough Local Plan
- Evidence Base Documents
- Statutory, internal and public consultation responses



 <p>Planning Services</p>	<p>Erection of a single detached dwelling (resubmission of withdrawn application - DM/15/03197/FPA) Mrs Rachel Quin Land To The West Of Corbrae, Todhills, DL14 8BB Ref: DM/16/01871/FPA</p>				
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<table border="1"> <tr> <td data-bbox="861 1724 1021 1769"></td> <td data-bbox="1021 1724 1449 1769"></td> </tr> <tr> <td data-bbox="861 1769 1021 1881"> <p>Date 22nd September 2016</p> </td> <td data-bbox="1021 1769 1449 1881"></td> </tr> </table>			<p>Date 22nd September 2016</p>	
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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2003/0267
FULL APPLICATION DESCRIPTION:	Outline application for up to 38 dwellings with all matters reserved
NAME OF APPLICANT:	G and B Batson
ADDRESS:	Land North Of Smith Street Tow Law
ELECTORAL DIVISION:	Tow Law
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The site lies to the north west of Smith Street in Tow Law, within the development limits identified in the Wear Valley District Local Plan. The site is partly former agricultural land and partly previously developed having hosted a poultry farm and currently hosting landscape and other businesses associated with the applicant. It is understood these business are seeking to locate to a site elsewhere in Tow Law.
2. The application seeks outline approval for the erection of up to 38 dwellings with all matters reserved.
3. The application has previously been recommended for approval by Wear Valley Planning Committee a long time back in 2003, subject to the conclusion of a S106 agreement for open space contributions, however the S106 was never completed. As such, due to the passage of time an updated suite of information has been supplied including revised S106 offerings to allow the development to be reviewed against the current planning policy framework.
4. The application is being reported to the committee as it constitutes a major development.

PLANNING HISTORY

5. Outline approval for residential development at the site was granted in 1994 (ref 3/1993/0688).
6. As already mentioned, Wear Valley Planning Committee gave authority to approve this current application in 2003 subject to completion of a S106 agreement.

PLANNING POLICY

NATIONAL POLICY

7. On March 27th 2012 the Government published 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. 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.
9. *NPPF Part 4 – Promoting sustainable Transport* This part of the NPPF states that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
11. *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.
12. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
13. *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. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
14. *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.

LOCAL PLAN POLICY:

15. The following saved policies of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can therefore be given weight in the determination of this application as it is a core principle of the NPPF that decisions should be plan led:
16. *Policy GD1: General Development Criteria* 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.
17. *Policy H3: Distribution of Development* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
18. *Policy H15: Affordable Housing:* The District Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing on development sites.
19. *Policy H22 Community Benefit* On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
20. *Policy T1 General Policy – Highways* All developments which generate additional traffic will be required to fulfil Policy GD1 and i) provide adequate access to the developments; ii) not exceed the capacity of the local road network; and iii) be capable of access by public transport networks.

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/media/3403/Wear-Valley-local-plan-saved-policies/pdf/WearValleyLocalPlanSavedPolicies.pdf>

RELEVANT EMERGING POLICY:

The County Durham Plan -

Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. 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:

21. *Northumbrian Water*: No objections, drainage condition requested.
22. *Highways Authority*: No objection, highways access point should be provided to Smith Street towards the south of site.
23. *Coal Authority*: No objections subject to condition requiring intrusive site investigations.
24. *NHS*: No response.

INTERNAL CONSULTEE RESPONSES:

25. *Landscape Section*: There are no landscape designations on the site. There will be limited visual and landscape impacts arising, and these will be localised and the development has the opportunity to enhance the site and immediate surrounds. The impact upon the open countryside, in particular the fell, is likely to be negligible.
26. *Environmental Health*: No objections. The proposed site relates to the introduction of a noise sensitive receptor to an otherwise undeveloped site. The site is approximately 50m from an existing industrial estate, which is considered a potential noise source. Upon visiting the site it is considered that the industrial use is generally B1 with no external plant/noise sources noted, therefore it is not considered likely that the properties will significantly impact on the proposed development in relation to noise.
27. *Sustainability section*: No objections, sustainability condition required.
28. *Contaminated Land*: No objections but a contaminated land assessment will be required by condition.
29. *Drainage and Coastal protection*: No objection. According to the EA and Durham County Council SFRA data there does not appear to be a risk of flooding to the development site.
30. *Education*: No objection, there are sufficient primary and secondary school places available to accommodate pupils from this development.
31. *Public Rights of Way*: No objection, there are no recorded Public Rights of Way through the application site.
32. *Ecology*: No objections, conditions recommended.
33. *Affordable Housing*: The site is located in the South area of the county and based upon the Strategic Housing Market Assessment (SHMA) there is a need that any development in the South area should include a minimum affordable housing requirement of 10% equating to 4 units on this development.
34. *Design and Conservation*: The site contains no known heritage assets and does not fall within the immediate setting of other assets within the village. The principle of development therefore in relation to impact upon, or harm to the setting of, heritage assets is considered acceptable.

PUBLIC RESPONSES:

35. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. There were no comments received in relation to the latest consultation. It is understood that two letters were received in 2003 relating to concerns over drainage and site access.

APPLICANTS STATEMENT:

36. It has been 13 years since Wear Valley District Council's planning committee resolved to grant planning permission for houses at the application site, a decision which was never issued by the then Local Planning Authority. Owing to the passage of time, the applicant was asked to bring the application up to date with the submission of a suite of reports and information which have demonstrated that the development of the site as proposed in the application for planning permission will comply with national and local planning policies and will give rise to no adverse impacts on the site or its surroundings. Identified as a "housing commitment" in the adopted Wear Valley District Local Plan, it is recognised that the proposed residential development will instead bring real and sustainable improvements, environmentally and economically to the town of Tow Law.

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://plan-1:8080/IDOXSoftware/IG_search?app_id=1002&FormParameter1=DM%2F15%2F00373%2FOUT

PLANNING CONSIDERATIONS AND ASSESSMENT

37. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to principle of development, impact on character and appearance of the area, highway safety, public open space and affordable housing, ecology and other issues.

Principle of Development

38. The application site falls within the settlement boundary of Tow Law as identified within the Wear Valley Local Plan and is shown as an existing housing commitment on the inset map because of the 1994 permission. The Development is therefore in accordance with Wear Valley Local Plan Policy H3.

39. However, the housing policies and commitments of the Wear Valley Local Plan are out of date and there are currently no other up to date housing policies. Policy H3 cannot therefore be afforded any weight. In these circumstances the NPPF advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

40. The main purpose of the NPPF is to achieve sustainable development. As a general principle there is support for reuse of previously developed land. Section 6 of the NPPF seeks to significantly boost the supply of housing. Local planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised.

41. Tow Law is classed as a Tier 3 Local Service centre, reflective of the reasonable range of services and facilities on offer. It is a suitable location for the scale of development proposed. The development will help support local services and improve the housing offer in the town, while also contributing to overall housing supply, thereby delivering social and economic benefits.
42. Environmentally, the dwellings would occupy a semi-derelict site hosting some ramshackle former poultry sheds, which currently detract from the character and appearance of the area. The redevelopment of the site would accord with one of the core principles of the NPPF which is to encourage the effective use of land that has been previously developed, provided that it is not of high environmental value. The removal of the existing unsightly buildings would have a strong environmental benefit.
43. Having regard to all of the above, it is considered that the principle of housing development represents an acceptable use of the site and accords with the aims of NPPF Parts 4, 6 and core principles in relation to reuse of previously developed land and sustainable patterns of development.

Impact on character and appearance of the area

44. The site relates well to the developed framework of the town, being surrounded by existing development on all but its northern side. The development would therefore sit comfortably within a built up area, rather than intruding into open countryside and the Landscape Section has raised no objection.
45. The application is in outline format with all matters reserved and therefore details of the siting, type, size and orientation of dwellings will be finalised at reserved matters stage. Nevertheless an indicative layout demonstrates the potential for the site to accommodate the scale of development proposed. The area has a mixed character of housing and business units and the only real unifying character is the common use of stone as a building material for housing. It is very likely that a suitably designed housing scheme, in keeping with the character of the area, can be achieved on the site.
46. There is no conflict with Wear Valley Local Plan policy GD1 and the general principles of NPPF part 7.

Highway Safety

47. The exact details relating to access are reserved for future consideration. As recommended by the Highway Authority it is anticipated that a suitable vehicular access can be achieved to Smith Street and this would form part of a reserved matters application. The Highways Authority has offered no objection to the development in terms of the ability of the local road network to be able to accommodate the anticipated traffic flows.
48. There is no conflict with NPPF Part 4 and Wear Valley Local Plan Policies GD1 and T1.

Affordable housing public open space contributions

49. Wear Valley Local Plan Policy H15 states that the authority will seek to negotiate with developers for the inclusion of an appropriate element of affordable housing on development sites. The most up to date local needs assessment suggests this should be 10%, equating to 4 properties.

50. Four affordable discount market sales properties are offered as part of this application thereby meeting the criteria. This would be secured by S106 Agreement.
51. Policy H22 of the Wear Valley Local Plan requires provision or contribution to social, community and/or recreational facilities on sites of 10 or more dwellings.
52. There is no intention to provide open space within this development and therefore, an off-site contribution would generally be sought, which in this case would equate to £38,000.
53. However, a detailed viability assessment has been submitted which shows that providing the full open space payment would render the project financially unviable, partly due to unknown build costs and concern over market values in the area. Instead a payment of £20,000 is offered.
54. Paragraph 016 of the Planning Practice Guidance requires local planning authorities to take a flexible approach in seeking planning obligations to ensure that the impact does not make a site unviable and therefore this reduced amount is considered acceptable and will be secured by the S106 agreement. There will however be a review mechanism within the S106 to consider the position at reserved matters stage to ensure that the scheme remains viable and deliverable at the point of delivery. That will also apply to the affordable housing.
55. There is no conflict with Wear Valley Local Plan policies H15 and H22, or NPPF Parts 6 and 8.

Ecology

56. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
57. The Hedleyhope Fell lies beyond the site to the north and is a heathland habitat home also to reptile, butterfly and bird species. The application has been accompanied by a protected species report. It is considered unlikely that the development will impact on protected species or other ecological interests and the Councils Ecology section has raised no objections to the application. This is on the basis that conditions are included within the application relating to the provision of a buffer zone to the Hedleyhope Nature reserve and that additional mitigation measures are incorporated in relation to reptiles.
58. Subject to conditions there is no conflict with Wear Valley Local Plan policy GD1 or NPPF Part 11.

Other issues

59. The NPPF seeks to prevent unacceptable risks from noise pollution and also seeks to ensure that existing businesses are not curtailed by new development. It is noted that Dans Castle industrial estate exists to the west of the development site. The nearest units are 3 and 4 Dans Castle. These units were granted approval for B1

Business, B2 General Industrial or B8 Storage and Distribution use. However these are small industrial units that do not have large yards that could accommodate noisy outside working. No noise has been noted from these premises during visits to the application site and it is notable that these premises already exist in close proximity to residential properties with no reported issues. There would also be an approximate 50mtr separation distance between these units and the application site. Due to these factors it is not considered that noise issues would have an unacceptable adverse impact on residential amenity for those living within the development.

60. Due to past coal mining activity in the area intrusive site investigations are required and a condition is included to request these. On this basis the Coal Authority has offered no objections. The site is also subject to existing commercial activity and therefore as advised by the Contaminated Land Section there is a need for contaminated land risk assessments to be carried out to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised. As this is an outline application these requirements can be conditioned.
61. The Drainage and Coastal Protection Team have noted that this is not an area that is at risk from flooding and a full drainage scheme to deal with both foul and surface water would be required as part of a detailed scheme and therefore this has been conditioned.
62. Although the site has been in use as a chicken farm and contains existing business premises it does form part of the wider Cornsay & Hedley Hope Common and therefore the proposed development on the land would be classed as restricted works under the Commons Act 2006. Regardless of any planning permission, in order for the development to proceed, it will require separate consent from the Secretary of State, administered by the Planning Inspectorate. While this is noted, in planning terms, the proposal is considered acceptable for the reasons set out in this report.

CONCLUSION

63. The application represents a suitable form of development within a sustainable location. It is likely that an acceptable detailed housing scheme can be delivered on the site in keeping with the character of the area and without compromising highway safety, residential amenity and other interests in relation to ecology, coal mining, drainage and land stability. Four affordable dwellings and a £20,000 open/recreation space contribution will be secured by S106 Agreement.
64. There have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Wear Valley Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission in this case, the proposal is therefore recommended for approval.

RECOMMENDATION

That the application be **approved** subject to the completion of a section 106 legal agreement to secure the provision of £20,000 open space contribution and 4 affordable discount market sale dwellings and subject to the following conditions:

1. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Red Line Location Plan received 16th February 2016.

Reason: To define the consent.

4. No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any source in accordance with Policy GD1 of the Wear Valley Local Plan and part 10 of the NPPF.

5. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. This should include in particular, options to heat the development by low/zero carbon technologies. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Wear Valley Local Plan.

6. A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s) and the results submitted to the Local Planning Authority before development commences, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) before development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

7. No development shall commence until intrusive investigation works relating to coal mining risk have been undertaken at the site and the results of the investigative work and any necessary scheme of remedial/mitigation works have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved remedial/mitigation scheme and timings.

Reason: To ensure that the site is safe and stable to accommodate the proposed development in accordance with NPPF paragraphs 120-121. The details are required before commencement as they relate to fundamental issues regarding the stability of the site which need addressing at an early stage.

8. No development shall take place unless in accordance with the mitigation and recommendations detailed within section 7 of: Protected Species Report by Veronica Howard Revised April 2016

Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF and Wear Valley Local Plan Policy GD1.

10. A 15 metre buffer zone shall be maintained on the application site to the adjacent Hedleyhope Nature Reserve during and after development of the site. Details of a management scheme and planting plan for this area shall be provided to and agreed in writing with the Local Planning Authority prior to the commencement of development and the buffer zone shall be maintained in accordance with the agreed scheme for the lifetime of the development.

Reason: In the interests of Ecological interests in the area and to accord with Part 11 of the NPPF. The details are required before commencement as ecological interests in the area could be harmed if adequate protection is not in place prior to the commencement of development.

BACKGROUND PAPERS

Submitted application form, plans supporting documents provided by the applicant
The National Planning Policy Framework (2012)
National Planning Practice Guidance Notes
Wear Valley Local Plan
All consultation responses received



Planning Services

Outline application for 38 dwellings
with all matters reserved

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22nd September 2016

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03615/FPA
FULL APPLICATION DESCRIPTION:	Erection of 5 no. detached dwellings and 4no. semi detached dwellings
NAME OF APPLICANT:	Mrs Sarah Shield
ADDRESS:	Land To The Rear Of 7 And 8 Meadow Close Middleton-in-Teesdale County Durham DL12 0TW
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site lies at the top end of Meadow Close, which is a modern housing estate on the eastern side of Middleton in Teesdale. It is undeveloped land surrounded by residential development to the north, south and west with agricultural land, designated as an Area of High Landscape Value, to the east. Land levels slope steeply up Meadow Close to the application site. The site is accessed from the un-adopted northern section of the Meadow Close estate road.
2. The application proposes the erection of a total of 9no. dwellings comprising of 5 detached dwellings in a dormer bungalow style, along with 4 two-storey semi-detached properties. The properties would be accessed from Meadow Close to the south. 1 dwelling would be an affordable unit.
3. The application is referred to the Planning Committee at the request of Cllr Richard Bell due to the extent of local concerns surrounding the highways access and drainage issues.

PLANNING HISTORY

4. The Meadow Close estate was originally granted permission in 1988 ref: 6/1988/0129/DM and subsequently amended in 2004 by permission 6/2004/0145.
5. Permission was granted for 10 dwellings on the application site itself in 2009 ref: 6/2008/0373/DM. This was renewed in 2014 ref: 6/2011/0315/DM and was subject to a S106 for 3 affordable dwellings. This permission is extant and therefore the site currently benefits from a planning permission for 1 more dwelling than the current application.

PLANNING POLICY

NATIONAL POLICY

6. 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.
7. *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.
8. *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.
9. *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.
10. *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.
11. *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.

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

LOCAL PLAN POLICY:

12. The following saved policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
13. *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.
14. *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.
15. *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.
16. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.
17. *Policy H14: Provision Of Affordable Housing Within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.

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

RELEVANT EMERGING POLICY:

The County Durham Plan -

18. 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:

19. *Middleton-in-Teesdale & Newbiggin Parish Council*: Object to the application. Concern is raised over the safety of the access which runs through Leekworth Gardens to Meadow Close. Concern is also raised with regard to drainage and flooding in and around the application site. Objection is raised on the grounds that the current access road to the development site remains unadopted. It is suggested that some benefit should be conferred to Middleton in Teesdale Primary school through any section 106 agreement associated with the development.
20. *Highway Authority*: No objections - The road serving this site, adjacent to 4,5,6,16,17 Leekworth Gardens has not been submitted by the owner for highway adoption. Given the existing number of residential properties the access serves adoption is not required. However, both it and the new highway serving the proposed dwellings must be constructed and laid out to adoptable standard as part of any consent of the application. This should be conditioned and conditions 3 to 6 from the extant consent should be attached to any new consent. These conditions relate to the provision of the access road to base course level and retaining wall prior to the construction of any dwelling in site, the submission of engineering details to current highway design standards, provision of site level details and details of materials removal from the site. It is suggested that Condition 10 should be included which requires the access road including that on Meadow Close be fully completed to provide a wearing course following the occupation of the seventh dwelling (amended to reflect the reduced number of dwellings proposed), with the eighth and ninth dwellings not being occupied until the highway works are complete.
21. *Northumbrian Water*: No objections, drainage condition requested. NWL Infrastructure is capable of hosting the anticipated foul and surface water flows from the development site.

INTERNAL CONSULTEE RESPONSES:

22. *Drainage and Coastal Protection*: No objections. There is a recognised overland flow route through the site. This has been noted in the Flood Risk Assessment & Drainage Strategy. Flood mitigation measures have been designed into the site layout.

23. *Landscape Section*: Some concern over the ability to retain a tree in the North West corner of the site. A tree protection plan should be supplied along with details of proposed landscaping.
24. *Design and Conservation*: No objection.
25. *Environmental Health (Noise)*: No objection. Recommended that informatives be added to seek to minimise disturbance to surrounding residential occupiers during the construction phase.
26. *Ecology*: No objection. The site has no ecological constraints.
27. *Affordable Housing*: There is a requirement of 15% affordable housing within the west of the county which would equate to 2 units at this development. These units could be delivered as either affordable rent, if an RP partner can be secured, or as Discount Market Sale units.

PUBLIC RESPONSES:

28. The application has been publicised by way of site notice and neighbour notification letters. Letters of objection from 8 addresses have been received.
29. Primary concerns are in relation to the unfinished state of the access road; disturbance by construction traffic; increased flood risk beneath the application site; loss of privacy from overlooking and proximity, particularly in respect of no.9 Meadow Close; and inappropriate use of pebble dash render.
30. It has also been suggested that there is no need for new houses in Middleton and Teesdale and that if approved, there should be a time limit within which the development should be completed and a bond to ensure works are completed.

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:

31. The proposed development is situated on an infill site to the north of Meadow Close in Middleton in Teesdale. The site its self is accessed via an adopted road through Leekworth gardens and up into Meadow Close. The north of the site is bounded by 3 bungalows which are accessed directly off B6282. The western boundary of the site is a spur road from Leekworth Gardens and the eastern boundary of the site is a paddock area for the adjacent residence.
32. The proposal for the site is to develop the remaining area of land with 9 new dwellings, comprising 5 dormer bungalows, each set out over 3 storeys to take advantage of the existing ground levels, with 2 bedrooms in the roof space, and 1 bedroom on the main living space, with garage accommodation on the lower level. This allows for a flexible living accommodation layout and the additional marketing option of retirement homes for less abled bodied individuals. The other 4 houses are two pairs of semi-detached 2 storey 3 bedroom houses, making 9 dwelling units total. One of these semidetached units will be sold as an affordable home under Durham County Councils current guidelines.
33. We have identified a housing shortage within the Middleton-in-Teesdale area for family homes and retirement bungalows, and believe that this site is ideal to fill the

gap in the local housing market, giving an excellent selection of housing types to fulfil the local requirements, which will add to the sustainability of the local economy, and bring an area of redundant land back into use within the development limits of the town.

34. In conclusion we have identified a need for family houses and retirement homes within the Middleton-in-Teesdale area, and this infill site well within the development limits of the town is ideal to fulfil this need. The introduction of new housing will also benefit the town and its economy as well as the wider area, with families and individuals utilising the facilities and shops within the town thus increasing the sustainability of the local area and its amenities.

PLANNING CONSIDERATIONS AND ASSESSMENT

35. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact on the character and appearance of the area, residential amenity, highways, flood risk and affordable housing.

Principle of development

36. The principle of residential development on this site has already been established by the previous permissions and there is an extant permission for 10 dwellings that can still be implemented. The extant approval is a significant material consideration in support of this planning application, which is for 1 less dwelling than the extant permission.
37. Notwithstanding this, although the site is effectively greenfield land, it lies within the development limits and built up area of Middleton in Teesdale, which is a town with a good range of local shops services, including a school within short walking distance of the site.
38. In the current circumstances where there are no up to date local housing policies, the NPPF in paragraph 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
39. The main purpose of the NPPF is to achieve sustainable development. Section 6 of the NPPF seeks to significantly boost the supply of housing. Local planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised.
40. The proposed development is wholly in accordance with these aims.
41. Therefore, taking into account the extant permission and compliance with NPPF objectives, the principle of residential development of the site remains acceptable.

Impact on the character and appearance of the area

42. The site is currently surrounded on three sides by residential properties and would not protrude past the existing edge of development to the east. The development

of this site would therefore represent a natural infill which would complete and complement the existing urban form on the eastern side of the town without intruding into the countryside. Accordingly there would be no harm to the adjacent Area of High Landscape Value designation and therefore no conflict with Teesdale Local Plan Policy ENV3.

43. Part 7 of the NPPF outlines that the government attaches great importance to the design of the built environment. It is noted that good design is a key aspect of sustainable development. Appropriate standards of design are also required through Teesdale Local Plan policies GD1 and H12.
44. The character of the existing area is mixed with existing housing having been built at different periods over time. The larger Leekworth Gardens estate to the west is comprised predominantly of post war terraced and semi-detached two storey dwellings, while Meadow Close hosts both semi-detached two storey dwellings and detached bungalows. Modern bungalows sit to the north of the application site. Materials are also mixed between stone and pebble dash with roofs of slate and concrete tiles. The materials exist relatively seamlessly together given their similar shades and colouring and sit comfortably against the rural landscape beyond the settlement edge.
45. The application proposes 2 dwelling types. The 5 detached dwellings across the north of the site would effectively be dormer bungalows (3-bed), with a garage contained within a basement due to the sloping nature of the site. The 4 (3-bed) semi-detached dwellings would be along the eastern side of the site. The detached dwellings would be built from stone while the semi-detached properties would have stone to the front and render to the side and rear elevations. Roofs would be slate. Whilst dormer windows are not a common feature in the locality, those proposed on the detached dwellings are modest and proportionate to the roof slopes forming an alternative architectural feature in the area of mixed character. Accordingly, it is considered that the design and materials of the dwellings would relate comfortably with their surroundings. Precise details of the proposed materials can be conditioned.
46. Some trees on the site have been removed prior to the submission of this application. These trees did not benefit from protection under the planning system. It is proposed to maintain a mature tree in the north western corner of the site and details of its protection can be secured by condition. It is proposed to remove some conifer hedging on the western boundary of the site, but the loss of this part of the conifer hedge or further removal would not be problematic in the context of the development and has limited ecological value. Landscaping within the site can be conditioned.
47. There is no conflict with the design aims of NPPF Part 7 or Teesdale Local Plan policies GD1 and H12.

Residential Amenity

48. It is acknowledged that the development will clearly change the outlook for residential properties surrounding the site given its present undeveloped nature; however there is an extant permission for 10 dwellings on the site and providing the relationships with neighbouring dwellings remain acceptable the effect on views is not a reason to refuse planning permission.
49. The closest relationships would be from the rear of 27/28 Leekworth Gardens to the gable end of Plot 1, which would be between 12 and 13 metres. This is closer

than the previous permission, however the houses were previously oriented rear-to-rear, whereas plot 1 now presents a gable to 27/28 Leekworth Gardens. Without any windows in the gable end of plot 1 this distance represents an acceptable relationship. Specific concerns have been raised by 9 Meadow Close about the proximity of Plot 6. However, 9 Meadow Close does not face directly onto the gable end of Plot 6, which is set almost 90 degrees to the north and in excess of 16mtrs from the rear elevation of 9 Meadow Close at its closest point. There would be no adverse effect on the amenity of 9 Meadow Close. The properties to the north of the site such as Woodend, The Bungalow and Hillingdon Grange would be at or in excess of 21mtrs from plots 1-5, while the gable end of plot 9 would be 17 metres from the rear elevation of Hillingdon Grange. Nos 7 & 8 Meadow Close to the south are in excess of 30m from plots 1-5.

50. It is considered that the proposed development could be accommodated on the site without adverse effects on the residential amenity of neighbouring properties in respect of outlook and privacy. There is no conflict with Teesdale Local Plan Policy GD1.
51. Neighbours have also raised concerns about disturbance during construction and the potential length of the construction period. Disturbance and inconvenience during construction is an inevitable effect of any development, but it is not permanent. Nevertheless, a condition controlling working hours would be appropriate in this case and would help reduce any impact. It would not however be possible to condition that the development is completed within a specific time or in its entirety, as advised in paragraph 005 of the Planning Practice Guidance. There is some scope though to condition that particular elements are provided by/at a particular stage and ensuring the estate road is brought up to standards at different stages of the development could therefore be conditioned, as it was on the previous permission and is discussed further below.

Highways

52. The safety and suitability of access onto the wider road network, as well as the unfinished condition of the estate road leading to the site, which already serves existing dwellings have been raised as issues by objectors throughout the various planning applications on the site.
53. As with the previous approvals it is considered that road safety onto Leekworth gardens and the wider highway network would not be compromised by the small scale of development, which in this case also comprises 1 less dwelling than previously approved, so the material impact on the highway network would be even less than an extant permission.
54. However, as already mentioned, the condition of the estate road leading past existing dwellings nos. 4-17 Meadow Close and into the site is recognised and is something that the previous planning permission sought to address as much as is possible through conditions. The road does not have to be adopted because of the number of dwellings it serves; however, as advised by the Highway Authority, it should still be constructed and laid out to adoptable standard to be suitable to serve the existing and proposed development. It is understood that this has been delayed pending development of the application site because of potential damage that construction vehicles would cause to a newly surfaced road, but it is the applicant's intention to complete the road when there is no longer a requirement for heavy vehicles to access the site after the majority of construction work is completed.

55. In order to ensure this happens it is necessary to repeat the highways conditions from the previous permission. This would include bringing the access road to base course level and construction of the retaining wall prior to the construction of any dwelling in site; the submission of road engineering details to current highway design standards; provision of site level details and details of materials removal from the site; and also a requirement that the access road be completed to include a wearing course following the occupation of the seventh dwelling.

56. Subject to these conditions, the highways effects of the development are deemed acceptable and there is no conflict with NPPF Part 4 and Teesdale Local Plan Policy GD1.

Flood Risk

57. The site is in Flood Zone 1, but as identified in the flood risk assessment and through previous applications, there is a culvert which runs beneath the site in a north south direction on its eastern fringes.

58. Once again neighbours have raised concerns about surface water flooding from the site. However, as with the extant permission the effects can be controlled by a suitable drainage scheme and retention of the culvert in situ to the rear of the four semi-detached dwellings.

59. The Council's Drainage and Coastal Protection Team are satisfied that the proposed drainage strategy and flood mitigation measures designed into the site layout are acceptable and will not increase the risk of surface water flooding to the surrounding area. There is also no objection from Northumbrian Water. The details can be conditioned.

60. There is no conflict with Part 10 of the NPPF and Teesdale Local Plan Policy ENV15.

Affordable Housing and other contributions

61. In line with Policy H14 of the Teesdale Local Plan the development should be subject to Affordable Housing provision on the site. The most up to date local needs assessment suggests this should be 15%, which would equate to two units for this scheme. The extant permission for 10 dwellings secured 3 affordable units by S106.

62. However, economic conditions are not as they were when the previous schemes from 2008 and 2011 were submitted and a detailed viability assessment shows that providing two affordable dwellings on the site would now render the project financially unviable, partly due to high build costs on this hillside site. Accordingly, the application proposes only one affordable dwelling, which equates to 11%. The Council's Housing section advises this could be delivered as either affordable rent, or as Discount Market Sale units.

63. Paragraph 016 of the Planning Practice Guidance requires local planning authorities to take a flexible approach in seeking planning obligations to ensure that the impact does not make a site unviable, particularly when it involves affordable housing. The provision of an affordable unit still carries considerable weight and being mindful of the PPG advice, is considered acceptable on viability grounds.

64. The Parish Council request for school contributions are noted, but the development is too small to justify any such contributions and in any case this would make the development unviable. There is also no requirement for open space contributions because the development is below the Teesdale Local Plan Policy H1A threshold of 10 dwellings.

CONCLUSION

65. The development represents a sustainable and modest development in keeping with the existing character of the area. The effects on residential amenity, highway safety and flood risk are deemed acceptable in planning terms. There is no conflict with Parts 4, 6, 7 and 11 of the NPPF and Teesdale Local Plan policies GD1, ENV3, ENV15, H12 and H14.
66. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Teesdale Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission in this case, the proposal is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the conclusion of a section 106 agreement to secure 1 affordable housing unit at the site and subject to the following conditions;

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Amended House Types 01 REV B REC 01st June 2016
Amended as Proposed site plan 04 REV B”
Amended House Types and Cross Sections 05 REV A “
Flood Risk Assessment & Drainage Strategy by BDN Ltd dated November 2015

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF Parts 4, 6, 7, 10 and 11 and Teesdale Local Plan Policies GD1, ENV3, ENV8, ENV15, H12 and H14.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling and roofing materials and hard landscaping materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Teesdale Local Plan.

4. No development shall commence until a sample panel of stone and pointing to be used in the construction of the dwellings has been erected on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be retained for reference on site throughout construction and the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Teesdale Local Plan. The details are required before commencement as the external appearance of the development relates to matters at the start of the development process.

5. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities and numbers of planting.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Teesdale Local Plan. The details are required before commencement as the landscaping of the site is fundamental to the appearance of the area.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure satisfactory implementation of the agreed details in the interests of the amenity of the area having regards to Policy GD1 of the Teesdale Local Plan.

7. The development shall be implemented in line with the drainage scheme contained within the submitted document entitled Flood Risk Assessment & Drainage Strategy by BDN Ltd dated November 2015. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 3315, and ensure that surface water discharges to the surface water sewer at manhole 3314 at a restricted rate of 2.5 l/sec.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF Part 11.

8. No development shall commence until an Arboricultural Method Statement has been submitted to and approved by the Local Planning Authority. The Method Statement shall include details of the location of tree protection fencing in line with BS5837 or an equivalent. The approved tree protection fencing shall be erected before any development commences and retained throughout the construction period. Development shall be carried out in accordance with the approved method statement.

Reason: To minimise the impact of the development upon existing mature trees in accordance with Policy GD1 of the Teesdale District Local Plan. The details are required at the start of the development process as they relate to fundamental issues relating to tree protection which have important implications for the character and appearance of the area.

9. Prior to their installation, details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate and shall be retained for the lifetime of the development.

Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Teesdale Local Plan.

10. No new dwellings shall be constructed until the estate roads have been constructed to base course level and the retaining wall has been constructed in accordance with the submitted Method Statement dated 7 November 2008.

Reason: In the interests of highway safety and to comply with Policy GD1 of the Teesdale District Local Plan.

11. The proposed estate road must be designed and constructed to meet current highway design standards. No development shall commence until plans showing full engineering details of the proposed estate roads have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Policy GD1 of the Teesdale District Local Plan.

12. No development shall commence until details of the proposed site levels adjacent to the existing properties, particularly around 7 Meadow Close; together with full engineering details of any retaining walls adjacent to the highway have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Policy GD1 of the Teesdale District Local Plan.

13. No development shall commence until details indicating the likely volumes of material to be removed from the site, together with details of routeing, and any alternative temporary access, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Policy GD1 of the Teesdale District Local Plan.

14. Following completion and occupation of the seventh dwelling in the development hereby approved, the access road, including that part which serves no's 4, 5, 6, 16 & 17 Meadow Close shall be fully completed to include a wearing course. The highway construction details shall be submitted to, and approved by the Local Planning Authority beforehand and the development shall be carried out in accordance with the approved details. The eighth and ninth dwellings shall not be occupied until the approved highway works are complete.

Reason: In the interests of highway safety and to comply with Policy GD1 of the Teesdale District Local Plan.

15. No construction activities, including the use of plant, equipment and deliveries, shall take place before 0800 hours and continue after 1800 hours Monday to Friday; or before 0800 hours and continue after 1400 hours on Saturdays. No construction activities, including the use of plant, equipment and deliveries shall be carried out on Sunday and Bank Holidays.

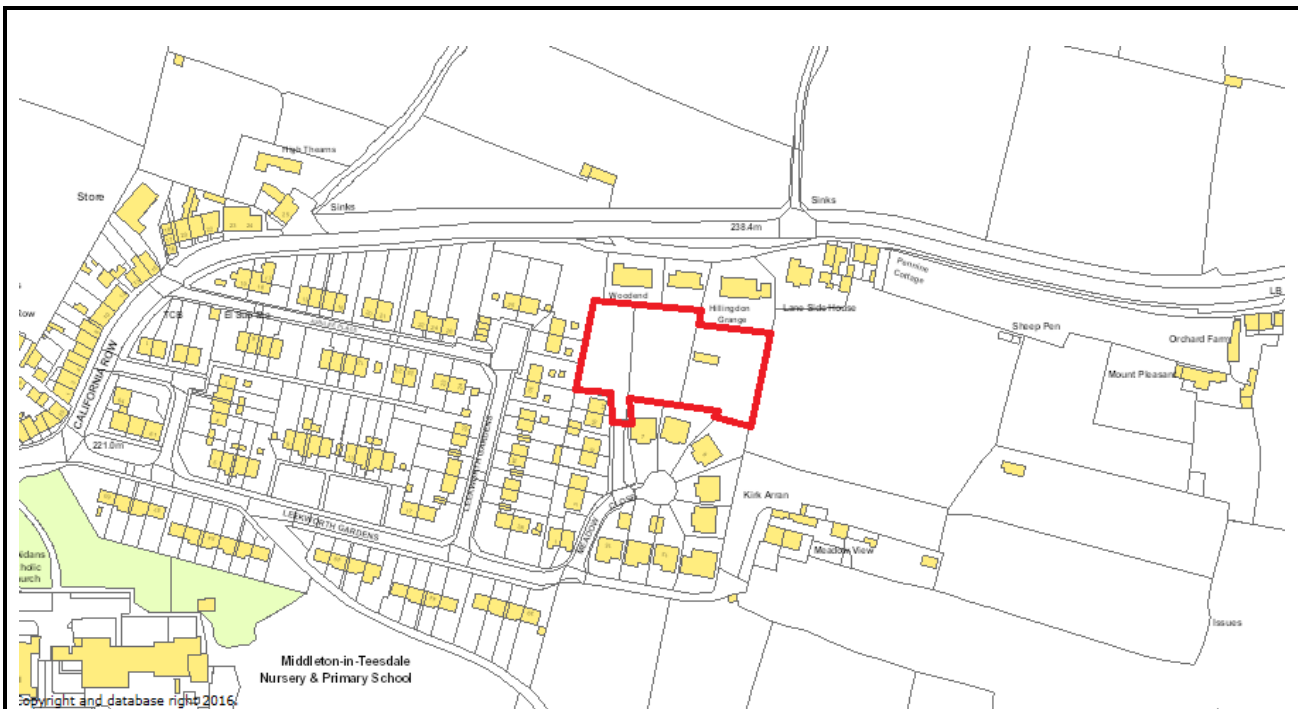
Reason: To prevent undue noise disturbance to surrounding residential occupiers to comply with Policy GD1 of the Teesdale Local Plan.


STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The use of pre commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process.

BACKGROUND PAPERS

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



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Erection of 5 no. detached dwellings and 4no. semi-detached dwellings (amended plans received 1st June 2016)</p>	
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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01931/FPA
FULL APPLICATION DESCRIPTION:	Installation of UPVC Windows (Retrospective)
NAME OF APPLICANT:	Mr G Freak
ADDRESS:	16 Meadhope Street, Wolsingham, Bishop Auckland, DL13 3EL
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Adam Williamson, Planning Officer 03000 260826 Adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

1. Number 16 is a two storey, stone-built, semi-detached property fronting directly onto the east side of Meadhope Street. Meadhope Street lies within the Wolsingham Conservation Area and many of the properties, including no.16 are covered by the Wolsingham Article 4 Direction.
 2. This is a retrospective application for the installation of UPVC windows to the front of the property. The installation of windows at the front of the property is brought under planning control by the Article 4 Direction, which removes permitted development rights for such works.
 3. The application has been called to Committee by Cllr Shuttleworth who supports the proposal.
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PLANNING HISTORY

4. In November 2014 an application (DM/14/03363/FPA) was made to replace timber windows in the front of the property with modern uPVC windows. The advice of the planning officer at the time was that the modern top-opening design of the proposed windows was inappropriate and the application was subsequently amended and granted for traditional sliding sash style uPVC windows.
5. The windows that have been installed however are uPVC mock-sash, top-opening windows, not the sliding sash style that was approved.

PLANNING POLICY

NATIONAL POLICY:

6. On March 27th 2012 the Government published 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. The following sections are relevant to this case:
7. *NPPF Part 7 – Requiring good design.* Establishes the great importance of design in new development. Planning policies and 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.
8. *NPPF Part 12 - Conserving and enhancing the historic environment.* Advises local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness. It advises that great weight should be given to the asset's conservation and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Where development leads to substantial harm or total loss of significance of designated heritage asset permission should be refused, unless it can be demonstrated that the public benefits outweigh the harm. Less than substantial harm should also be weighed against the public benefits of the proposal. Loss of a building or other element which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm or less than substantial harm, as appropriate.

LOCAL PLAN POLICY:

9. The following saved policies of the Wear Valley Local Plan are relevant to the application and in accordance with the National Planning Policy Framework:
 10. *Policy GD1 (General Development Criteria):* This is a general design criteria policy. It requires, among other things, that new development is of a high standard of design; is in keeping with the character and appearance of the area in terms of form, mass, scale, layout, density, materials.
 11. *Policy BE1 (Protection of Historic Heritage):* This is a general heritage policy. It states that the District Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
 12. *Policy BE5 (Conservation Areas):* This is a general conservation area policy and states that the character of each Conservation Area will be protected from
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inappropriate development.

13. *Policy BE6 (New Development and Alterations in Conservation Areas)*: The District Council will permit new development and alterations within Conservation Areas provided it satisfies the following criteria:
- i) the proposal preserves or enhances the character of the area in terms of scale, bulk, height, materials, colour, vertical and horizontal emphasis and design; and
 - ii) the proposal will use external building materials which are appropriate to the conservation area. This will generally require the use of local materials or equivalent natural materials; and
 - iii) the proposal satisfies the General Development criteria set out in Policy GD1.

EMERGING PLAN

14. 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 18 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:

15. None

INTERNAL CONSULTEE RESPONSES:

16. *Design and Conservation*: It is advised that this application should be refused and appropriate action taken to secure the removal of the current windows and their replacement with that equivalent to the approval under application DM/14/03363/FPA.

PUBLIC RESPONSES:

17. The application has been publicised by way of site notice, press notice and letters to neighbours. No representations have been received in response.

PLANNING CONSIDERATION AND ASSESSMENT

18. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issue in this instance relate to whether the proposed works would preserve or enhance the character and appearance of the Wolsingham Conservation Area.

19. The application site lies within the Wolsingham Conservation Area. A conservation area is considered to be a designated heritage asset for the purposes of the NPPF, which advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The significance of a heritage asset is defined in the NPPF as its value to this and future generations because of its heritage interest. Amongst other things, significance derives from a heritage asset's physical presence and may be harmed by proposed works. When considering the impact of works on the significance of a designated heritage asset, NPPF paragraphs 132-134 advise planning authorities to give great weight to the asset's conservation. Even 'less than substantial' harm to its significance must be weighed against the public benefits of the proposed development. These national provisions are generally reflected in Policies BE1, BE5 and BE6 of the Wear Valley Local Plan.
20. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty to pay special attention to the desirability of any development within a Conservation Area to preserve or enhance the character or appearance of that area.
21. The Wolsingham Article 4 Direction, approved by the Secretary of State in 2001, restricts permitted development rights on certain properties in the conservation area in order to control development such as window, door and roof replacement, which could otherwise threaten the character of the conservation area through loss of traditional details and materials if left uncontrolled. Properties where modern window replacement and other alteration had already taken place were not included in the Article 4 Direction when it was made and therefore there are some properties in Meadhope Street with uPVC windows. It is noted that the adjoining dwelling 16a also has upvc windows, but there is no record of planning permission for them and they are likely to be immune from enforcement action. However, for the most part, windows are timber with a large proportion still retaining the traditional sliding sash windows, which contribute to the historic character of Meadhope Street and the wider Wolsingham Conservation Area.
22. Meadhope is one of the oldest streets in Wolsingham and within the core of the historic town. Number 16 Meadhope Street is a historic property which appears on the first edition circa 1856-1865 OS maps. Its significance is considered to be derived from its age, traditional character and as an integral part of the stone built properties which line the street and make a positive contribution to the Wolsingham Conservation Area. It is highly prominent because of its position and orientation in the street and the Article 4 Direction restricts alterations to the front elevation in recognition that this is the most sensitive elevation of the property.
23. Prior to installation of the current windows 16 Meadhope Street had timber mock-sash windows. While not original windows they were at least constructed of a traditional material appropriate to the historic character of the conservation area. The permission granted in 2014 for replacement windows was on the basis that the traditional sliding sash style, although in uPVC, was nevertheless regarded as an improvement overall, as noted in the planning officer's report: "*Whilst it would be preferable for the replacement windows to be of timber construction, the proposed introduction of sliding sash alternatives, by virtue of their style and design, would represent an improvement on the existing situation and would better relate to the historic character of the property than the current modern casement windows. The proposed replacements*

would be high quality UPVC alternatives, replicating the proportions of timber windows and on balance it is considered that the scheme could be accommodated without significant harm, given the proposed introduction of a window style more in keeping with the original property.”

24. This approach has been followed consistently by the local planning authority throughout the Wolsingham Conservation Area where replacement uPVC windows have been resisted unless in a sliding sash style, as evidenced in the cases listed below:

Permission for uPVC sliding sash windows granted at:

30 West End (3/2007/0627) – replaced top opening upvc with upvc sliding sash
42 Front Street (3/2009/0187) – replaced top opening upvc with upvc sliding sash
56 West End (3/2009/0543) – replaced top opening timber with upvc sliding sash
32 Front Street (3/2012/0242) - replaced top opening upvc with upvc sliding sash

Permission refused for non-sliding sash uPVC windows at:

3 Co-Operative Terrace (3/2003/0070)
1 Meadhope Street (3/2007/0123)
30 Angate Street (3/2007/0476)
9 Silver Street (3/2009/0119)
28 Meadhope Street (3/2012/0451)
34, 36 & 38 West End (DM/15/00881/FPA)
48 Front Street (DM/15/02800/FPA)

25. In considering the proposal to retain the current windows in the property, the Article 4 Direction demonstrates the importance the Council places on the contribution that property frontages in Meadhope Street make to the character and appearance of the Wolsingham Conservation Area and its determination that these are not materially harmed by inappropriate changes.
26. The applicant has suggested that the installed uPVC windows are an improvement to the previous windows. However, while it is accepted that the new windows are of a tidier appearance, that is largely because the previous windows appear to have been poorly maintained. Had the previous windows been refurbished, painted or replaced with similar new timber windows they too would have been an improvement. So too would the sliding sash windows previously approved. The key issue is whether the installed windows are historically appropriate within the conservation area.
27. NPPF paragraph 137 requires new development in conservation areas to enhance or better reveal its significance. Despite their tidy appearance the current windows do neither. The uPVC material is distinctly noticeable and in combination with the thick profile of the frames and the top opening lights, represent windows that are not authentic in style or appropriate to the age and character of the property and its location within the Wolsingham Conservation Area. The Article 4 Direction specifically seeks to protect the historic character of the Wolsingham Conservation Area, but the current windows are considered to weaken that character, and in a street with a large proportion of timber sash windows, their retention could set a precedent for further inappropriate window replacement. In this respect the windows are harmful to the significance of the Wolsingham Conservation Area and conflict with the aims of the Article 4 Direction. This is a view shared by the Council's Design and Conservation Section.

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28. For these reasons there is conflict with Wear Valley Local Plan policies GD1, BE1, BE5 and BE6.
29. In accordance with NPPF paragraph 134 the harm would be classed as less than substantial and therefore needs to be balanced against the public benefits of the proposal, although this balancing exercise must recognise the statutory presumption against allowing harm to the asset.
30. It is recognised that the applicant may have had reasons in terms of maintenance, thermal insulation and security to replace the windows. However, mindful of the statutory duty imposed by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the stipulation in paragraph 132 of the NPPF that great weight should be given to the conservation of designated heritage assets, those private imperatives are not considered to justify the installation of inappropriate replacements, especially when more suitable new windows, like those previously approved, would meet the same needs. The presence of other upvc windows in the street, some unauthorized, emphasises the harm that can be caused to the historic character of the street from inappropriate window replacement and is not justification for the proposal.
31. Accordingly, there is not sufficient justification to outweigh the harm to the significance of the heritage assets that would be caused. The character and appearance of the conservation area would not be preserved or enhanced and the proposal conflicts with the aims of the Article 4 Direction, NPPF Part 12 and Wear Valley Local Plan policies GD1, BE1, BE5 and BE6.
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RECOMMENDATION

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

1. The windows by reason of their design and appearance do not preserve or enhance the character or appearance of the Wolsingham Conservation Area and are therefore harmful to its significance. This is contrary to NPPF paragraphs 131 and 134 and saved policies GD1(i), BE1, BE5 and BE6 of the Wear Valley District Local Plan.

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 balance of all considerations, the issues of concern could not result in a positive outcome being achieved.


BACKGROUND PAPERS

Submitted application form, plans supporting documents;

The National Planning Policy Framework (2012)

Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007

Wolsingham Article 4 Direction

 <p>Planning Services</p>	<p>Retention of UPVC Windows 16 Meadhope Street Wolsingham Bishop Auckland DL13 3EL</p>
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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00848/FPA
FULL APPLICATION DESCRIPTION:	Erection of first floor and single storey extension to rear
NAME OF APPLICANT:	Mr Philip Wayman
ADDRESS:	Fern House Cotherstone Barnard Castle DL12 9QE
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Bev Walker Assistant Planning Officer 03000 263951 beverley.walker@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The host dwelling is a traditional semi-detached two storey dwelling within the Cotherstone Conservation Area. The dwelling has an existing single storey full width rear lean-to ground floor extension. There is a vehicle access immediately to the west. The adjoining Gilmour House to the east is Grade II listed, as is Fox Hall across the road.
2. The application seeks to erect a first floor extension above the existing extension and a new single storey rear extension. The application originally sought to include a balcony to the rear, but this has subsequently been removed from the proposal.
3. The application is reported to the Planning Committee at the request of Cotherstone Parish Council and Cllr Bell due to concerns relating to the scale of the development, impact on the privacy and amenity of neighbouring residents and the impact on highway safety.

PLANNING HISTORY

4. None.

PLANNING POLICY

NATIONAL POLICY

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

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

6. NPPF Part 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.
7. 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.
8. NPPF Part 12 – Conserving and Enhancing the Historic Environment. States that heritage need to be recognised as an irreplaceable resource and to be conserved 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:

9. The following policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
10. 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.
11. Policy H11: Extensions: Extensions and alterations to an existing dwelling will be permitted where the relevant criteria listed in policy GD1 are met and where in particular they respect the scale, character, architectural style and materials of the original property and its neighbours and safeguard the amenity of adjoining residents.
12. 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.
13. Policy BENV3: Listed Buildings: Development which would adversely affect the character of a listed building or its setting will not be permitted.

14. Policy BENV4: Development within and/or adjoining Conservation Areas: Development within conservation areas will only be permitted provided that among other things the proposal respects the character of the area and does not generate excessive environmental problems which would be detrimental to the character and appearance of the conservation area.

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 -

15. 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:

16. *Cotherstone Council*: Object to the application and have called it to the South West Area Committee. It is suggested that the development would be an over development of the site and what is proposed would double the footprint of the existing house. The proposed extension extends onto land not belonging to the applicant. The access to the site belongs to the neighbouring property and the services running under the lane will be affected during the proposed construction. There will be a major impact on traffic traveling through the village owing to the narrowness of the access lane with its junction with the B6277 for contractors delivering construction materials to the site. It is noted that the proposed two windows on the gable end will overlook the adjacent property and this will significantly impact on the privacy of the occupiers. There is no mention of the demolition of the existing extension to construct the new extension and there is no structural engineers report in relation to the foundations of the existing extension, so will they take the weight of the proposed new extension.
17. Cllr Richard Bell supports the Parish Council's request to call the application to the South West Durham Planning Committee. He has raised concerns in relation to the size of the extension and the balcony and the impact on the neighbouring residents.

INTERNAL CONSULTEE RESPONSES:

18. *Design and Conservation*: The amended plans feature a lean-to roof to the single storey proposed extension with no balcony at first floor level. This alteration would noticeably reduce the scale of the proposal and consequently the impact of the works on the character and appearance of the conservation area and on the

setting of the adjacent listed building. It is suggested that natural stone heads and cills feature around each of the openings to the rear. The proposed single storey extension would now be noticeably subservient to the rest of the building and therefore acceptable on design and conservation grounds.

19. *Ecology*: No objection. The mitigation within section F of the Bat Risk Assessment should be adhered to in full.

PUBLIC RESPONSES:

20. The application has been publicised by way of a press notice, a site notice and neighbour letters.
21. Letters of objection have been received from four properties. Concerns have been raised in relation to the privacy of neighbouring residents from the balcony (since removed) and the proposed windows in the gable elevation; overdevelopment of the site and the effect on the character and appearance of the conservation area; encroachment onto land not in the applicant's ownership and disturbance and the impact on highway safety during construction.

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/>

PLANNING CONSIDERATIONS AND ASSESSMENT

22. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to impact on character and appearance of the area, residential amenity, impact on protected species and other issues.

Impact on the character and appearance of the area

23. Part 7 of the NPPF outlines that the government attaches great importance to the design of the built environment. It is noted that good design is a key aspect of sustainable development. Appropriate standards of design are also required through Teesdale Local Plan policies GD1 and H11. Policy BENV3 contains design criteria in respect of development affecting the setting of Listed Buildings. Policy BENV4 contains design criteria in respect of development within or adjoining conservation areas.
24. A conservation area and listed buildings are designated heritage assets. Part 12 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. The NPPF advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
25. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty to pay special attention to the desirability of any development within the a conservation area to preserve or enhance the character or appearance of that area. Section 66 of the above act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

26. In this case the significance of the property derives from its age, design, location within the Cotherstone Conservation Area and adjacent and opposite to grade II listed buildings. It fronts onto the B6277 and makes an important contribution to the historic character of the conservation area with its attractive frontage. It is the front elevation that is most visible and therefore that is the element that contributes most to the significance of the property and character and appearance of the conservation area. The side gable is only visible through a narrow gap and the rear elevation is not visible in public views.
27. A number of representations have raised concerns over the scale of the proposal and the effect on the character and appearance of the Cotherstone Conservation Area, particularly in respect of overdevelopment.
28. The proposed extensions are to the rear, which is the least sensitive part of the dwelling. The removal of the balcony from the scheme and the addition of a simple lean-to ground floor extension have noticeably reduced the scale of the original proposal and it is now well proportioned to the existing property. It is set back more than 2m off the boundary with Gilmour House and is significantly lower in height than the main dwelling to ensure it is subordinate to the host dwelling and does not dominate Gilmour House. The materials and design detailing would match the existing property and given the significant depth of the garden and care that has been taken to minimise the mass of the development, it could be comfortably accommodated on the property without representing overdevelopment.
29. Contrary to the objections received, the proposal is considered to be well designed, proportionate to the existing property and wholly acceptable in relation to the impact on the adjacent listed building and wider conservation area. There is no objection from the Design and Conservation Section.
30. Consequently, and having regards to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the character and appearance of the conservation area would be preserved and there would be no harm to the setting of nearby listed buildings. There is no conflict with the design and heritage aims of the NPPF, or Teesdale Local Plan Policies GD1, H11, BENV3 and BENV4.

Privacy and amenity of neighbouring residents:

31. Objections have raised concerns of loss of privacy in relation to the original proposed balcony and the two windows in the gable elevation. However, the balcony has now been removed from the scheme and the two windows in the gable elevation are both to serve bathrooms and would be obscurely glazed, so there would be no loss of privacy from the windows.
32. In addition there would be adequate separation to the properties at both sides, which together with the limited projection of the 2 storey element and design of the single storey element would ensure there were no overbearing or overshadowing impacts on those adjacent neighbours. Properties to the rear are a significant distance away and will be unaffected.
33. Accordingly, the proposal would not harm the residential amenity of the neighbouring residents. There is no conflict with policies GD1 and H11 of the Teesdale District Local Plan.

Protected Species

34. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
35. Because of works to the roof, a Bat and Owl Risk Assessment has been submitted with the application, but no evidence of bat or barn owl use of the dwelling was found. The DCC Ecology Section have been consulted and have raised no objection to the proposals. A Natural England license is not required.
36. The proposal accords with policy GD1 of the Teesdale District Local Plan and NPPF Part 11.

Other Issues

37. The comments made in relation to land ownership issues are not a material planning consideration which can be given any weight in the consideration of the application. The applicant has stated on the application that they own the land and the drawings show the development contained within the existing property. No evidence has been submitted to the contrary. In any case planning permission would not override private rights and land ownership. The effect on services running under the adjacent access lane is also a private matter, but seems unlikely to be of any significance given the type of development proposed and its location.
38. There is no requirement to produce a structural report for the extension and the matter is not material to consideration of the application. This is largely a Building Control matter.
39. In terms of highway safety and disturbance during construction this is a household extension, not a major development. Concerns that there will be significant impacts in these respects are not reasonable and would not justify refusal of the application.

CONCLUSION

40. The proposals have been assessed against the relevant policies within the documents identified above. It is considered that the proposals conform with these policies, as the character and appearance of the host dwelling, the surrounding conservation area and listed buildings would not be negatively affected. There would also be no harm to the residential amenity of neighbouring occupiers. There is no conflict with Parts 7 and 11 of the NPPF and Teesdale Local Plan policies GD1, H11, BENV3 and BENV4.
41. All representations have been considered, however taking all matters into account, it is felt that the proposal is acceptable in planning terms. For these reasons, the proposal is recommended for approval.

RECOMMENDATION

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

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Drawing 201601/E-001 received 15th March 2016, 201601/P-001 Rev C, 201601/P-002 Rev C received 27th July 2016.

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.

Reason: In the interests of the appearance of the area and to comply with the NPPF, policies GD1, H11, BEV3 and BENV4 of the Teesdale District Local Plan.

4. Notwithstanding the details submitted, all works shall be carried out in line with the Mitigation Strategy within Section F of the submitted Bat and Barn Owl Risk Assessment Report prepared by Durham Bat Group dated 6th June 2016.

Reason: To comply with policy GD1 of the Teesdale District Local Plan and Part 11 of the NPPF.

5. The windows in the elevation facing Cuthbert Cottage shall be obscure glazed and retained as such.

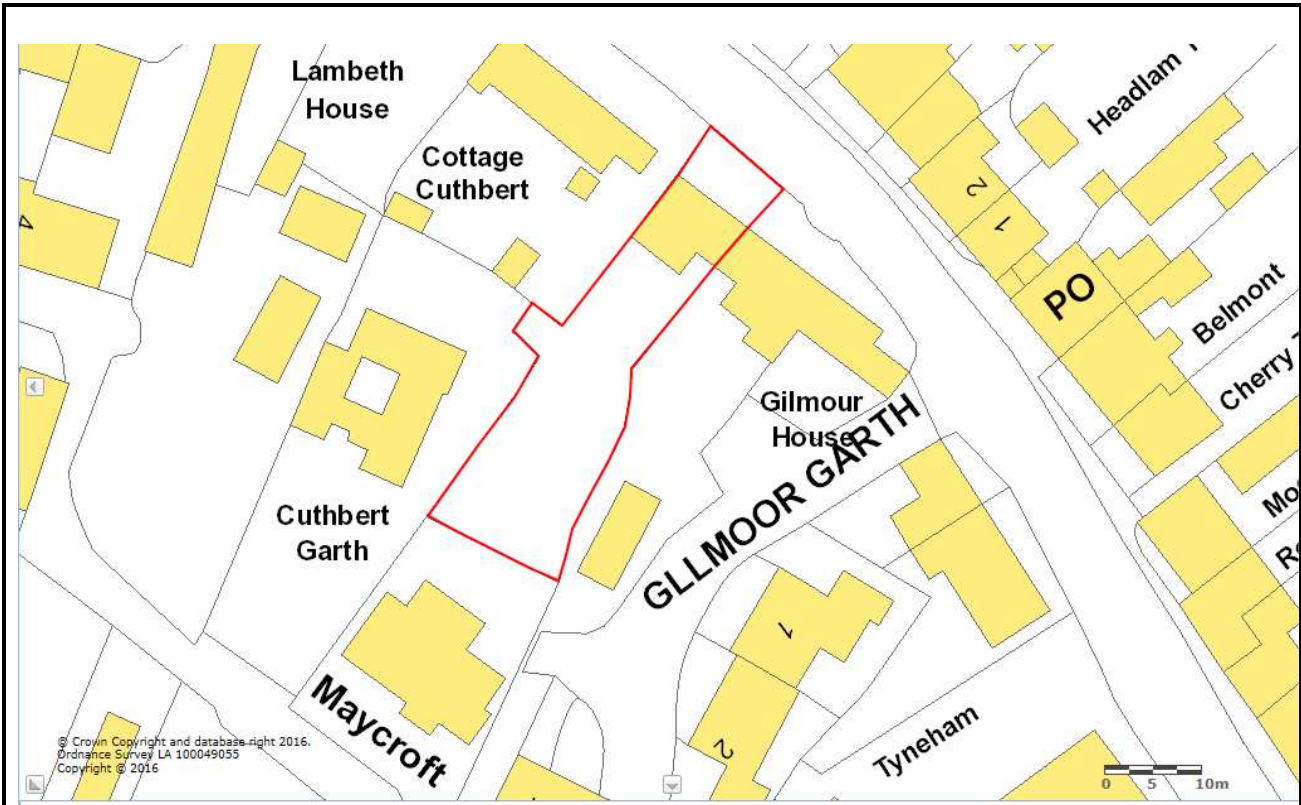
Reason: In the interests of residential amenity in accordance with policy GD1 of the Teesdale District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Local Plan Policies in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development within the agreed timescales.

BACKGROUND PAPERS

Submitted application form, plans supporting documents
The National Planning Policy Framework (2012)
Teesdale Local Plan
All consultation responses received



Planning Services

First floor extension and single storey extension to rear

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22nd September 2016