

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/01325/VOC
FULL APPLICATION DESCRIPTION:	Variation of condition 2 of application DM/15/00292/FPA to amend the design of scheme (Retrospective)
NAME OF APPLICANT:	Mr Terry McGivern
ADDRESS:	Site Of Former School 28 Front Street Staindrop DL2 3NH
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is the former Old School house site which sits between Front Street and Swan Wynd towards the eastern side of Staindrop. The site sits within Staindrop Conservation Area.
2. The site has planning approval for 5 dwellings at the site (DM/15/00292/FPA). Two dwellings were proposed within the former school house and gymnasium building, while 3 new dwellings were proposed to replace existing buildings fronting onto Swan Wynd to the rear of the site.
3. Development has commenced on the site, but not in accordance with the approved plans. This resulted in the service of a temporary stop notice, which has since expired.
4. This application has been made on a retrospective basis to regularise a number of design changes to the previously approved scheme. There is no change to the number of dwellings and site arrangement.
5. One of the main changes to the approved scheme is the heights of the new build dwellings on Swan Wynd. The westernmost pair of dwellings (plots 4 and 5) have been built to a height of 9.5mtrs, which is 0.9mtrs higher than the previously approved height of 8.6mtrs. The easternmost dwelling (plot 3) has been built to a height of 9.2mtrs, which is 1.4mtrs higher than the previously approved height of 7.8mtrs. In addition, the water table and stone quoin detail between plots 4 and 5 has been omitted and changes are sought to window (including rooflights) and door details. Some of those will require works to change the windows already installed on the Swan Wynd facing elevation.

6. Changes to the former Gymnasium building would include internal alterations to provide a first floor bedroom to the front of the property, the omission of a porch canopy, change to the position of a chimney stack and changes to windows (including rooflights) and doors.
7. The application has been referred to the planning committee by Cllr Richardson and Staindrop Parish Council on visual grounds and due to concerns that the development is larger than was approved.

PLANNING HISTORY

8. Planning approval was granted for the development of the site for 5 dwellings in 2015 (DM/15/00292/FPA). Prior to that a different scheme for 5 residential units including the demolition of outbuildings was approved in 2013 (6/2013/0305/DM & 6/2013/0306/DMCA).

PLANNING POLICY

NATIONAL POLICY

9. 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.
10. *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.
11. *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.
12. *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

13. *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:

14. Policy GD1: General Development Criteria All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts
15. Policy BENV 3: Development Adversely Affecting the Character of a Listed Building: Development which would adversely affect the character of a listed building or its setting will not be permitted.
16. Policy BENV4: Development within and or adjoining conservation areas: relates to development within or adjoining Conservation Areas and requires development to be acceptable in scale and materials. It requires that trees, hedgerows, landscape features, views and undeveloped areas which contribute to the character and appearance of the area and its setting should be protected. It states that proposals which would adversely affect the setting of a conservation area or the views into or out of the area will not be permitted
17. Policy ENV8: Safeguarding plant and animal species protected by law: Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
18. Policy H4: Development on site of less than 0.4hectares within settlement boundaries: It states that backland development will only be permitted where it would not cause unacceptable harm to the privacy or residential amenity of the occupants of nearby dwellings
19. Policy H10: Conversions of Buildings to residential use: The restoration or conversion of buildings to Residential use will be permitted within the development limits.
20. 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.
21. Policy ECON3: Conversion of Buildings and Land Currently in employment use: Within the development limits of settlements shown on inset proposal maps the change of use or conversion of land or buildings from an employment generating use will not be permitted unless it meets at least one of the following:- A) The site is allocated within the district plan for another purpose, B) The continuation of such

a use would be unreasonably harmful to the amenity of the occupiers of nearby dwellings or other properties, C) That a local affordable housing need has been identified and the site would be restricted to that use D) That it has been proven that there is no demand or need for employment uses in the locality.

22. Policy T2: Traffic Management and Parking- on site parking should be limited to that necessary to ensure the safe and efficient operation of the site.

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 -

23. 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:

24. *Staindrop Parish Council:* Expressed concerns about amendments that have been made to the scheme. Concern expressed over the retrospective nature of the application. Consider that due to the nature and extent of departures from the approved plans and apparent disregard for the planning process application should be refused and wishes to object strongly to the application.
25. *Highway Authority:* No objection. The number of bedrooms (or rooms such as a study which could be used as a bedroom) is unchanged from the previous approval. Swan Wynd is of single vehicle width it is accepted that a parked vehicle upon it will block passage for other motor vehicles. Any parking on the highway is likely to be for short durations which would be a relatively infrequent and is an event that could have occurred in relation to previous planning approval. More regular obstructive parking is a matter for the Police.

INTERNAL CONSULTEE RESPONSES:

26. *Design and Conservation:* Developer has eroded the character and detail of the buildings through the implementation process. Introduction of stone quoins surrounding doors and windows is an overly elaborate detail which serves to confuse the architectural hierarchy of the area. Loss of central quoins and stone water table is significant as this removed sense of vertical proportion to this section of development which goes against the vertical emphasis evident throughout

Staindrop. Some issues have been addressed in that windows of vertical proportion are proposed to replace inappropriate windows that have been fitted to the Swan Wynd Elevation. Clarification needed in relation to roofing materials. Railing detail should be removed from boundary wall. Overall the previously approved scheme is by far a superior form of development. This proposal will not deliver the same improvements and benefits to the wider conservation area which the previous scheme would have done. The increased height whilst perhaps modest proportionally makes a considerable difference, the development is more prominent and less subservient as a result.

27. *Environmental Health (Contaminated Land)*: I have reviewed again the report and the comments provided by Paul Davies. Given the proposals to remove all the made ground and replace with imported 'clean' topsoil I have no objections to the discharge of the pre-commencement contaminated land condition. A Phase 4 Verification Report will be required upon completion of the development.

PUBLIC RESPONSES:

28. The application has been publicised by way of site notice, press notice and neighbour letters. Letters of objection have been received from four addresses. The grounds of objection are summarised below.
29. New Build Properties Concern that houses are not built in accordance with planning approval. Houses have been built too high resulting in a bulky appearance of excessive mass; there would be restriction of sunlight to 2 Swan Wynd with no definition between units 1 and 2 and the lower unit at 3. Houses are built in the wrong position and loss of water tabling has diluted design merits of the scheme. Velux style windows to north roof slope of new build properties appear larger than on the plans, sited lower on the roof and are not conservation in style. Alterations have taken place to window design. There would be loss of privacy to surrounding properties.
30. Gymnasium Building Concerns that the gymnasium building is not being converted in accordance with planning approval – a roof light installed to the west facing roof slope is clear glazed, a new doorway has been installed, concern about location of south facing roof light serving a bedroom and the impact on privacy towards rear elevation and garden of 2 Swan Wynd. 1st floor window to north facing elevation inserted midline resulting in loss of privacy. Concern that a chimney has been installed without planning approval blocking views from 2 Swan Wynd towards the Church Steeple and causing problems with smoke. The gymnasium is to be partially faced with render rather than stone.
31. Other Issues Additional bedrooms will mean more cars and concerned this will result in cars parked on the rear lane blocking the lane for other users. Concern over lack of provision for dustbins. Iron railings proposed as part of the boundary treatment is not suitable to the character of the area. Concern that sewage systems cannot cope with the level of development.

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:

32. Not supplied.

PLANNING CONSIDERATIONS AND ASSESSMENT

33. The principle of the 5 dwelling scheme has been established through the previous planning approval reference DM/15/00292/FPA and as such the principle of the development will not be re-visited in this report. The discussion in this report will focus on the main alterations that have been made to the scheme and will consider the acceptability of these changes.
34. Therefore, 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 impact on the character and appearance of the area, residential amenity and highway safety.

Impact on the character and appearance of the area

35. 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. 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.
36. A conservation area is a designated heritage asset. Part 12 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset (in this case Staindrop Conservation Area and nearby listed buildings), 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.
37. 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.
38. The Staindrop conservation area is characterised by an assortment of dwellings, making much use of local stone with slate and pantile roofs. The heights of buildings vary significantly with many examples in the village up to three storeys in height. The most significant aspect of the conservation area is the central Green and traditional property frontages facing onto the Green and the A688 (Front Street). Many of the frontage properties are Grade II listed, as is the prominent St Mary's Church at the eastern end of the village.
39. The application site lies towards the eastern end of the village away from the Green, but the Old School House faces onto the A688 and lies opposite listed St Mary's Church. The adjoining property to the west (no.26) is also Grade II listed.

The rest of the application site lies behind the main frontage, but does face onto the small rear lane Swan Wynd, which defines the southern edge of the conservation area.

40. The Old School House frontage contributes most to the significance of the conservation area and setting of nearby listed buildings, but there are no alterations proposed to that façade.
41. The rear of the Old School building and the Gymnasium building are wholly contained within a courtyard created by the new build dwellings on Swan Wynd. Similarly, the rear of the new build dwellings are internal to the courtyard. The changes to windows, rooflights and introduction of render to the western end of the Gymnasium building on these internal courtyard elevations would barely be visible from outside the site. The new chimney on the Gymnasium building is a very small feature and while it may be visible from the rear windows of 2 Swan Wynd it is an inconsequential feature in the wider context of the surrounding area and important wider views of the Church would not be adversely affected. Accordingly, these alterations would not have any impact on the character and appearance of the conservation area, or setting of nearby listed buildings.
42. The most notable of proposed revisions to the previous permission are the increase in the height of the 3 new build dwellings and design of the elevations facing onto Swan Wynd.
43. In terms of height, the application seeks to retain the development at its constructed height. Plots 4 and 5 have been built to a height of 9.5mtrs, which is 0.9mtrs higher than the previously approved height of 8.6mtrs. Plot 3 has been built to a height of 9.2mtrs, which is 1.4mtrs higher than the previously approved height of 7.8mtrs. The view of the Design and Conservation officer is that the height increase makes the development more prominent and less subservient to the Old School Buildings. However, when viewed from public vantage points outside the site the new build dwellings and Old School Buildings are seen in separate contexts. The new build dwellings are viewed from Swan Wynd, while the Old School Building is viewed from Front Street. It is not important for the new dwellings to appear subservient to the Old School Building. It is more important for them to be appropriate in scale to the surrounding development they are seen in context with and the overall character of the area. In this respect, there is considerable variation in the height of buildings in the surrounding area and the new dwellings do not look out of place in their context. They are comparable in height to the adjacent dwellings and the recently constructed housing development to the south of Swan Wynd. There are many larger 3 storey buildings in Staindrop. It is therefore considered that the scale of the dwellings, although higher than previously approved, are still in keeping with local character.
44. In terms of the elevation changes facing Swan Wynd, the development has been constructed without the central quoin and water table detailing between plots 4 and 5. The Design and Conservation officer feels this has removed the sense of vertical proportion. However, such a design feature is not evident in other similarly proportioned dwellings in Staindrop and its absence is not detrimental to the design and appearance of the dwellings. The development is better and more in keeping with local character without such a feature.
45. In its current built form the windows in the Swan Wynd elevation are mock sash instead of sliding sash as previously approved, and the proportions of the ground floor windows have more squat proportions. This was identified as being unacceptable, hence why the proposal seeks to revert back to sliding sash

windows and improve the proportions of the ground floor openings. The Design and Conservation officer welcomes these changes, but feels the introduction of stone quoin surrounds to the doors and windows is an overly elaborate detail. However, whilst on plan the quoin surrounds are noticeable features, they are very subtle in reality and do not appear elaborate or inappropriate.

46. The railings originally proposed have been removed from the scheme.
47. Taking all of the above into account, it is considered that the proposed development would preserve the character and appearance of the Staindrop Conservation Area and setting of the nearby listed buildings. There is no conflict with the NPPF or with Teesdale Local Plan policies GD1, H12, BENV3 and BENV4.

Impact on residential amenity

48. Policy GD1 of the Teesdale Local Plan relates to general development criteria. It requires that development should not unreasonably harm the amenity occupants on adjoining sites.
49. Objections from both neighbours at 26 Front Street and 2 Swan Wynd have raised concerns about the impact of the height of the new dwellings and loss of privacy from windows and rooflights.
50. There has not been any change in the layout of the site and corresponding relationship of the development to neighbouring properties. Over the distance between the new dwellings and 26 Front Street the marginal increase in height of the dwellings could not be highly discernible and the development does not appear overbearing on that property. In relation to 2 Swan Wynd the new dwellings lie to the west and the increased height is only in the roof to the ridge, which does not affect the front or rear outlook of 2 Swan Wynd and would not significantly alter the impact from the previously approved scheme in respect of overshadowing on that property.
51. The window in the east gable elevation facing 2 Swan Wynd serves a bathroom and can be conditioned to be obscure glazed. The rooflights in the north facing roof slopes of plots 4 and 5 are not new additions; they have only changed slightly in position and size, but do not raise any new or additional overlooking issues. There is a new roof light in the west facing roof slope of the Gymnasium building, but it is small and is placed well above head height. There is also a bedroom window that has been inserted slightly more centrally to the first floor on the northern elevation of the Gymnasium building, but viewing angles limit any views towards 24/26 Front Street. An internal re-arrangement to the building has resulted in a bedroom at first floor level being served by roof lights which face south, but this has been inspected internally and it is not possible to obtain views into the windows of 2 Swan Wynd.
52. Accordingly, it is considered that the proposal would not harm the residential amenity of the neighbouring residents. There is no conflict with policy GD1 of the Teesdale Local Plan.

Highway Safety

53. Swan Wynd is a narrow lane and any parked vehicle upon it could block passage for other motor vehicles, but whilst there has been an additional bedroom created, the study as it was previously, could have been used as a bedroom anyway so it makes no material cumulative difference to car parking requirements for the

development. The Highway Authority acknowledges this and is satisfied that the development provides adequate off street parking.

54. The proposed revisions do not therefore raise any new highways issues. There is no conflict in highway safety terms with the NPPF or policy GD1 of the Teesdale Local Plan.

Other issues

55. Details have been submitted alongside this application to deal with issues that were conditional requirements of the previous planning permission. These relate to details of windows, gutters and downpipes, means of enclosure and contaminated land, which are all considered acceptable. Accordingly there is no need to repeat previous conditions relating to these matters.
56. Because of the tight site layout, small gardens and location within the conservation area it would be appropriate to remove permitted development rights for alterations and outbuildings from plots 2, 3, 4 & 5.

CONCLUSION

57. The proposals have been assessed against the relevant policies of the development plan and NPPF. It is considered that the proposals conform with these policies, as the character and appearance of the conservation area and setting of nearby listed buildings would be preserved. There would also be no harm to the residential amenity of neighbouring occupiers and the development is acceptable in highways terms. There is no conflict with Parts 7 and 12 of the NPPF and Teesdale Local Plan policies GD1, H12, BENV3 and BENV4.
58. 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 approved shall be carried out in strict accordance with the following approved plans and documents.

Drawing 1 Site Layout Proposals with boundary treatment

Drawing S14 Internal Elevations

Drawing S13-2 New Build Principal Elevations

Drawing S2 – Existing school building proposals

Drawing S10-1 Existing Building Conversion REV D

Drawing S13-1 New Build Proposals (Revised) REV C

Window Profiles (Former School House) dwg W1

Window Profiles (Former Gymnasium) dwg W2

Window Profiles (New Build 3, 4, 5) all received 03rd October 2016

Bat Risk Assessment Report, Ecosurv Ecological Consultants December 2014 received 02nd February 2015.

Planting Details 5/LD/1 Received 02nd February 2015

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

2. No development shall take place unless in accordance with recommendations detailed within Bat Risk Assessment Report, Ecosurv Ecological Consultants December 2014 received 02nd February 2015.

Reason: To conserve protected species and their habitat in accordance with Policy GD1 of the Teesdale Local Plan.

3. The development shall not be occupied until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. 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 the National Planning Policy Framework and Policies GD1 of the Teesdale Local Plan.

4. The dwellings on plots 3, 4 & 5 shall not be occupied until the windows facing Swan Wynd have been altered to be in accordance with those details proposed in drawing S13-1 New Build Proposals (Revised) REV C & S13-2 New Build Principal Elevations received 03rd October 2016 and shall be retained as such for the lifetime of the development.

Reason: In the interests of the appearance of the area and to comply with Policies GD1 and BENV4 of the Teesdale Local Plan.

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

6. The car parking spaces within the Courtyard area shall be made available for use prior to the first residential occupation of the site and shall remain available for the lifetime of the development.

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

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

Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of visual and residential amenity and to comply with Policy GD1 of the Teesdale District Local Plan.

8. The first floor window serving a bathroom on the east facing side elevation to plot 3 shall be provided with obscure glazing prior to the occupation of the dwelling and this shall be retained for the lifetime of the development.

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

9. Notwithstanding the details shown on the approved plans precise details of all doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be implemented in accordance with the approved details.

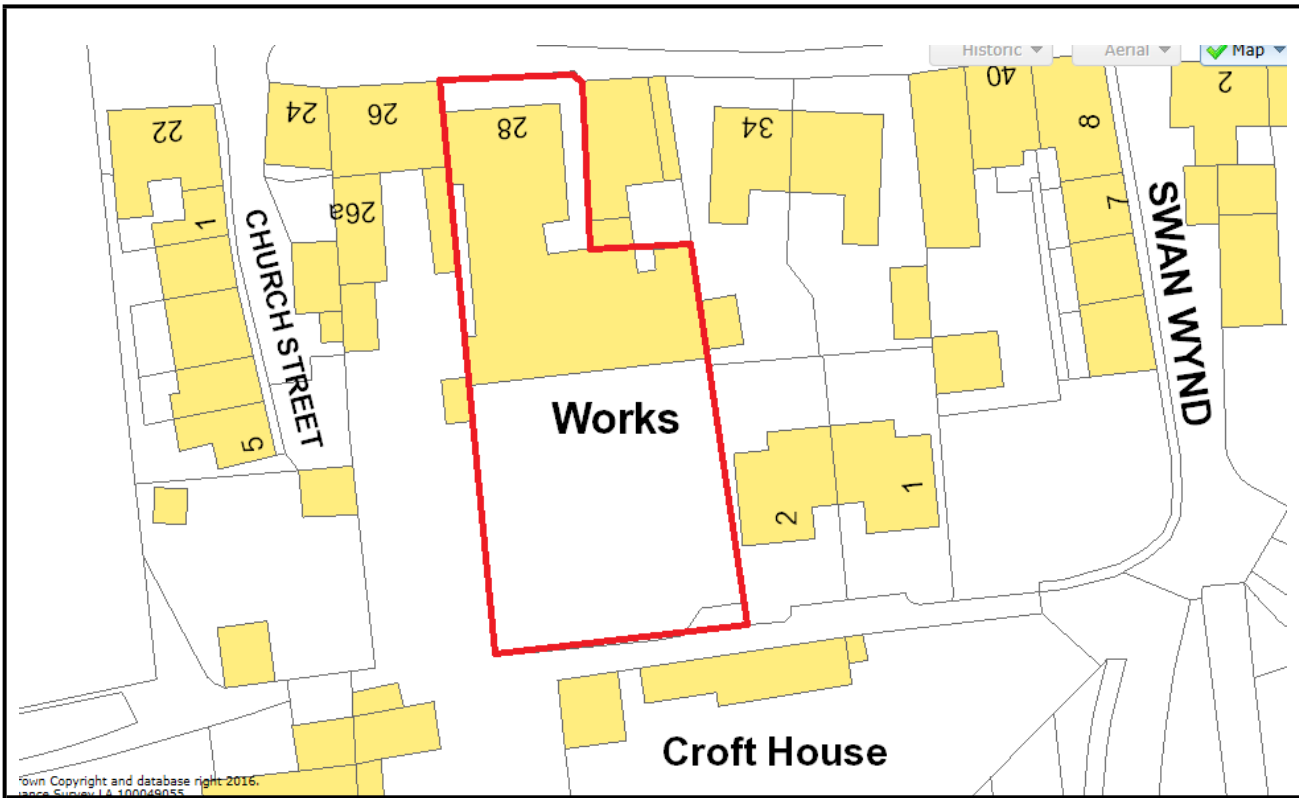
Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.

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.

BACKGROUND PAPERS

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



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Planning Services

Variation of condition 2 of application
DM/15/00292/FPA to amend design of
scheme

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20th October 2016