



Area Planning Committee (South and West)

Date **Thursday 20 September 2018**
Time **2.00 pm**
Venue **Council Chamber, Spennymoor - Council Offices,
Spennymoor**

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 19 July 2018 (Pages 5 - 12)
5. Applications to be determined
 - a) DM/18/02246/FPA - Former Garden Of 23 High Green, Gainford
(Pages 13 - 26)
Erection of detached dwelling (resubmitted)
 - b) DM/18/01047/FPA - Land To The North Of Moor View Cottage,
Ovington (Pages 27 - 36)
Erection of 1 no. dwelling and garage
 - c) DM/18/00928/FPA - Oakwell Lodge, Hamsterley, Bishop
Auckland (Pages 37 - 42)
Vehicular access and entrance gates (part retrospective)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
12 September 2018

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

Councillor H Nicholson (Chairman)
Councillor J Clare (Vice-Chairman)

Councillors J Atkinson, D Bell, L Brown, J Chaplow, E Huntington,
K Liddell, J Maitland, M McGaun, G Richardson, J Shuttleworth,
L Taylor, K Thompson, F Tinsley and S Zair

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 19 July 2018 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors J Atkinson, L Brown, J Chaplow, J Clare (Vice-Chairman), E Huntington, M McGaun, G Richardson, J Shuttleworth, L Taylor, K Thompson, F Tinsley, S Zair and M McKeon (substitute for D Bell)

1 Apologies

Apologies for absence were received from Councillors D Bell, K Liddell, and J Maitland.

2 Substitute Members

Councillor M McKeon was present as substitute for Councillor D Bell.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 Minutes

The minutes of the Meeting held on 21 June 2018 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

6 DM/17/03250/VOC - Deneside Lodge Park, Wolsingham, Bishop Auckland

The Committee considered a report of the Senior Planning Officer with regards to an application for the removal of a holiday occupation condition to allow permanent residential accommodation for over 55's at Deneside Lodge Park, Wolsingham, Bishop Auckland (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, elevations, site layout and photographs of the site.

The Chairman considered a request to speak from the Agent, who had missed the registration deadline and advised that he would not exercise his discretion in favour of allowing him to speak as this would not be fair to those who had been previously denied in the past, for similar reasons. He reminded the Agent that his circumstances were not such that he was prepared to waive the notification period and he also confirmed that he would not consider a request to defer the application.

Councillor Shuttleworth confirmed that the application site was within his ward and asked the Chairman to reconsider the request to speak, however this was denied. The Solicitor confirmed that the Protocol was clear that this was a matter for the discretion of the Chairman and he had made his decision.

Councillor Clare queried whether Councillor Shuttleworth was attending in support of the application, referring to his reason for referring it to Committee by citing the need for housing development in Wolsingham. Councillor Clare was concerned that there could be an element of pre-determination and suggested that if Councillor Shuttleworth was in support of the application, he ought to declare an interest in the item and withdraw from the meeting. Councillor Shuttleworth confirmed in response to advice from the Solicitor that he was in attendance as a Member of the Committee and despite the issue raised, he had attended with an open mind and would therefore not be declaring an interest.

Councillor Shuttleworth went on to confirm that the site was in a sustainable location, a five minute walk from Wolsingham town centre and he reconfirmed the need for houses in the area.

Councillor Clare agreed that the site was in a sustainable location, however he suggested that the former application should have been for housing and not holiday cottages. The criteria for the assessment of housing applications was very different to holiday chalets and by removing the condition the Committee would be potentially allowing a housing development which did not meet road, drainage and sewage standards. Councillor Clare suggested that any number of applications could come forward with the same intention and although all applications were judged on their own merit, the issue of precedent in this case could not be ignored. He confirmed that an 11 month rule of occupancy was the minimum which should be insisted upon. He moved that the recommendation be refused as per the reasons outlined in the report.

The Principal Planning Officer confirmed that the condition did not impose a rule of 11 months, the condition potentially allowed 365 days accommodation, however the condition offered protection from being permanent accommodation and therefore anyone who resided on the site with no private residence would be in breach of the condition.

Councillor Chaplow considered an application for permanent accommodation for over 55's was welcome as most new homes were built for young people.

Councillor Tinsley considered the shortage of housing in Weardale, however his concerns were that if the original application had been for housing, it would not have been granted approval. Should the Committee approve this application, the

economic benefit of the existing development would be lost and in terms of the housing shortage, alternative sites were available. The units were situated on a flood plane and this was much more significant should they become permanent residencies, especially with regards to older people. He noted the request for the application to be deferred, but as the principle of the development was in issue, he did not think that a deferment would change that, and he concluded that it was not appropriate to support a housing development on this site.

Councillor McKeon agreed that although the application would free up homes in the area for the younger generation, it was not a well supported proposal for permanent residency.

Councillor Huntington had concerns that as people age, they may find they have problems living in this type of accommodation.

Councillor Atkinson supported the Officers recommendation and seconded the motion to refuse the application.

Councillor Richardson lived close to the area and agreed that there was a need for homes for the elderly, however even if the Agent had been given the opportunity to speak, he did not think that could change his view that there were no reasons to support approval.

Resolved:

That the application be approved for the reasons outlined in the report.

7 DM/18/01388/FPA - Land to Rear of Heather Cottage, Snaisgill, Middleton-in-Teesdale

The Committee considered a report of the Assistant Planning Officer with regards to an application for a detached double garage, including associated change of use, hardstanding and alterations to stone boundary walls on Land to the rear of Heather Cottage, Snaisgill, Middleton-in-Teesdale (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, elevations, site layout and photographs of the site.

Councillor R Bell, local Member, had submitted a written statement which was read to the Committee. He was in support of the application and confirmed that the original application had been improved at some cost, to address previous concerns. He did not consider the application would adversely affect the AONB as it was in a secluded area and only visible from an access lane and it had been designed with appropriate materials. It would enable cars to be parked off the lane which would improve access for neighbours and emergency services.

Councillor Henderson, local Member, confirmed that he had visited the site and viewed the plans and there would not be much difference in terms of what was

already on site. The applicant wanted to retain a lot of the trees and there would be no detriment to the view or the AONB. There was only one parking space on Snaisgill Road and this application would ensure the area was improved.

The Applicant, Mr Ingall, spoke in support of the application and gave background to the purchase and restoration of the house. He confirmed that he had a shared drive and there was an urgent need for additional parking as it was often blocked and if visitors called, that impacted on neighbours. He had consulted neighbours, before employing an Agent and also engaged with a tree specialist to minimise the impact of the development. Residents were in favour of the plans as the application would enhance the neighbourhood.

The Agent, J Lavender, confirmed that in November when the original application was refused, the reason cited was that it would cause harm to the landscape of the AONB, which was not the intention of the Applicant, who had relocated to live in the area because of its status. The intrusion referred to in the report was an area of scrub which the Applicant intended to purchase to erect a garage. Any intrusion had been reduced and an arboricultural report had been produced to ensure the appropriate protection of trees. The arrangement of the development was the easiest with regards to manoeuvring and provided other parking spaces. There was no impact on the AONB and no objections from the Landscape Officer. The issue, in his opinion, boiled down to a wholly subjective assessment of the impact of the angle of the building. Mr Lavender advised that there had been no consultation response from the AONB partnership and should the Officers advice have been taken, the position of the garage would have reverted back to the previous location that was refused. This application was the most practical and workable solution and he suggested inaccuracies in the report.

Councillor Shuttleworth advised that the guidelines for development within an AONB were not compulsory and there was no problem with the design of the building. He moved a recommendation to approve the application, against the Officers recommendation.

Councillor Richardson referred to the photographs of the site and confirmed that there was clearly not enough room for two vehicles to pass in the lane. The area had been established before the use of motor vehicles and considering the development of technology since the erection of the cottage, he considered that the application should be approved. He seconded the recommendation to approve.

Councillor Tinsley queried whether the issue of alignment was discussed prior to the application submission and asked for comments from the Principal DM Engineer, who advised that the orientation of the building was to facilitate practicality of manoeuvring, however an alternative angle would make no difference. He referred to comments made regarding the rural location and confirmed that additional parking in the area was desirable and therefore there was no objection to the proposal from Highways.

The Principal Planning Officer confirmed the dimensions of the building to Councillor Tinsley who confirmed that the size of the building was such that it was restricted as a garage and there could be no possibility of the building being put to

a different use. Councillor Tinsley then questioned the rationale behind disregarding the advice of the Planning Officer with regards to the orientation of the building. He explained that it was the character of the AONB for buildings to be orientated either parallel or perpendicular to each other. The proposed building was disjointed to the other buildings and he agreed with the conclusion in the report and moved the recommendation to refuse.

Councillor Atkinson confirmed that he was also surprised that there were no objections other than the orientation of the building, although he did not see it causing much harm and he noted that the Applicant had gone to a lot of trouble to mitigate the reasons for refusal since the previous application.

Councillor Clare confirmed that the principle and design of the development was accepted, however, that was only part of the proposal and the layout and overall scale of the development was questionable and it was clear that this was the only reason for refusal. He could not agree with those who wanted to overturn the Planning Officer's recommendation as the Committee had a role in protecting the AONB. He agreed with Councillor Tinsley and he also questioned the rationale behind the Applicants decision to stick with the layout proposed. He asked the Committee to consider deferment of the application as this would enable the Applicant to liaise with the Planning Authority and revise the plan with the intention of it having approval granted.

Councillor Tinsley removed his proposal to refuse and seconded the motion to defer the application as he considered this to be in the best interests of the applicant.

The Chairman commented that the application was contrary to purpose of the AONB which was to conserve and enhance the area.

Councillor Shuttleworth noted that the Committee were under no obligation to accept the AONB guidelines and the Framework did not include any specific reference to AONBs in the NPPF and the Teesdale Local Plan Policies had expired.

The Solicitor confirmed that there was a motion to approve the application which had been seconded, but as there was also a motion to defer which had also been seconded, it would be sensible to consider the proposed deferment first. Members debated whether the proposal to defer the application should be considered first. Councillor Shuttleworth was of the view that it should not, whereas Councillor Clare thought that it should. Councillor Clare explained that if the motion to approve was lost, then the application would be refused which would mean that the applicant would have to go back to the original application process.

Councillor McGaun felt that there was no solid reason for refusal and considered the building design and materials sympathetic to the area, however he queried the reason for the angle of the building.

Councillor Zair requested that the Agent be allowed to confirm the reason for the design of the building and why the Officers advice regarding the angle could not be taken.

Mr Lavender confirmed that the position of the building would allow the easiest manoeuvrability, however he advised that the suggestion of reverting back to the Officers preferred position was more intrusive and an additional 4m into the Countryside.

The Chairman having indicated that he would take the approval motion first, a vote was taken on that motion, which was lost and it was therefore;

Resolved:

That the application be REFUSED for the reasons outlined in the report.

8 DM/18/01379/FPA - Land at Hunter Terrace and Tennyson Road, Chilton, Co Durham

The Committee considered a report of the Senior Planning Officer with regards to an application for 16no. affordable dwellings on Land at Hunter Terrace and Tennyson Road, Chilton (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, elevations, site layout and photographs of the site.

He confirmed that Local Member Councillor Potts could not attend the meeting but had expressed her support via email.

Councillor Shuttleworth moved the recommendation to approve and it was seconded by Councillor Richardson.

Resolved:

That the application **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 2no. affordable units in perpetuity and the conditions, as outlined in the report.

9 DM/18/01469/AD - Land North East Of Stockton Road, Sedgefield

The Committee considered a report of the Senior Planning Officer with regards to an application for Non illuminated pole mounted sales sign (retrospective) on Land North East Of Stockton Road, Sedgefield (for copy see file of minutes).

The Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, elevations, site layout and photographs of the site.

Councillor Carr, representing Sedgefield Town Council objected to the erection of signage and cited a previous application on the site for housing which had been refused and appealed. He referred to the reasons for refusal which had been cited

by the Planning Inspector and considered the sign to be inappropriate for the same reasons. There were already signs erected upon entrance to the site and some signs attached to lampposts to advertise. This application was for a sign near a junction where there had been road fatalities in the past and he was surprised that there had been no objection from Highways. He considered that should the application be approved there could be other signs erected for other development currently going on in the area and confirmed that Sedgefield Town Council objected to the proposal. Councillor Carr indicated that he wished to refer to photographs which were not included in the Officer's presentation. Initially he was advised that it was not possible to produce new material during the meeting, however the Planning Officer confirmed that the photographs had already been submitted by the applicant as part of the application and was therefore given the opportunity to circulate the photographs to Members.

The Principal DN Engineer confirmed that these type of signs were commonly erected adjacent to the Highway Network and their existence was to attract attention to new developments. However, he was of the view that there was no basis for saying that this sign would be detrimental to highway safety just because of its prominence and that a highways objection would not be sustainable.

Councillor Brown referred to the length of time advertisement consent is granted for and the request from the Town Council to issue a reduced period of 3 years and enquired how long the sign had been up for. The Planning Officer confirmed that the standard issue was 5 years however the Applicant had indicated a period of 6 years be issued and confirmed that the sign had been in place since April 2018.

Councillor Tinsley suggested that it was usual for a developer to seek to advertise their development and it was not unreasonable to expect that, there was no Highways objection, the sign was on private land, set back from the road, and there was no impact on amenity as there were no residential properties nearby. He referred to the Town Councils reference to the Planning Inspectors comments and clarified that this was with regards to a housing development and not the erection of signage. He did note the date from which the sign had been erected without consent and suggested the amendment of the timescale condition to ensure the developer did not gain one additional day over 5 years from when the sign was erected. He therefore moved that the recommendation was approved subject to a condition which granted a period of consent for 4 years and 9 months only.

The recommendation was seconded by Councillor Brown who commented that the developer would have knowledge of the regulations for planning consent with regards to signage.

Resolved:

That the application be **APPROVED** subject to the conditions outlined in the report and to condition no. 7 being amended as follows;

This consent shall be valid only for a period of four years nine months from the date hereof. At the expiration of that period the advertisements referred to in Part 1 shall

be removed within 14 days and the site shall be reinstated to the satisfaction of the local planning authority.



Planning Services

COMMITTEE REPORT**APPLICATION DETAILS**

APPLICATION No:	DM/18/02246/FPA
FULL APPLICATION DESCRIPTION:	Erection of detached dwelling (resubmitted)
NAME OF APPLICANT:	Mr J Walton
ADDRESS:	Former Garden Of 23 High Green Gainford DL2 3DL
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 part of a former walled garden to the grade II listed 23 Hazel Grove, which lies to the south, but is now in separate ownership. The site is enclosed by 2m high walls to the east, south and west, while the 4m high historic heated wall to the north runs prominently against the A67 and forms a significant feature within the Gainford Conservation Area. Stable House, the former stable of Hazel Grove lies immediately to the west, and the gardens of Hazel Grove and 1 Tees View lie to the south and east respectively.
2. The application proposes the erection of a detached two storey dwelling with integral garage taking access off the A67 from the opening in the north wall. The dwelling would be constructed in random rubble stonework with hardwood painted windows. The roof would be clay pantiles with stone slate coursing at the eaves.
3. The application is a resubmission following refusal of DM/17/02486/FPA under delegated powers. The reasons for refusal were the effect on highway safety from inadequate visibility at the site access; and loss of privacy to the gardens of Hazel Grove and 1 Tees View from overlooking. The only changes made to this application are the omission of a bedroom window and the provision of obscure glazing to the bathroom windows facing 1 Tees View. There were also refusals in 2011 (highways) and 2007 (highways and design).
4. The application has been referred to the planning committee by Cllr Richardson who considers that this is a site that would greatly enhance the village if developed.

PLANNING HISTORY

5. The site has a long and complicated planning history and contrary to the applicant's claims that the site has planning approvals established since 1984 there is no extant planning permission as explained below.
6. Outline permission for one dwelling utilising the original access was granted on 5th December 1984, but despite being renewed, it was never implemented and the permission lapsed.
7. On 13th April 1994, a new outline permission was given for one dwelling and at the same time a separate application for the conversion of the Stables (Stable House) was also granted. The outline permission included a new single vehicle access to serve both the new dwelling and Stable House, but subject to reserved matters and conditions for further details of the access to be approved.
8. When the conversion of Stable House was carried out in 1995 under its own consent, the original opening in the wall was closed and a new opening was formed approximately in the location shown on the outline permission (the current opening into the site). This access was however outside the red line of the Stable House permission and was carried out without reserved matters consent for the outline permission. The access opening was therefore unauthorised and did not constitute implementation of the 1994 outline permission, which has now lapsed. The opening is still there, but has remained mostly unused and was for a long time barricaded closed.
9. In 2005 Stable House was granted detailed consents for the reinstatement of the original opening in the wall to provide an access that would only serve Stable House. The planning permission was granted on the basis that it would be the only lawful residential access in the wall in a position where one had always existed. This was renewed and has now been completed in accordance with the most recent permission in 2016.
10. Since granting permission for reinstatement of the original access to Stable House, planning permission has been refused 3 times for a detached dwelling on the application site (2007, 2011 and 2017). All 3 included highway safety refusal reasons on the grounds that it would introduce a second residential access in the wall with inadequate visibility. The 2007 and 2017 refusals had other design and neighbour impact reasons as well.
11. The list of relevant applications is as follows:
 - DM/17/02486/FPA - Erection of detached dwelling – Refused on highway safety and neighbour impact.
 - DM/16/02803/FPA - Alterations to the design of the access – Approved (Access to Hazel Grove).
 - 6/2010/0215/DM - Erection of 1no new dwelling – Refused on highway safety.
 - 6/2007/0319/DM – Erection of Dwelling - Refused on design and highway safety.
 - 6/2005/0168/DM – Reinstatement of vehicular access archway – Approved (Access to Hazel Grove).
 - 6/1994/0019/DM – Outline application for erection of dwelling - Approved.
 - 6/1994/0021/DM – Conversion and extension of outbuildings to form dwelling house and double garage – Approved (Hazel Grove).
 - 6/1984/0302/DM – Outline application for erection of one dwelling - Approved.

PLANNING POLICY

NATIONAL POLICY

12. 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.
13. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
14. *NPPF Part 9 - Promoting sustainable transport.* Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. In assessing applications for development it should be ensured that, among other things, safe and suitable access to the site can be achieved. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
15. *NPPF Part 12 - Achieving well-designed places.* The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
16. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

LOCAL PLAN POLICY:

17. 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.
18. *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.

19. Policy BENV3: Development Adversely Affecting the Character of a Listed Building:
Development which would adversely affect the character of a listed building or its setting will not be permitted.

20. Policy BENV4: Development within and / or adjoining Conservation Areas:
Development within and/or adjoining conservation areas will only be permitted provided that:

The proposed location, design layout, materials and scale respects the quality and character of the area; materials for buildings and hard landscaping must be appropriate to and sympathetic with the characteristics of the area; the proposal does not generate excessive traffic, parking, noise or other environmental problems which would be detrimental to the character and appearance of the conservation area; the proposal does not destroy trees, hedgerows, landscape features, views and undeveloped areas which contribute to the character or the appearance to the area and its settings; any services which lead to the new development should wherever possible be located underground; proposals should meet the requirements of other relevant policies of the local plan. Proposals which would adversely affect the setting of a conservation area or the views into or out of the area will not be permitted.

21. Policy H4: Infill Development on Sites of Less Than 0.4 Hectare: Small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of Gainford. Proposals should satisfy the criteria contained in policy GD1. Tandem development will not be permitted. Backland development will only be permitted where it would not cause unacceptable harm to the privacy or overall residential amenity of the occupants of neighbouring dwellings, and an adequate and safe access can be provided.

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 -

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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. Gainford Parish Council: Note that they are keen to see the area developed but suggest that the historic nature of the wall running along the main road needs to be

preserved. The Parish would like to see consistency applied regarding the approval of accesses along this stretch of road.

23. Highway Authority: This site, and the proposal for a dwelling, has considerable planning history. The history detailed within the 6/2010/0216/DM/LB delegated planning report is instructive.

There is an extant consent (DM/16/02803) for the reinstatement of a vehicle access within the stone wall, from the neighbouring 'Stable House', to the A67, Main Road. This has been renewed on a number of occasions, commencing with 6/2005/0168. The following comments by the Highway Development Control Engineer, at the time of the applicant's 6/2010/0215 application for a new dwelling, outlines the basis for the LHA's refusal recommendation. The aforementioned 6/2010/0216/DM/LB report also makes some issues clearer (the newly formed, and unauthorised in planning terms, A67 vehicular access having been closed off for use by Stable House for a time).

6/2010/0215 response: 'In 2005 an application (6/2005/0168) was submitted for the reinstatement of the original access to Stable House, the conversion approved in 1994. This application was for the re-use of a stopped up access to an already existing property. The alternative access (the one originally approved in 1994) lay outside the red line site boundary and on third party land. In my reply I noted that visibility from the access was severely restricted. I also pointed out that providing an acceptable visibility splay would require the demolition of a significant length of wall. It was, and remains, my opinion that the refusal of an access to an existing property would be unlikely to be upheld at an appeal.'

Given the planning history of the site, had the original 1994 approval been renewed, a highway refusal of the current application certainly could not have been substantiated. However, after considerable discussion, and despite the applicant's contention that her site has benefited from outline planning permission since 1984, I understand that there is currently no valid approval for a new dwelling on this site. In planning terms, therefore, this is a new application for a new dwelling.

Visibility onto the A67 from the site access is severely restricted, some 2.0m x 6.0m in each direction. This visibility falls well below even the reduced standards in the Manual for Streets (approximately 2.4m x 50m, dependent upon actual vehicle speeds).

This proposal would introduce the traffic from a new dwelling onto an A class road at a location where visibility is extremely substandard. I consider that a refusal on visibility grounds could be justified. I must therefore recommend that this application be refused on highway grounds for the following reason:

"The visibility splays, which are essential in the interests of highway safety cannot be achieved at the access to this site. An additional dwelling at this location would prejudice the safety of road users at this point".

The Case Officer confirms that in planning terms the current application is for a new dwelling within a parcel of land without extant consent for development. In that respect it is therefore unchanged from the refused 6/2010/0215 application. It is therefore recommended that the same refusal reason is used to refuse the current application.

24. Northumbrian Water: No objection.

INTERNAL CONSULTEE RESPONSES:

25. *Design and Conservation:* Very similar plans for this detached dwelling were submitted previously in 2017 albeit with alterations to the fenestration to the first floor of the south and east elevations. Although concerns were raised by the Conservation Officer at the time regarding the erection of this dwelling, these were not accepted by the case officer, who stated in the delegated report for proposal DM/17/02486/FPA that the proposal was not contrary to policies GD1, BENV3 and BENV4 of the adopted Teesdale District Local Plan. Therefore due to the limited differences in terms of design (the removal of one window to the first floor of the east elevation), there would be no grounds for objection from a design and conservation standpoint.

26. *Archaeology:* A site visit was carried out by DCC Archaeology Section as part of a previous application. This found that the potential for undisturbed below-ground archaeological remains to survive was very low due to previous landscaping activity. Based on this information, I have no objection to the current proposals on archaeological grounds.

PUBLIC RESPONSES:

27. The application was publicised by site notice, press notice and neighbour notification letters.

28. Four letters of objection have been received. A significant level of concern has been received in relation to the access to the site which objectors consider to be unsafe. Concern is expressed over the design and size of the dwelling and overdevelopment of the site and that this would be appropriate in relation to the conservation area setting or nearby listed buildings. Concern is also expressed over loss of amenity to neighbouring property.

29. Four letters of support have been received. It is suggested that this is an obvious site for development which would fit in well with the village, that traffic levels in the village have reduced and that the new dwelling will provide support to local businesses.

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:

30. I write to support this application which has planning approvals to residential development established since 1984. I ask that the needs of the village, the needs of more homes overall and that equity, consistency and common sense be applied as it will be :

- An asset to the village
- Make good use of land that has an existing access of 23 years (used by 2 properties without incident)
- Provide another much needed home in the village
- Make best use of a brownfield site in a residential area in the body of the village
- Make Main Road look complete and more attractive to all with benefit to the village as a whole

Design (*neighbour impact*)

31. This design was agreed with the planning and conversation(sic) officer in a previous application. In last year's application reference was added by a then different planning officer re impact to 1 Tees View and Hazel Grove.
32. Tees Views recent request is satisfied in design modification in this submission. Hazel Grove. No windows are overlooked. All Hazel Grove windows face to the South and West therefore no impact. Any windows in this application overlooking the garden area do so to the secondary garden area and drive. The main large garden area beside the house is not overlooked. Hazel Grove has grown tall Beech trees along the perimeter further blocking the view. The current occupants bought this property and negotiated the price with full knowledge of the planning history of this site and this design.

Access

33. This application already benefits from the existing access built with full planning approval 1995, used without incident for 23 years. Until last year this access served 2 properties - this site and Stable House, a large 4 bedrooomed property. This has now reduced to sole use of this 1 property.
34. Highways granted discretion to the application from Stable House regarding visibility splays in this same listed wall to create a new, second separate access for its use only. Planning granted stated - *The County Highways Engineer had no objections and is prepared to waive the normal sight lines because this is a wall of architectural and historical interest.* I ask for equity of their advice/discretion.
35. At the time of application for the new access in 2005 the then planning officer Andrew Bishop confirmed two accesses were acceptable, the existing and a new one and the existing could be used for a residential dwelling to this site.
36. The new access was constructed last year and the properties totally detached thus traffic / access to this application has reduced. There are more than 30 such vehicular accesses on to Main Road most of which are narrower. The planners knew of the planning on this site when they approved Stable House and Queens Court. The Fish and Chip shop has always been there. Traffic flow has reduced since the very busy pub and hotel Queens Head was redeveloped(sic) to residential housing. Before that the car park housed 60+ cars and traffic was always coming and going. The pub had several letting bedrooms.
37. This is an obvious site to build a house. It would be good if common sense and equity could be applied. It will meet the County Council and Government's agenda to provide more homes and be an asset to the village.

PLANNING CONSIDERATIONS AND ASSESSMENT

38. 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 the development; Impact on character and appearance of the conservation area; Highway safety; and impact on residential amenity.

Policy Context

39. The site lies within the built up area of Gainford, but contrary to what the applicant has said, it is not previously developed land, and therefore it does not fall under Policy H4 of the Teesdale Local Plan. There are no other relevant housing policies in the Local Plan. The emerging County Durham Plan is not sufficiently advanced to be afforded any weight in the decision making process at the present time.
40. This engages Paragraph 11 of the NPPF which requires that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking this means granting permission unless the application of policies in the framework which protect areas or assets of particular importance provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. As there are no protection policies which provide a clear reason for refusal, then the acceptability of the principle of the development is to be determined on the basis of the titled balance test.

Location

41. Gainford is classed as a local service centre in the Council's Settlement Study on the basis that it has some key facilities and services. The site is located centrally in the village and is therefore well placed to access a range of local facilities, services and public transport. There is no conflict with NPPF paragraphs 78, 79 and 103 in this respect.

Housing Land Supply

42. On the 13th June 2018, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the Government's standardised methodology for calculating OAN, which is now reflected in paragraph 60 of the NPPF, and formally endorses the use of 1,368 dwellings per annum (dpa) as the OAN. The Council is now able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.

43. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

Design, Impact upon Conservation Area and listed buildings

44. The site lies within the Gainford conservation area and close to the grade II listed Hazel Grove.
45. A conservation area and a listed building are designated heritage assets. Part 16 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. Teesdale Local plan policies BENV3, BENV4 and GD1 are consistent with these aims and can therefore be given significant weight.

46. Regard must also be given to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 states that with respect to any

buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 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.

47. The Gainford Conservation Area Appraisal describes Gainford as an attractive village on the banks of the River Tees, at the heart of which is a large medieval green. The character of houses around the green is predominantly Georgian with a mixture of more modest rubble-built terraces on the south side and better constructed coursed rubble and ashlar build on the north. Despite the varied nature of styles and forms, the architecture of Gainford is unified by its scale, height, quality and use of local building materials. Most of the roofs are covered with red pantiles often finished off with a line of split stone slabs along the eaves. Some of the larger buildings have blue slate roofs.
48. The application site lies to the north of the village green along the main road through the village. The character of the immediate surrounding area is typical of that described in the Conservation Area Appraisal, although there is a post war housing estate to the north which is not included in the conservation area.
49. Some local residents have raised a number of concerns about the impact of the proposal on the conservation area and setting of Hazel Grove as a result of its scale, design and the development of an area of open space.
50. It is also noted that there is a fairly lengthy planning history on the site, including refusals on design grounds. However, each proposal must be considered on its own merits.
51. It is acknowledged that open spaces in the village, most notably the village green make a substantial contribution to the character of the village. The application site is not however considered to be one of those important spaces. It has no public access and is contained by high boundary walls. The roadside wall in particular limits views into the site and through to Hazel Grove, which retains its own spacious garden area.
52. The roof and gable ends of the proposed dwelling would be visible above the roadside wall, but the height and materials, as well as the Georgian window style throughout would be wholly in keeping with the village character. Dormer windows are not a common feature, but they would be located on the less visible rear elevation and would sit comfortably as small features within the roof so are not objectionable on design grounds. While the dwelling and its access/manoeuvring arrangements would occupy a fairly large part of the site, there would still be some amenity space left in the site and together with the orientation of the dwelling, which has kept the bulk of it set back from the wall, the proposal would not be an overdevelopment of the site.
53. Taking all the above into account, and having regards to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed dwelling would preserve the character and appearance of the Gainford Conservation Area, as well as the setting of the grade II listed Hazel Grove. It would not be contrary to the NPPF or policies GD1, BENV3 and BENV4 of the Teesdale Local Plan in this respect.

Impact on Residential Amenity

54. The 4m high roadside wall would effectively limit any privacy impacts on the properties across the road to the north. However, the walls to the east, south and west are only 2m high. This would not be an issue in relation to Stable House because of the orientation of the proposed dwelling and lack of windows facing west, but one of the reasons for refusal of the previous application was the loss of residential amenity to the neighbouring properties Hazel Grove and 1 Tees View, which lie immediately to the south and east.
55. The current proposal has addressed the impact on 1 Tees View by removing a bedroom window and using obscure glazing in the bathroom windows facing 1 Tees View. However, the relationship with Hazel Grove is unchanged.
56. The applicant has said in her statement that the occupiers of Hazel Grove purchased the property with full knowledge of the planning history of the site and the design proposed, but as explained in the planning history, the 3 applications prior to this were all refused. The 1984 and 1994 permissions were only in outline and both lapsed.
57. The proposed 2 storey dwelling would be located very close to the southern boundary of the site. Even at the furthest point it would still be only 8m off the southern boundary. At its closest it would be just 4.5m off the southern boundary. There would also be 3 first floor bedroom windows and a study window facing south. All 4 windows would overlook the garden of Hazel Grove. Not only would this significantly diminish the level of privacy within this neighbour's garden, but the proximity of the house and windows together with its scale would also have an oppressive impact on the use of the whole of the neighbour's garden, not just a small area as claimed by the applicant. The trees along the boundary are not substantial and would be without leaf during the winter so would do little to minimise the harmful impact of the development.
58. It is therefore considered that the proposal would harm the living conditions of adjacent residents at Hazel Grove due to loss of privacy and an oppressive impact. This is contrary to Teesdale Local Plan Policy GD1 (E). The proposal would also conflict with the NPPF which seeks to secure a good standard of amenity for existing and future occupants of buildings.

Highway Safety

59. The proposal seeks to take access from the existing gap in the wall onto the A67. This is unchanged from the previous 3 refusals.
60. Contrary to the applicant's claims in her statement, this access does not benefit from any planning permission for the reasons explained in the planning history section of this report. Furthermore, the application site has not had any formal or recreational use since it was a garden so the access has not been in regular use. In fact it was barricaded and left in an unfinished state for many years. Hazel Grove now has its own access, having reinstated the original opening, so the context has changed significantly since the lapsed permissions.
61. The A67 is a busy road through the village, being the principle link between Barnard Castle and Darlington. Although at this point the road is subject to speed restriction in the village, the Highway Authority have advised that visibility onto the A67 from the site access is severely restricted at some 2.0m x 6.0m in each direction, thereby falling well below even the reduced standards in the Manual for Streets (approximately 2.4m x 50m, dependent upon actual vehicle speeds). Any traffic emerging from the site onto the A67 at this point without having adequate visibility of

oncoming traffic or pedestrians would be likely to increase the risk of accidents to the detriment of highway safety. While the access to Hazel Grove has similar visibility issues, it was a reinstatement of the original access to an already existing property and is therefore materially different to this proposal.

62. It would not be appropriate to consider lowering or removal of the wall to improve the visibility situation because the wall has historic significance and is an important feature within the conservation area. In any event the proposal does not seek to make alterations to the wall and the west section of wall is not in the applicant's control.
63. The proposal is therefore contrary to Policy GD1 (Q) of the Teesdale Local Plan which requires that adequate and safe access to development sites is provided.

CONCLUSION

64. In accordance with the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously.
65. The proposal would supply just one dwelling and as the Council is able to demonstrate in excess of 6 years supply of deliverable housing land, the boost to housing supply as a benefit of the development is very limited. The associated economic and social benefits from a single dwelling would be equally modest. The relatively sustainable location of the dwelling has been given moderate weight.
66. The lack of harm in relation to impact on the Conservation Area and setting of Listed buildings are neutral factors not benefits.
67. Despite these factors, as identified the proposal would harm the residential amenity of Hazel Grove and be harmful in highway safety terms. Consequently the proposal would conflict with other development plan policies that are not out of date, as well as aims within the NPPF in these respects. These are significant and dis-benefits resulting in environmental and social harm.
68. It is therefore considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the development plan and the NPPF considered as a whole. As such, the guidance to grant permission found in NPPF paragraph 11 does not apply. The application is therefore recommended for refusal.

RECOMMENDATION

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

1. The required visibility splays, which are essential in the interests of highway safety cannot be achieved at the access to this site. As a result, the increased traffic movements associated with the proposed dwelling would prejudice the safety of highway users contrary to Teesdale Local Plan Policy GD1 (Q) which requires that an adequate and safe access to development sites is provided.

2. The proposal, by reason of the overlooking first floor windows in the south elevation and the scale and proximity of the development to Hazel Grove, would cause harm to the residential amenity of Hazel Grove due to loss of privacy and an oppressive impact. This is contrary to Teesdale Local Plan Policy GD1 (E) which requires that development should not unreasonably harm the amenity of occupants of adjoining sites.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to recommend refusal of this application have, without prejudice to a fair and objective assessment of the proposal, considered the proposal in relation to relevant planning policies, material considerations and representations received, however, in the balance of all considerations, the issues of concern could not result in a positive outcome being achieved.

BACKGROUND PAPERS

Submitted application form, plans supporting documents

The National Planning Policy Framework (2018)

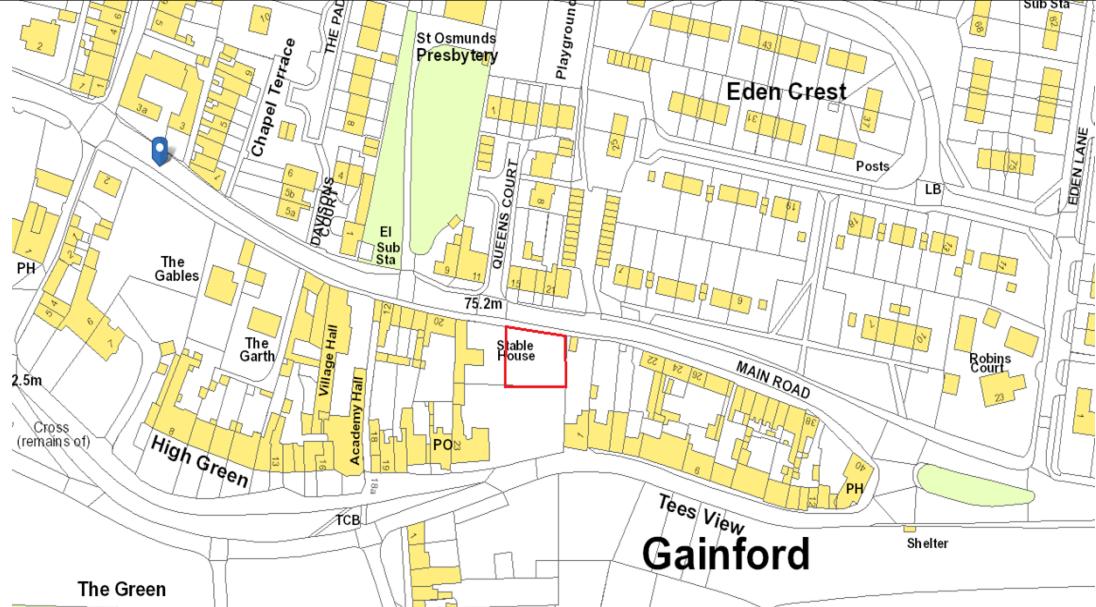
National Planning Practice Guidance Notes

Teesdale Local Plan

The County Durham Plan (Submission Draft)

County Durham Settlement Study 2012

All consultation responses received

 <p>This map shows the layout of the town of Gainford. It includes several streets such as Chapel Terrace, DAUBRIS, QUEENS COURT, MAIN ROAD, and EDEN LANE. Key locations marked include St Osmunds Presbytery, Eden Crest, Posts, Robins Court, and a playground. A red box highlights the 'Stable House' area. A distance of 75.2m is indicated between the stable house and another point. Other features shown include The Gables, The Garth, Village Hall, Academy Hall, PO, TCB, and Tees View. The map also shows the remains of a cross and the Green.</p>	Erection of detached dwelling (resubmitted)
 <p>Durham County Council Planning Services</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>	20 th September 2018

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/18/01047/FPA
FULL APPLICATION DESCRIPTION: Erection of 1 no. dwelling and garage
NAME OF APPLICANT: Mr Malcolm Butterly

ADDRESS: Land To The North Of Moor View Cottage
Ovington
DL11 7DA
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 agricultural land, but sits partly within the Ovington settlement boundary on the eastern side of the village, in-between Moor View and Whispering Waters. Access to the site is from the existing field gate onto the adopted unclassified 117.1 road, Cliffords Lane. Site levels slope upwards from west to east and as a result the site has an elevated position above the road.
2. The application proposes the erection of a two storey four bedroom detached house, and detached garage. The dwelling and garage would be constructed of stone with concrete tiled roof.
3. The application is reported to the Planning Committee at the request of Ovington Parish Council who have concerns about the impact of the dwelling on the character of the village, encroachment into the countryside and the access arrangements.

PLANNING HISTORY

4. Two previous applications were withdrawn:
DM/16/03432/FPA 5 detached dwellings
DM/17/01921/FPA 1 dormer bungalow

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 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
7. *NPPF Part 9 - Promoting sustainable transport.* Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. In assessing applications for development it should be ensured that, among other things, safe and suitable access to the site can be achieved. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
8. *NPPF Part 12 - Achieving well-designed places.* The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
9. *NPPF Part 15 - 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:

10. 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.
11. *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.
12. *Policy ENV1: Protection Of the Countryside:* Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.

13. *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.

14. *Policy ENV10: Development Affecting Trees or Hedgerows:* Development will only be permitted where it avoids unreasonable harm to or loss of important trees which contribute significantly to the setting of nearby existing or proposed buildings.

15. *Policy H4: Infill Development on Sites of Less Than 0.4 Hectare:* Small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of Ovington. Proposals should satisfy the criteria contained in policy GD1. Tandem development will not be permitted. Backland development will only be permitted where it would not cause unacceptable harm to the privacy or overall residential amenity of the occupants of neighbouring dwellings, and an adequate and safe access can be provided.

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.

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 -

17. 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. *Ovington Parish Council:* Object to the application. They are concerned about the visual impact of the dwelling sitting above the lane and its scale. They note encroachment beyond the settlement boundary, accepting that the site may have always been intended for infill development, but not a scheme of the depth proposed. Concerns are expressed that the access proposed will open up the remainder of the field for development and it is suggested that there could be conflict with agricultural traffic sharing the dwelling's access. There is concern in relation to the required formalisation of the access to the field with a tarmaced access required. Highways safety concerns are expressed in relation to the potential for additional traffic to be using the lane.

19. Highway Authority: The existing unmade agricultural access would be required to be metalled to an adoptable standard between the Post Office Lane carriageway and the position of the existing field gate. This area is all public highway verge.

20. Northumbrian Water: No objection.

INTERNAL CONSULTEE RESPONSES:

21. Landscape Section: The site is not in a locally or nationally designated landscape. The landscape and visual effects of the proposal are likely to be relatively small, and localised.

Visibility into the site is limited by the mature roadside hedge, which is an important landscape feature and should be retained and protected. Details of the boundaries should be provided and should be appropriate for the rural location. I would prefer the southern boundary, in particular, to be a native species hedge.

22. Trees: There is no arboricultural objection as it is unlikely any significant trees will be impacted. It is however recommended that the applicant produces a tree protection plan as a condition to avoid damage to the ornamental cherries and maples in the neighbouring garden.

23. Ecology: I have viewed the Great Crested Newt Survey (All About Trees, May 2018) and recommend that the use of the Method Statement appended to the report be conditioned, in order to ensure no residual impact on the species.

24. Contaminated Land: No objection, contaminated land condition not required.

PUBLIC RESPONSES:

25. The application has been publicised by way of site notice and neighbour notification letters. 19 letters of objection have been received in relation to the development.

26. The main points raised are concerns about development of greenfield land and sustainability; overshadowing and loss of privacy to neighbouring properties; the design and scale would be out of keeping with the village; additional traffic; flooding issues on the lane; impact on wildlife.

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:

27. The professional officers appear to have balanced all the various relevant factors and have seen clearly in favour of recommending approval of this scheme. As we all know, planning decisions often involve evaluating competing interests - but here it is clear that the scheme is on balance acceptable. It is thus hoped that the Planning Committee Members will agree with their professional officer's expert opinions, and, despite the objections raised, vote that this scheme should be approved. Thank you very much for your time.

PLANNING CONSIDERATIONS AND ASSESSMENT

28. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main issues are the principle of the development, the impact on the character and appearance of the area, impact on neighbours, ecology and highway safety.

Planning Policy Context

The site could be regarded as infill as it lies between existing residential properties and is partly within the settlement boundary of Ovington, but it is not previously developed land. Accordingly, neither Policy ENV1 nor H4 of the Teesdale Local Plan are wholly applicable. There are no other relevant housing policies in the Local Plan. The emerging County Durham Plan is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

This engages Paragraph 11 of the NPPF which requires that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking this means granting permission unless the application of policies in the framework which protect areas or assets of particular importance provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. As there are no protection policies which provide a clear reason for refusal, then the acceptability of the principle of the development is to be determined on the basis of the titled balance test.

Location

29. Ovington is identified within the council's settlement study as a tier 6 Hamlet with a limited range of services. However, the site is located within the built up area of the village and is therefore not isolated in the context of NPPF paragraph 79. Furthermore, NPPF paragraph 78 recognises that to promote sustainable development in rural areas, development in one village may support services in a village nearby, which would be the case here. Accordingly, there is no conflict with the aims of the NPPF to secure sustainable patterns of development and avoid isolated housing.

Housing Land Supply

30. On the 13th June 2018, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the Government's standardised methodology for calculating OAN, which is now reflected in paragraph 60 of the NPPF, and formally endorses the use of 1,368 dwellings per annum (dpa) as the OAN. The Council is now able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.

31. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply

position could not be demonstrated. This will need to be factored into the planning balance.

Impact on Character and Appearance of the Area

32. Whilst the site is agricultural land, it lies between existing residential properties within the village. Concerns have been expressed about the depth of development into the site and the scale of development, however the site is bordered by deep development to the north and the plot size would be commensurate with development on the southern side of the lane. As a result it would not be viewed as an intrusion into the countryside.
33. The type, size and style of housing in the village varies widely. Modern housing is interspersed in amongst more traditional historic development throughout the village. The varying height of housing is also notable, not just in type, but also following the topography throughout the village.
34. The scale, design and materials of the proposed development would be reflective of older more established dwellings close to the site, and even though the site is elevated above the lane, it rises from a relatively low level in comparison to the rest of the village, which sits on higher ground to the north and west. As a result, the dwelling would not appear overly prominent in relation to the main body of the village, although precise details of levels should be secured by condition.
35. The mature hedge to the front of the site would be retained but will require protection through the development process, as will trees closely bordering the site.
36. Taking all the above into account, and in the absence of any objection from the Landscape Section, it is considered that the development would not be detrimental to the character and appearance of the surrounding area. There is no conflict with Teesdale Local Plan Policies GD1, ENV10 and H12, which remain consistent with the aims of the NPPF in these respects.

Impact on residential amenity

37. The 3 properties immediately adjoining and opposite the site are Wispering Waters, Moor View and the Hawthorns. Some of the representations have expressed concern about the impact on those properties in respect of scale, overshadowing and loss of privacy. However, the dwelling has been sited in a manner that would avoid direct overlooking and would not impose on the outlook of any of those properties. It is accepted that the proposed dwelling would be taller than Moor View, which is the closest of the properties, but there would be a reasonable degree of separation, and as it would sit to the north of this dwelling, it would not cause any significant impact in relation to loss of light or overshadowing. Accordingly there is no conflict with Teesdale Local Plan Policy GD1.

Ecology

38. The site itself has been in active agricultural use and therefore has little biodiversity value apart from the surrounding hedges. However, as has been highlighted in a number of representations and the Great crested newt survey submitted with the application, there are ponds nearby and records of Great Crested Newts in the area. Great crested newts are a European protected species. The animals and their eggs, breeding sites and resting places are protected by law.

39. However, notwithstanding the potential for the nearby ponds to support Great crested newts, the survey advises that it is unlikely that the site would be used by newts because of the distance, topography and intervening natural and man-made obstacles/barriers between the ponds and the site.
40. The Council's Ecology team are in agreement with the conclusions of the survey and have offered no objections to the application subject to a condition securing the precautionary method statement by condition.
41. A Natural England license is not required in this case and the Council can discharge its duty under the habitats regulations without the need to consider the derogation tests. There is no conflict with Policy ENV8 of the Teesdale Local Plan, which is consistent with NPPF Part 15.

Highway safety

42. The development would take access from an existing field gate. A number of concerns have been raised over the suitability of the access and increased traffic on the lane.
43. It is acknowledged that the lane is narrow and without footway. It is also used by pedestrians, dog walkers and cyclists. However, this is an existing access with unrestricted use by agricultural vehicles and machinery. The lane also serves over 10 existing properties including the Clifford's View estate further south. The addition of a single dwelling in this context would not represent a significant material increase in traffic using the lane and traffic speeds are still generally low.
44. The access junction will require improvement to adoptable standard, but is otherwise considered suitable to serve the development. A condition is proposed to secure this. In the absence of any objection from the Highway Authority there would not be sufficient grounds to sustain a highway safety refusal and as such there is no conflict with Teesdale Local Plan Policy GD1, which is consistent with the aims of NPPF Part 9.

Other matters

45. There has been some local concern that the development would worsen flooding of the lane, which is known to occur during heavy rainfall. The flooding appears inevitable because of the higher ground surrounding the lane at this point, however, given the small proportion of the field to be developed, it is unlikely that this problem would be significantly worsened by a single property. Drainage, landscaping and hard surfacing details can be secured by conditions.
46. Concerns about further development in the field are not relevant to consideration of this application and any such proposals would be considered on their own merits.

CONCLUSION

47. Applying the titled balance test of paragraph 11 of the NPPF, it is necessary to weigh up the benefits of the proposal against any harm.
48. While the benefits to housing supply would be limited, particularly as the Council can demonstrate a five year housing land supply, and associated economic and social benefits from a single dwelling would be equally modest, there are no adverse harm that would significantly and demonstrably outweigh the benefits. Accordingly,

planning permission should be granted. The application is therefore 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.

Proposed Elevations 06th April 2018

Proposed Floor Plans"

Proposed Garage Elevations"

Proposed Site Plan"

Great Crested Newt Survey All About Trees Ltd 10th May 2018

Amended Site Plan REV A rec 13th June 2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF Parts 5, 9, 12, 15, and 16 and Teesdale Local Plan Policies GD1, ENV1, ENV8, ENV10 and H12.

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of all proposed external walling, roofing and hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority. This shall include the erection of a stone sample panel on the site for written approval of the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

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

4. No development shall commence until details of the finished ground floor levels of the dwelling and garage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

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

5. The dwelling shall not be occupied until the vehicular access within the adopted highway has been provided and metaled to an adoptable standard.

Reason: In the interests of highway safety having regards to Policy GD1 of the Teesdale Local Plan.

6. No development shall commence until details of foul and surface water drainage 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: To ensure the site is properly drained and to comply with Policy GD1 of the Teesdale Local Plan.

7. No development shall take place until tree and hedge protection measures in line with BS 3998 (2010) to protect trees on adjoining sites and the hedgerow to the front of the site are in place. The protective barriers shall remain in place for the duration of construction works on the site. There shall be no storage of materials, machinery, tools, or parking of vehicles within the Root Protection Areas of any trees or hedges on the site.

Reason: To minimise the impact of the development upon existing mature trees and hedges in accordance with Policy ENV10 of the Teesdale Local Plan.

8. All means of enclosure shall be constructed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

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

9. The development shall take place in accordance with the precautionary method statement detailed within Great Crested Newt Survey All About Trees Ltd 10th May 2018.

Reason: To conserve protected species and their habitat in accordance with Policy ENV8 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 as they relate to matters at the start of the development process.

BACKGROUND PAPERS

Submitted application form, plans supporting documents

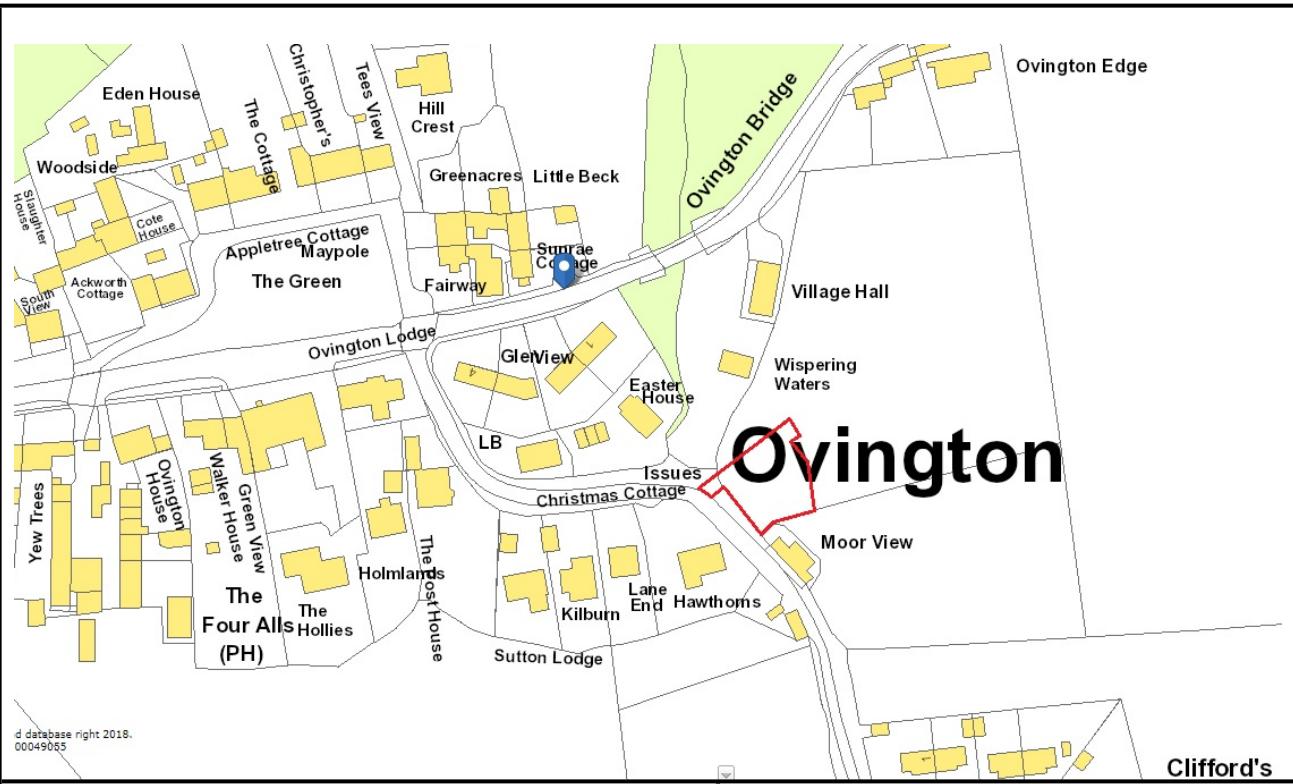
The National Planning Policy Framework (2012)

Teesdale Local Plan

The County Durham Plan (Submission Draft)

County Durham Settlement Study 2012

All consultation responses received



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Planning Services

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1 no. dwelling and garage

20th September 2018

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/18/00928/FPA
FULL APPLICATION DESCRIPTION: Vehicular access and entrance gates (part retrospective)
NAME OF APPLICANT: Mr Bellamy

ADDRESS: Oakwell Lodge
Hamsterley
Bishop Auckland
County Durham
DL13 3PP

ELECTORAL DIVISION: Evenwood

CASE OFFICER: Tim Burnham Senior Planning Officer 03000 263963
tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site lies centrally within Hamsterley, between Wellgarth and the grade II listed Pear Tree Cottage. The Grade II listed Baptist Church lies across the road, opposite the site.
2. Planning permission was granted in 2014 and 2015 for the erection of a dwelling and garage on the site. The original development is now substantially complete, however a new gravelled access has been formed to the property across the village green, which deviates from the previously approved shared arrangement with Pear Tree Cottage. The application is part retrospective, with an access broken into the wall earlier in the year and gravel laid. The application also shows the construction of gate pillars and the installation of a gate, works which are yet to be carried out.
3. The application has been referred to the Planning Committee by Hamsterley Parish Council due to concerns about the loss of a section of dry stone wall, the part retrospective nature of the application and due to other permissions that may be required in relation to the works on the village green.

PLANNING HISTORY

4. DM/14/03009/FPA Erection of dwelling – approved 11.12.2014.
5. DM/15/01599/FPA Erection of dwelling and garage (revised scheme) – approved 30.09.2015.
6. DM/16/01114/NMA Non material changes to fenestration – approved 19.05.2016.

7. DM/17/01539/VOC Variation of condition 2 of application DM/15/01599/FPA relating to dimensions and location of garage inc. alterations to access (part retrospective) – approved 25.09.2017.
8. DM/18/00134/FPA Raised decking area to rear, porch to front and side, garage conversion, alterations to fenestration and render property – approved 19.02.2018.

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 9 - Promoting sustainable transport.* Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
11. *NPPF Part 12 - Achieving well-designed places.* The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
12. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

LOCAL PLAN POLICY:

13. The following saved policies of the Teesdale Local Plan are relevant to the application:
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, and highways impacts.
15. *Policy BENV3: Development Adversely Affecting the Character of a Listed Building:* Development which would adversely affect the character of a listed building or its setting will not be permitted.

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 –

16. 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *Hamsterley Parish Council*: Object to the application due to concerns about the loss of a section of dry stone wall, concerns about ownership certificates on the application forms, the part retrospective nature of the application and due to other permissions that may be required in relation to the works as well as the retrospective nature of the application.
18. *Highway Authority*: No objection. The new vehicular access which is the subject of this application would create formal off-street parking for Pear Tree Cottage for the first time, which is welcomed.

PUBLIC RESPONSES:

19. The application has been publicised by way of site notice. No public responses have been received.

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:

20. This application has been called to Committee by Hamsterley Parish Council as they believe it is illegal for the applicant to gain access to their property via a section of roadside verge classified as Village Green.
21. The applicant has undertaken Land Registry searches with solicitors and concluded that the land in question is currently unregistered. Details of the application were advertised within The Teesdale Mercury yet no one came forward as having an interest in the land.
22. The reason behind this application is to address the existing access arrangements which currently involve a narrow access point that is shared with the neighbouring property Pear Tree Cottage. This existing arrangement is difficult to negotiate and has ultimately resulted in vehicles associated with each property being parked on the Highway for ease. This application seeks permission for a separate access that will result in each property having independent access and private off street parking facilities.

23. In planning terms the verge holds limited amenity value associated with its use, however it is appreciated that it does add to the character and appearance of the Village as a whole. The proposals incorporate the use of a reinforced grass surface to maintain the appearance of a grass verge.
24. It must be acknowledged that most of the dwellings within the village already benefit from access over the Village Green. This proposal will simply complement existing arrangements and improve general safety by removing vehicles from the Highway.

PLANNING CONSIDERATIONS AND ASSESSMENT

25. 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 case is the impact on the character and appearance of the area and setting of nearby listed buildings.
26. The site lies adjacent and opposite to grade II listed buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.
27. The village green of Hamsterley is extensive and spans the length of the village along Saunders Avenue, although on the southern side it is mostly highway verge and as such, it is punctuated by numerous vehicle crossings and pathways. These are constructed of a wide variety of materials including tarmac, concrete and gravel
28. Consequently, the provision of another crossing would not be out of keeping with the character of the village and more particularly, that of the village green on the south side of Saunders Avenue. Its scale, materials and the design treatment of the proposed gate posts and gate are also in keeping with other accesses, and when the development is completed, will retain the rural feel of the development and setting. Other accesses within the village are flanked by stone walls, meaning that the gap created between the stone wall on this site would not be out of character with the area. Members will also recall granting planning permission for a far more significant access across the verge to serve residential development on the Green View Lodge site further to the west.
29. The Highways Authority have no objection, advising it would actually be an improvement, as it would allow Pear Tree Cottage its own driveway, where at least two cars could be within its curtilage.
30. Whilst the works would also require separate consent for development on a village green and there is no guarantee such consent would be given, this is a separate matter for the applicant, as is any dispute over ownership of the land.
31. The partial retrospective nature of the application has been raised by the Parish Council in objection but Members will be aware that this is not a sustainable reason in itself for refusal of the application as the legislation allows for retrospective applications to be made.

32. Overall, the development is of a minor nature and would not cause harm to the character and appearance of the area. Furthermore, having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, it is concluded that the development preserves the setting of the nearby listed buildings. Accordingly, there is no conflict with saved policies GD1 and BENV3 of the Teesdale Local Plan, or the relevant guidance in the NPPF Parts 9, 12 and 16.

CONCLUSION

33. The proposal has been assessed against the relevant policies within the documents identified above. It is considered that the development conforms with these policies, as the character and appearance of the area, and setting of nearby listed buildings would not be negatively affected. There is no objection from the Highway Authority. Accordingly, there is no conflict with Teesdale Local Plan policies GD1 and BENV3, as well as the aims of Parts 9, 12 and 16 of the NPPF.
34. All representations have been considered, however taking all matters into account, it is felt that the proposal is acceptable in planning terms and that there are no adverse impacts of the scheme which would justify the refusal of the application. For these reasons and in accordance with NPPF paragraph 11, 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.

L014033-019 rec 26th March 2018
L014033-017 REV A rec 30th April 2018
L014033-018 REV A"

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Parts 9, 12 and 16 of the NPPF and Policies GD1 and BENV3 of the Teesdale Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has not been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development due to the

committee cycle but has been decided within the agreed timescales of an extension of time agreement.

BACKGROUND PAPERS

Submitted application form, plans supporting documents

The National Planning Policy Framework (2012)

Teesdale Local Plan

The County Durham Plan (Submission Draft)

All consultation responses received

 Planning Services	Vehicular access and entrance gates (part retrospective)
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