



Area Planning Committee (South and West)

Date Thursday 19 September 2019
Time 2.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 18 July 2019 (Pages 3 - 8)
5. Applications to be determined
 - a) DM/19/00431/FPA - Land To The North West Of The 68 Cafe, Toft Hill (Pages 9 - 30)
Siting of 10 holiday lodges
 - b) DM/19/01389/FPA & DM/19/01390/LB - 13 West Terrace, Staindrop, Darlington (Pages 31 - 54)
Extension to the side/rear of dwelling, demolition of existing extension; re-locate garden wall, erection of garage. New dwelling and garage within rear garden.
 - c) DM/19/01350/FPA - Land East of Old Granary Farm, Morley (Pages 55 - 70)
Retrospective application for retention of single dwelling
 - d) DM/19/01406/FPA - 96 Wheatbottom, Crook (Pages 71 - 86)
Change of use from A1 (retail) to C3 (residential) use. Creation of additional residential unit. External alterations (resubmission of DM/19/00291/FPA)
 - e) DM/18/02742/FPA & DM/18/02743/LB - Former Pumping Station to the North East of Presser Villa, Bale Hill, Blanchland (Pages 87 - 114)

Residential conversion and extension of pumping station
(amended description/plans 11/03/2019)

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
11 September 2019

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

Councillor J Clare (Chair)
Councillor J Atkinson (Vice-Chair)

Councillors D Bell, J Blakey, L Brown, J Chaplow, E Huntington,
G Huntington, I Jewell, J Maitland, S Quinn, G Richardson,
J Shuttleworth, F Tinsley and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 18 July 2019 at 2.00 pm**

Present:

Councillor J Clare (Chair)

Members of the Committee:

Councillors J Atkinson (Vice-Chair), D Bell, J Blakey, L Brown, E Huntington, G Huntington, I Jewell, J Maitland, S Quinn, G Richardson, J Shuttleworth, F Tinsley and S Zair

1 Apologies

Apologies for absence were received from Councillor J Chaplow.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

Councillor F Tinsley declared a prejudicial interest in item no. 5a) on the Agenda and confirmed that he would speak in objection to the proposal as Local Member, and withdraw from the meeting.

4 Minutes

The minutes of the meeting held on 20 June 2019 were agreed as a correct record and signed by the Chair.

The Chair changed the order of business in order for application 5b) on the Agenda to be considered first

5 DM/18/02742/FPA & DM/18/02743/LB - Former Pumping Station to the North East of Presser Villa, Bale Hill, Blanchland

The Committee considered a report of the Planning Officer regarding an application for residential conversion and extension of pumping station at the former pumping station to the north east of Presser Villa, Bale Hill, Blanchland (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site. She confirmed that Members had visited the site prior to the meeting.

Mr Tulip, local resident, spoke in objection to the proposed development, however during the representation from objector Ms M Ferguson, the Planning Officer was made aware that no formal notice had been served on all tenants with regards to this application site.

The Planning Officer confirmed that although this was a legal requirement it was a matter for the applicant to notify all owners, occupiers, and lessees of the application site and neighbouring land. The Planning Officer had been informed that notice had been served to the appropriate parties subject to the application site and this issue had not been brought to her attention prior to the meeting, in which case the appropriate action would have been taken to ensure the notices had been served.

The Solicitor – Planning and Development, advised that if the Committee accepted the notices had not been served, the application should be deferred.

Councillor Shuttleworth put forward a motion to defer the application, seconded by Councillor Atkinson.

The Chair expressed dissatisfaction that the issue had not previously been alluded to.

Resolved:

That the application be **DEFERRED**.

Councillor Shuttleworth left the meeting at this point.

6 DM/18/03891/FPA - Land North of Quarry Farm Close. Hunwick

The Committee considered a report of the Principal Planning Officer with regards to an application for 31 no. dwellings and associated works on land north of Quarry Farm Close, Hunwick (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site. She confirmed that since the report had been published a further two letters of objection had been received citing drainage issues at the school and comments from the Police Architectural Officer which highlighted a lack of clarity with regards to the access arrangement. Members had visited the site prior to the meeting.

Councillor Tinsley spoke as Local Member and in objection to the application. The site had not been allocated in the emerging County Durham Plan due to significant surface water flooding which had rendered the site undevelopable. Residents in Hunwick were not opposed to development and had extended by almost 100 houses during the previous 10-15 years. This proposal had received over 130 letters of objection, which was indicative of the number of concerned locals.

Councillor Tinsley summarised the issues;

- There were significant Highways issues associated with access through an existing development
- Drainage had been identified as practicable, despite significant flooding in recent years
- Lack of accessibility, the village had a limited bus service
- Encroachment into the Countryside
- The design and layout – 31 houses would be over dense and not appropriate considering the context of the wider area. The properties could be described of basic and inadequate design

Finally, Councillor Tinsley thanked the community and asked members to listen to their concerns.

The Principal Planning Officer advised that the proposed drainage strategy would adequately deal with the existing surface water flows from the development site. With regards to the existing issue with surface water flooding, he confirmed that the development would not solve this problem although it would not worsen the existing situation, hence why a refusal reason could be supported.

The Chair explained that for Members to refuse an application on any basis, there had to be secure planning reasons for refusal and he asked the Principal DM Engineer to address the Highways issues and in particular why he considered the Highways Authority could not sustain an objection. The Principal DM Engineer confirmed that with the proposed additional dwellings, Quarry Farm Close would serve 69 dwellings and the additional 31 dwellings was less than half of what would be required for a Transport Assessment to

be submitted with an application and vehicle movements had been assessed to be less than one per minute during peak periods, which was the worst case scenario. The visibility from the junction with the B6286 was satisfactory and therefore it would be very difficult for the Highways Authority to trigger refusal based on NPPF guidelines.

Councillor Gunn, addressed the Committee as Local Member, resident of Hunwick, and Governor of Hunwick Primary School. She fully supported the recommendation to refuse the application as put forward by Councillor Tinsley and referred to the adverse impacts in the report. Two public meetings had been held at the request of residents due to the number of emails which had been received in objection to the proposal. The Hunwick Community Working Group had submitted extensive information in relation to highway issues.

The site had been removed from the County Durham Plan which was an indication that the land was unsuitable for development. Although she did not live near the site, she was aware that approximately 140 properties had been built over the years in Hunwick whilst at the same time, local services had reduced. Public transport was infrequent and was not direct to major city centres, which therefore placed an automatic reliance on privately owned vehicles. Admittedly, there was an excellent cycle route, but not everyone had the ability to cycle.

Councillor Gunn referred to the Officer's conclusion which alluded to the adverse impacts of the development being outweighed by the benefits. In relation to the highways issues, there was very poor visibility on the B6286 junction and it was even more of a danger being near a primary school. The report concluded that drainage was acceptable with minor modification, however she had experienced at least one, usually several calls every year with regards to the impact of flooding and she referred to the comments from the Governing Body of the school with regards to the impact of flooding from the culvert on the main road affecting the area near to the school crossing patrol.

Finally Councillor Gunn thanked Officers for their work, but also residents for raising awareness and ensuring objections were heard.

Mr Pallister, spoke on behalf of Hunwick's Community Working Group, in objection to the proposed application. He gave a detailed presentation to the Committee which included reference to the number of objections from the Community and not just of Quarry Farm Close, but the village as a whole.

He described the proposal as poor design, high density housing on a site in open countryside. The Group felt that some of the statutory consultee

comments within the report had undervalued evidence submitted by the community.

Mr Pallister confirmed that the Group believed the application should be refused on the basis of the well documented flooding throughout the village which affected the school, the highway and properties throughout the village. The vast majority of objectors referred to flooding in their response to the consultation. The site currently acted as a natural attenuation pond, slowing down the overland flow of water before entering the undersized culvert. The proposal would fill in the pond and build houses on top of it and the ditch that ran along the eastern boundary would be widened to store overland flows which would normally be stored in the pond. He questioned the close proximity to the school and suggested the removal of the pond would remove the capacity to attenuate water which would not fit in the gully. Members were shown various pictures which demonstrated flooding throughout the village.

With regards to the comments from the Highways Authority, Mr Pallister confirmed that two community funded traffic surveys had confirmed that speeding was an issue and he made reference to the poor visibility at the junction. The site had been removed from the Wear Valley District Plan as it was deemed inappropriate to intensify access and he did not believe safe site access was achievable.

In summary the proposal raised material planning concerns and he asked the Committee to reject it.

Councillor Tinsley left the meeting at this point.

In response to a question from the Chair, the Principal DM Engineer confirmed that the site was only required one access road.

Councillor Blakey had sympathy for residents and did not support the proposal as water storage did not always work and was concerned at the increase in flooding.

She moved refusal of the application, seconded by Councillor Jewell on the following grounds;

- Lack of accessibility
- Encroachment into the Countryside
- Overdensity and lack of open space
- Inadequate levels of privacy and amenity for existing and future residents

The Chair reminded Members regarding concerns over highway issues, that fear was not a contributing factor when considering a planning application. The Highways Authority had to base objections on statistics and regulations. Considering the potential outcome of an appeal, Members agreed that the highways concerns would be challengeable on appeal and did not consider a valid reason for refusal.

Resolved:

That the application be **REFUSED** on the following grounds;

1. The Local Planning Authority considers that the location of the development would not promote accessibility via a genuine choice of transport modes contrary to Policies GD1 and T1 of the of the Wear Valley District Local Plan and Paragraphs 103 and 110 of the National Planning Policy Framework
2. The Local Planning Authority considers that the development would represent an encroachment into the countryside, which would not be sensitive to its landscape setting and landscape features on site in conflict with Policies GD1 and ENV1 of the Wear Valley District Local Plan and Paragraphs 127 and 170 of the National Planning Policy Framework
3. The Local Planning Authority considers that, the development would not enhance the character of the surrounding area, and in terms of density layout and design, would not achieve a high-quality inclusive development and would not provide any open space on site, contrary to policies GD1, H24 and RL5 of the Wear Valley District Local Plan and Parts 12 and 15 of the NPPF
4. The Local Planning Authority considers that, the proposed layout would not achieve acceptable relationships between dwellings, both internally and externally to the site resulting in inadequate levels of privacy and amenity for existing and future residents contrary to Policies GD1 and H24 of the Wear Valley District Local Plan and paragraph 12 of the National Planning Policy Framework.



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/00431/FPA
FULL APPLICATION DESCRIPTION:	Siting of 10 holiday lodges.
NAME OF APPLICANT:	Mr George Reynolds
ADDRESS:	Land To The North West Of The 68 Cafe Toft Hill DL14 0JF
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Adam Williamson Planning Officer 03000 260826

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site consists of a roughly rectangular parcel of land located approximately 1.3km west of Toft Hill. The site extends to roughly 5.66 hectares in area and comprises an agricultural field. There is a substantial level change across the site, with the land falling approximately 31 metres in a northern direction. The site is bounded by other agricultural land and is enclosed by hedgerows on the southern, western and northern boundaries and by a 1 metre high stock proof fence to the eastern boundary. The site does not contain any trees, although groups of mature trees are present on surrounding parcels of land. The A68 Café is sited approximately 230 metres to the east and Old Carterthorne Farm lies approximately 130 metres from the north-eastern boundary of the site. This site contains several caravan pitches under The Caravan Club exemptions procedure. To the south of the site on the opposite side of the C33 highway is a wind turbine measuring 15 metres to hub height.
2. The C33 highway passes immediately to the south of the application site, with the A68 through route running north to south approximately 240 metres to the east. The boundary of an Area of High Landscape Value lies 260 metres from the northern boundary of the application site.

The proposal

3. The application seeks full planning permission for the siting of 10 holiday lodges. The site layout shows the lodges arranged around a circular access road, taken from a single access point to the south west of the site which involves the widening of the existing field access.
4. The submitted plans show the lodges arranged along the southern and western boundaries of the site. Each lodge would have a footprint measuring 8.1 metres by 5 metres, and would extend to 2.3 metres to the eaves and 3.6 metres to the highest point of the mono pitch roof. The lodges would be constructed from timber boarding and each would contain a kitchen/ living space, served by folding doors, a WC, and 1 bedroom.
5. The submitted site plan shows that the 10 lodges would be sited on equally sized plots off a circular access road that would contain a play/ picnic area at its centre. A timber store to house bins and the waste water treatment plant is shown to the north-eastern corner of the site.
6. Part of the access road has already been constructed on site, but works have stopped pending the outcome of this application. It is intended that the access road would be constructed from a hard-wearing surface with the specification to be agreed.
7. The application is being reported to Planning Committee as it represents major development.

PLANNING HISTORY

8. An application for the Change of use from agricultural to log cabins at the site (Ref DM/18/02989/FPA) was returned invalid in November 2018 due to insufficient information being submitted.

PLANNING POLICIES

National Policy

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

11. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
12. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of

existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

LOCAL PLAN POLICY:

20. The following policies of the Teesdale District 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.
21. *Policy GD1– General Development Criteria*. All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
22. *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.
23. *Policy ENV8– Safeguarding Plant and Animal Species Protected by Law*. States that development that would significantly harm said protected species will not be permitted unless mitigating action is achievable and that the overall effect will not be detrimental to the species and the overall biodiversity of the district.
24. *Policy ENV10– Development affecting Trees or Hedgerows*. Development will only be permitted where it avoids unreasonable harm or loss of any tree protected by a preservation order, a tree within a conservation or any trees, tree belts or hedgerow which contribute to landscape diversity, setting of buildings, protected species habitat or visual amenity.
25. *Policy ENV12- Protection of Agricultural Land*. Looks to ensure the protection of the best or most versatile agricultural land
26. *Policy ENV14– Protection of Water Quality*. States that development that would unacceptably prejudice the quality of surface or ground water will not be permitted.
27. *Policy ENV15– Development affecting Flood Risk*. Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.

28. *Policy ENV17– Sewage Infrastructure and Sewage Disposal.* Proposals which will increase the demands for off-site sewage infrastructure will be permitted only where adequate capacity already exists or satisfactory improvements can be provided.
29. *Policy TR2– New Visitor Accommodation.* Planning permission will be granted for new visitor accommodation within conversions of existing buildings or where new buildings can be added to an existing farmstead or existing traditional group of buildings, provided that:- A) the proposal does not detract from the character of the area; and B) the scale, design and materials of the proposal are appropriate to the existing group of buildings; and C) the proposal is not detrimental to road safety; and D) where it involves conversion of an existing building then that conversion accords with relevant policies.
30. *Policy TR3- Caravan/ chalet sites:* Supports the principle of the development of chalet sites in situations where it does not detract from the character of the area; is adequately screened by local topography or existing tree cover; is served by adequate infrastructure; site services are limited to site occupants only; and does not adversely affect the amenities of the neighbouring properties.

RELEVANT EMERGING POLICY:

The County Durham Plan

31. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Etherley Parish Council-* express concern about local road safety due to the high volume of traffic, including HGV's, which travel through the village of Toft Hill. Any potential increase in the volume of traffic due to a development of this nature would undoubtedly add to the traffic issues which already exist. There is further concern regarding the lack of street lights and footpaths outside the boundary of this site. The route to Toft Hill which is the nearest village would be extremely hazardous for pedestrians and would put people at risk and in danger of serious injury or worse.

There is a concern that Toft Hill has no facilities or amenities in terms of shops, post offices, garage facilities and only a very limited bus service. Therefore, holiday makers would be required to use their own transport to access all amenities. The proposed development for holiday accommodation is completely unnecessary due to the close proximity of several other holiday parks in the area such as Witton Castle and Hamsterley as well as numerous holiday cottages in the local area.

Such a development in this rural locality would have a detrimental effect upon the local environment, wildlife and natural habitats and it is important to ensure that these rural areas are protected.

33. *Highways* - raise concerns regarding the ability to create a safe and suitable access to serve this proposed development. The road serving the current agricultural site is the derestricted C33; a high speed inter-urban rural highway. The speed limit in force is 60mph and while actual 85th percentile speeds may not reach this level they are still likely to be over 50mph. The frontage boundary of the site adjacent to, the C33 carriageway edge is not referred to in terms of revisions necessary to ensure that an adequate sight visibility splay in both directions can be achieved. In the absence of a traffic speed survey it is considered that a 2.4m by 160m splay is necessary in both directions. The applicant must demonstrate how this would be achieved. Relocating the access toward the centre of the C33 boundary may be necessary. The 1/1000 site plan does not give sufficient detail for depiction of splays and effect upon boundaries. A minimum 1:500 scale plan would be more suitable.

There are designs submitted with regard to access and entrance wall and gates are described as illustrative and the latter is annotated as having 'minimum' dimensions in places and that sizes are approximate. Clarification would be needed on their proposed significance in terms of the application, and approved drawings. The proposed position of the new entrance wall feature is such that there is likely to be encroachment upon the C33 public highway verge.

34. *The Environment Agency*- Object to the proposal as submitted because the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to water quality can be safely managed. It is recommended that planning permission should be refused on this basis.
35. *The Coal Authority*- note that the application site lies in an area of both recorded and historic unrecorded underground coal mining at shallow depth and thick coal seams likely to outcrop at or close to the surface that may also have been worked in the past. In addition, there are two recorded mine entries (one shaft; one adit) and is also within a site from which coal has been removed by surface mining (opencast) operations.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report, or equivalent report to support this planning application. As no relevant information has been submitted at this time the Coal Authority objects to this planning application.

36. *Drainage and Coastal Protection*- Objects to the proposed development as there is insufficient information for which to assess the proposal with respect to surface water drainage management and the inclusion of SuDS.

INTERNAL CONSULTEE RESPONSES:

37. *Landscape*- Object to the proposed development. The site can be seen extensively from the north, including from the North Pennines AONB, though at distances of approximately 8km. At a distance of about 3km it will be visible from within the Witton-le-Wear Conservation Area. Although the site is not within a designated landscape it is close to, and visible from within the Area of High Landscape Value that runs along the Wear valley to the north.

The site, before the unauthorised works, was a green field in a pastoral landscape. The proposed development will introduce structures, access tracks, cars and other paraphernalia into the landscape that is entirely at odds with its character and is visually detrimental, not only to the field itself but also to the wider landscape in whose context it is seen.

The proposals are in conflict with various landscape related policies and are opposed on landscape grounds.

38. *Environmental Health and Consumer Protection (Pollution Control)* – Object to the proposed development. Lodge type accommodation is more susceptible to noise having more limited acoustic attenuation than traditional residential properties. The expectation of holiday accommodation of this type is that it provides a low noise climate scenario for visitors to enjoy a countryside location. This includes potentially expecting to stay asleep for longer and greater enjoyment of outside areas and therefore an expectation of a higher level of amenity. It is not considered that there are any relevant noise mitigation measures that could be carried out to reduce the impact from the adjacent highway and wind turbine.

It is considered the location proposed is unlikely to be wholly suitable for the use proposed in terms of paragraphs 180 and 182 of the NPPF by virtue of the existing noise climate.

39. *Ecology*- Notes that there is a suspected outlier Badger sett on the northern boundary of the site. The ecology report recommends that a 30m standoff buffer to this will be required (the current location of access road is likely to be affected). Confirmation of whether this can be achieved will need to be provided and shown on the proposed site plan to provide the LPA with confidence that the requirements can be adhered to.

It is also noted that there is no assessment as to whether the existing badger population is likely to be impacted on by the proposals (loss of foraging habitat/increase in disturbance levels), and if so to what extent mitigation is necessary to address this, which would also need to be detailed.

There has also been no assessment of likely losses/impacts in biodiversity as a result of the proposed development. References in the updated NPPF require development to ensure a net gain in biodiversity.

40. *Arboricultural Officer*- Almost all of the site is bounded by field boundary hedges that give visual and ecological benefits. The indicative layout plan suggests that these hedges will be retained, with the exception of those at the access point that have already been removed and as such, from an arboricultural perspective, it is possible that the development will be achievable with the retention of the existing vegetation and there is no significant objection to the proposal.

It is however recommended that if the application is approved, a tree protection plan should be provided to ensure the remaining hedges are protected during development and in addition, the applicant should ensure that any final layout design allows a sufficient buffer for the hedges to be retained long term and provides access for their management.

41. *Spatial Policy*- Comment that as the Teesdale District Local Plan is neither absent, silent or out of date in relation to this proposal the 2 limbed test set out in Paragraph 11 of the NPF is not triggered in this instance. However, there are a number of elements of the proposal which will need to be assessed in line with specialist comments, in order to establish whether the proposals are acceptable and in accordance with the Saved Policies of the Local Plan.
42. *Visit County Durham*- Has not provided a response.

PUBLIC RESPONSES:

43. *Cllr Smith*- Objects to the proposed development which is considered to be wholly unsuitable for a development of holiday lodges due to its outstanding landscape value. The site commands one of the best views in the County and is also highly visible due to its elevated position. Holiday lodges would be visible from miles away and would be a blot on a beautiful landscape. This would be an isolated development in a very rural location and therefore not sustainable. The site is currently grazing land with no infrastructure, and no buildings in close proximity. This is therefore quite different from other holiday accommodation which is being built nearby on an already established farm with extensive farm buildings and utilities already present.

Whilst the NPPF allows for some rural development if the proposed structures are of architectural merit or outstanding design, the drawings of the lodges show them to be of very standard design, more akin to sheds than lodges.

The amount of extra traffic generated from a holiday development on a small rural road would be a significant issue as Toft Hill is a settlement with few facilities. There are no shops, no post office, and a very limited bus service which does not run after 8pm nor on Sundays or public holidays. Bishop Auckland Station is several miles away. Visitors would therefore be dependent on cars, increasing the traffic. The field is very close to the A68, which carries a lot of HGV traffic, so the holiday development would be subject to considerable vehicle noise, making it unattractive for holidaymakers. There is no pavement on either side of the road, no street lighting or kerbs and is therefore not a very safe place for pedestrians.

The field is a habitat for curlews and skylarks, which I have personally verified, and both of those species are in decline due to loss of habitat.

Concern is also raised that prior to the submission of a planning application, let alone the receipt of planning permission, work commenced on the site with the widening of an entrance and laying down hard surfaces, contrary to planning regulations.

It is considered that this development would cause very significant detrimental effects on the rural landscape of Toft Hill and that planning permission should be refused.

44. *The Campaign to Protect Rural England*- Object to the proposal expressing concerns that should this application be approved, and the site be successful, further applications to increase the number of lodges appear inevitable.

The comments of the Landscape Officer that this is a visible site and the proposal is not in keeping with its character and appearance are endorsed and there is concern that the proposal will introduce a significant amount of light pollution into this area which will exacerbate the situation.

It is noted that there has been another similar proposal near to Toft Hill that the CPRE considered was acceptable and did not object to.

45. The application has been publicised by way of a site notice. 9 letters of objection have been received with the points raised summarised below;
- There is no need for the proposed development.
 - An increase in traffic to the surrounding area
 - The development will be detrimental to biodiversity on the site.
 - The chalets will lead to overlooking leading to a loss of residential amenity
 - The site will be highly visible at night when its lit up
 - The development will be detrimental to highway safety
 - There are no footpaths to the site
 - Loss of agricultural land

Applicants Statement

46. The application proposes a small-scale development of ten log cabins for holidaying purposes which would have a very limited impact on the character of the site or the surrounding landscape due to its careful siting, the topography of the area and the existence of natural screening around the site. The proposal would make a valuable contribution to the local visitor economy and would not impact in any way on the living conditions of any surrounding residents nor would it impact upon highway safety or the local road network.
47. The proposal would accord with Policies GD1, ENV1, TR3 and TR4 of the Teesdale Local Plan as well as the provisions of the NPPF. Sustainable development would be achieved in social, economic and environmental terms and an entirely national and local planning policy compliant scheme would be delivered in this case. The Council is therefore respectfully requested to support the proposals by approving the application without delay in line with the requirements of paragraph 11 of the NPPF.

PLANNING CONSIDERATION AND ASSESSMENT

48. 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 other material considerations including representations received it is considered that the main planning issues in this instance relate to: the principle of development, impact on character and appearance of the area, highway issues, impact on protected species and biodiversity, ground stability, flood risk, ground and surface water drainage, and noise and disturbance.

Principle of development

49. Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The Teesdale District Local Plan (TDLP) forms the statutory development plan and remains the starting point for determining applications as set out in the Planning Act and reinforced in paragraph 12 of the NPPF. The TDLP was adopted in 2002 and was intended to cover the period to 2010. NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
50. The Teesdale District Local Plan Policy GD1 is a general criteria policy requiring among other things that development is of good design, does not harm the landscape, does not conflict with adjoining uses and has suitable access. Policy ENV1 relates to protection of the Countryside and seeks to permit development for among other things, tourism purposes, providing this does not unreasonably harm the landscape. These policies are all consistent with the aims of NPPF. Policy TR2 (New Visitor Accommodation) supports new visitor accommodation in the countryside where it involves the conversion of existing buildings or where new buildings can be added to an existing farmstead for existing traditional group of buildings. Policy TR3 (Camping and Caravanning Sites) support the development of new chalet accommodation provided that it doesn't detract from the character of the area; is adequately screened by the local topography or existing tree cover which is within the control of/or managed by the applicant; is appropriate in terms of scale, design and materials; it is not detrimental in terms of road safety; site services are appropriate in terms of scale and location, there is adequate infrastructure; it does not adversely affect the amenities of neighbouring occupancies and the proposal does not increase flood risk elsewhere.
51. The above policies of the Teesdale District Local Plan are deemed to be consistent with the NPPF. Although they are more prescriptive than the NPPF, they should still be given full weight in the decision-making process. As such the planning balance test set out in paragraph 11 d) of the NPPF is not engaged.
52. With regards to tourism development, the NPPF offers no specific guidance to the decision maker, however, Part 6 does indicate that planning policies and decisions should support the sustainable growth and expansion of business in rural areas and enable sustainable rural tourism and leisure developments which respects the character of the countryside. Therefore, there can be considered to be support in principle for rural development such as that proposed.
53. Although there is no policy requirement to demonstrate need in this instance, it is useful to identify the impact that this development may have upon the tourism economy. The visitor economy is extremely important to County Durham and as of June 2017, 93% of visitors to County Durham were day visitors, spending around £20.18 per day, whereas overnight visitors spent on average around £169.14 per trip.

In this way, around 40% of all tourism expenditure in the county can be attributed to only 7% of the total visitors. Consequently, encouraging overnight stays is a key issue for the tourism economy within County Durham.

54. In 2012 the Council commissioned the County Durham Visitor Accommodation Futures Study (CDVAFS), which examined both existing offer, and market potential for various forms of visitor accommodation across the County. Although now 7 years old, this document remains the most up to date detailed study of visitor accommodation for the County. The CDVAFS identifies that there is not currently a particularly large supply of holiday lodge accommodation within the county. However, it does identify that this could be an expanding market in the longer term, and one that could be supported by the county, particularly where such developments are associated with, or in close proximity to specific outdoor activities or attractions.
55. The CDVAFS also identifies the Durham Dales as an area of tourism growth but acknowledges much of the landscape is sensitive.
56. This would suggest that there is a potential need for this development in terms of increasing the amount and type of accommodation offer within the area in and around the Durham Dales, and although economic benefits have not been quantified as part of the application, it would appear reasonable to conclude that this proposal would have a positive impact upon the tourism offer of this part of the County, as well as the wider local economy for associated visitor expenditure. This would be consistent with the NPPF's approach to supporting a prosperous rural economy.
57. Having regard to the above, it is acknowledged that there would be a modest positive benefit to the local economy as a result of increased visitor numbers and job creation; however, this is relatively limited in terms of the numbers of jobs that would be created. Visitor spend in surrounding settlements would have some positive effect on the economies of the local area. There is local support for the proposals on these grounds. The proposal is in line with the guidance in NPPF Parts 2 and 6 in these respects. The key issue therefore, is whether the proposal in environmental terms, would have any adverse impacts that significantly and demonstrably outweigh the identified benefits. This is considered in the sections below.

Impact on character and appearance of the area

58. TDLP Policy GD1 seeks to protect and enhance the countryside of Teesdale, requiring that developments do not unreasonably harm the rural landscape of the area, has regard to and retains landscape features while requiring that major developed sites incorporate structural landscaping. TDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals except for agricultural or other compatible uses in the countryside such as proposals for tourism as permitted by Local Plan policies. TDLP Policy ENV10 seeks to protect trees and hedgerows including both those which have formal means of protection but also those not protected by which contribute positively to the locality. Policy ENV12 of the TDLP seeks to protect the best agricultural land. Policy TR3 of the TDLP supports the development of new chalet accommodation provided that it doesn't detract from the character of the area; is adequately screened by the local topography or existing tree cover which is within the control of/or managed by the applicant; is appropriate in terms of scale, design and materials.

59. These policies are considered consistent with Parts 12 and 15 of the NPPF with paragraph 170 (b) recognising the intrinsic character and beauty of the countryside, trees and woodland whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. NPPF paragraph 170 (a) stating that valued landscapes should be protected and enhanced.
60. The site lies outside of any landscape designations in the Local Plan, but the application site occupies a prominent valley top location and is visible from a number of minor roads to the north and south, and from various points along the A68 which passes to the east. The road to the north is also part of the Walney to Wear Cycle Route. The site is also visible in more distant southern views from the north side of the Wear Valley. The site combines with adjoining fields to provide an attractive rural open feature.
61. The County Durham Landscape Character Assessment places the site within the Coalfield Upland Fringe Broad Landscape Type, and the High Ridge and Valley farmland: open pasture Local Landscape Type. The Landscape Strategy for the site is restore or enhance.
62. Chalet, caravan and camping sites are an important element of tourist accommodation provision. These developments are considered appropriate within certain locations in the countryside. The development of chalet sites within the countryside, can, however have a severe effect on the landscape, and careful attention must be paid to ensure that new sites do not detract from the appearance of the surrounding environment.
63. The application site slopes steeply away to the north, with a difference in levels from the high southern end of the site to the low northern end of the site of approximately 31 metres. Given the topography of the site it is primarily visible from the C33, which passes the southern boundary, and from the unclassified 41.6 highway to the west and north sides of the site. The surrounding area is pasture with hedges and mature hedgerow trees, as well as some groups of large, mature trees to the north of the site. The site slopes downwards towards the north following the A68 road. This allows views north across the site towards the north side of the Wear Valley and to the west towards the North Pennines AONB in the distance.
64. Views of the site are significantly filtered along the A68 to the east by both topography and the mature trees and planting along the highway verge and in the fields.
65. Travelling south on the A68, the landscape opens up across the site just to the north of the A68 Café giving an attractive view across pasture to mature trees on the skyline to the west and the northern side of the Wear Valley to the north. There is a strong sense of arriving in the countryside, emphasised by the open pasture land on the both sides of the A68 and long-range views of open agricultural land.
66. The design of the lodges themselves are simple timber structures with a relatively modern appearance, and given their lightweight appearance and low overall height, there is no objection to their external appearance. The main issue relates to the visibility of the site in the wider landscape.
67. The submitted site plan indicates that the 10 lodges would be positioned on the site, around a central access loop road, with a picnic area and playground to the centre of the loop. The plan shows that the proposed lodges would be sited to the southern

and western edges of the site. Given the topography of the site, some of the chalets would need to be constructed on raised level platforms, shown to be approximately 0.8 metres in height. However from the submitted 1:500 scale section plan it is not clear what the final height of the proposed platforms would be, and the impact of the platforms to provide a level surface for the lodges cannot be fully assessed. It is also not clear how the picnic and play area would work given the steep slope of the site and whether any landscaping works would be required to facilitate their siting.

68. The submitted site plan is also short on detail and does not show any additional areas of hardstanding such as those required to provide vehicle parking, and forecourt space to the lodges, or walkways around the site. Nor are any details or elevations provided of the proposed timber bin store to the northeastern corner of the site, and it is also questioned whether this is a practical location for a bin store given the steep topography of the site and the distance from the lodges.
69. The site occupies a relatively isolated location and there are no street lights nearby. As such a scheme of lighting was requested from the applicant so the impact the site may have in periods of darkness from light spill and luminance levels from within the site could be fully assessed. No details of any proposed external lighting have been submitted.
70. The site is bounded to the south, west and by mature hedgerows, with the hedgerow to the west being low level and not continuous in terms of coverage. The eastern boundary of the site is currently marked by a 1 metre high stock proof fence. The layout plan suggests that the existing hedgerows would be retained, however, given the proximity of the proposed lodges to the existing hedgerows, a tree protection plan was requested to demonstrate that the remaining hedgerows can be sufficiently protected during development and to demonstrate that any final layout design allows a sufficient buffer for the hedges to be retained long term and provide access for their management. No protection details have been submitted. Additional planting appears to be proposed to the eastern most boundary of the site in place of the stock proof fence, but no details in respect of the proposed species, numbers, location or size have been submitted.
71. The submitted plans are very sparse in terms of their detailing, and the applicant has been advised that further information was required in order to fully assess the impact the proposal would have on the wider landscape, but no details have been submitted.
72. The proposed works would effectively cease the agricultural use of the land. The agricultural land is classified as grade 4 (poor quality) and as such the loss of the land for agriculture does not raise an objection under policy ENV12 of the TDLP or paragraph 170 of the NPPF in this respect.
73. Whilst this proposal seeks the siting of 10 lodges, the proposed layout arrangements and infrastructure associated with the circular road hints at the possible future expansion of the site. This would be to the further detriment of the surrounding landscape. It is also noted that no facilities are to be provided other than a play/ picnic area. There is the potential for pressure to provide further facilities to serve the users of site.
74. Notwithstanding the basic level of information provided, given the relatively exposed location and the existing topography which increases the wider prominence of the site it is considered that the proposed development would be highly visible and

intrusive in the landscape from surrounding settlements, roads and public footpaths. This impact would be intensified by parked vehicles, lighting and paraphernalia associated with holiday use and the lack of natural screening. This view is shared by the landscape officer.

75. Overall, it is considered that the development would unacceptably transform the undeveloped nature of the site leading to substantial adverse landscape harm and would not respect existing natural and landscape features. This is contrary to policies GD1 A), B)a., B)b., B)c., I, L and M, ENV10, ENV1, TR3 of the Teesdale District Local Plan and paragraphs 127 and 170 of the NPPF.

Highway issues

76. Paragraph 108 of the NPPF states that development should achieve a safe and suitable access for all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
77. Policy GD1 of the requires new developments to be served by a suitable access. Policy TR3 of the TDLP states that developments should not be detrimental in terms of road safety. Given the consistency of TDLP Policies GD1 and TR3 with the NPPF, full weight can be given to them in the decision-making process.
78. Plans have been submitted with regard to the site access and entrance wall and gates. These depict a curved wall entrance to the site, 6 metres in width, 6 metres from the edge of the carriageway. The plans are described as illustrative but do not match the entrance details shown on the proposed site plan. The proposed position of the new entrance wall feature is such that there is likely to be encroachment upon the C33 public highway verge, although given the inaccuracies shown, this cannot be determined.
79. The proposed lodge site would utilise the existing agricultural access onto the C33. The Highways Authority has concerns regarding an ability to create a safe and suitable access to serve this proposed development. The road serving the currently agricultural site is the derestricted C33; a high speed inter-urban rural highway. The speed limit in force is 60mph and while actual 85th percentile speeds may not reach this level they are still likely to be over 50mph. The frontage boundary adjacent, and close proximity to the C33 carriageway edge is not referred to in terms of revisions necessary to ensure that an adequate sight visibility splay in both directions can be achieved.
80. In the absence of a traffic speed survey it is considered that a 2.4m by 160m splay would be necessary in both directions and the applicant would need to demonstrate how this will be achieved. The submitted 1/1000 site plan does not give sufficient detail for the depiction of visibility splays and their effect upon the boundary of the site with the C33 highway. A minimum 1:500 scaled plan would be more suitable. The comments from highways have been passed to the applicant but an amended plan has not been received.
81. Whilst it is acknowledged that there is existing field- gate in the location of the intended site access, the proposal would materially increase the use of the access. The recent changes to the NPPF lower the bar for refusals on highway safety grounds and no longer requires there to be a severe cumulative impact. Paragraph 109 now

states development should be refused if there would be an unacceptable impact on highway safety, which the Highway Authority advice indicates would be the case without further clarification.

82. Overall, on the advice of the Highway Authority, it is considered that insufficient information has been submitted, to demonstrate that a safe means of access could be created. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policy GD1Q) in this respect and paragraphs 108 and 109 of the NPPF.

Impact on Protected Species and biodiversity

83. Section 40 of the Natural Environment and Rural Communities Act 2006, places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.
84. TDLP Policy GD1 J) seeks to ensure that developments would not endanger or damage important national or wildlife sites or that of the ecology of the wider area. TDLP Policy ENV8 seeks to protect species protected by law and including their habitats. These policies are each considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, encourages net biodiversity gains and stringently protects ecological sites of the highest significance.
85. A Preliminary Ecological Appraisal has been submitted in support of the planning application which contains the necessary data to assess the direct and indirect impacts of the development and potential impacts on protected species.
86. There are no statutory designated sites within 2km of the site. Consultation with the Environmental Records Information Centre North East (ERIC NE) revealed the presence of three non-statutory sites within 2km, Lower Linburn Valley, Witton Bottoms Woodland and Crakehill Bank Local Wildlife Sites. Under the current development proposals, direct and/or indirect impacts on these designated sites are not anticipated.
87. The appraisal indicated that habitats on site are dominated by an area of poor semi-improved grassland which is bound by hedgerows, scattered scrub and occasional semi-mature trees.
88. Areas of open grassland will offer limited foraging for bats, while hedgerows present around the periphery of the site will offer better quality foraging and commuting habitats, linking to the wider area. Trees present along field boundaries are generally semi-mature and are of low suitability to roosting bats. Grassland habitats are considered to be suitable for use by ground-nesting birds, survey was undertaken during the breeding bird season and no evidence of ground-nesting birds were recorded.
89. The grassland habitats provide suitable foraging habitat for badger and evidence of foraging was recorded. Two entrance holes were recorded in the site. Evidence of excavation and spoil heaps were observed around entrances and mammal trails leading to the area.

90. Although badgers are not a rare or endangered species, they are a protected species under the Protection of Badgers Act 1992 which makes it illegal to kill, injure or take badgers or to interfere with a badger sett. Natural England provide standing advice to local planning authorities which seeks to avoid adverse impacts on badgers. If there are unavoidable impacts, then mitigation should be designed to reduce those impacts. If there are still unacceptable impacts on the species following these steps, then compensation measures need to be provided to offset the impacts. In determining planning applications, it is necessary to consider whether there are any satisfactory alternatives to the proposed scheme which would have less of an impact on protected species.
91. The submitted site plan shows a uniform semi-circular 30 metre wide Ecological Buffer that is centrally located at the northern end of the site.
92. The Ecology officer has commented that it can be assumed users of the chalets may bring pet dogs onto the site. Generally recreational disturbance, especially between dogs and badgers is not compatible. Additionally, the bin storage area, and the circular access loop are proposed to be directly adjacent the ecological buffer zone, which will bring a degree of disturbance from people taking waste to the bins, and vehicles using the access road. Ensuring no development/access routes within 30 metres of the sett would not be considered adequate mitigation. An adequate barrier with buffer, to prevent access/disturbance by users/dogs of the proposed site would need to be established and maintained. This would all need to be detailed in a mitigation strategy, as part of the consideration of the application. The applicant has been made aware that a mitigation strategy is required in respect of Badgers on the site, but no details have been submitted.
93. Additionally, no assessment of the likely losses in net biodiversity, caused by the proposals has been undertaken, as required by paragraph 170 d) the NPPF. Given the site area, it is advised that there is likely to be an overall net loss in biodiversity, and appropriate compensation would be required off site in order to meet the requirements of the NPPF in this respect. In order to address likely losses in biodiversity by the proposals, the Biodiversity Calculator (Warwickshire) has been applied, and assuming no on-site habitat creation, an area of around 2.5Ha of species rich neutral grassland will need to be created to ensure no net loss in biodiversity. Using Durham County Council costs, provided by Direct Services, at this stage a commuted sum in the region of £34 000 would need to be provided to address this short fall. This could be secured through a S106 agreement, although the developer has not indicated whether they would be willing to provide a contribution on this basis.
94. As a scheme of appropriate mitigation in respect of the required ecological buffer zone cannot be secured objection must be raised due to the absence of an agreed scheme of mitigation and the absence of consideration as to whether or how the development would achieve a net biodiversity gain. It is considered that there is insufficient information to demonstrate that the proposals would protect relevant protected species and thereby comply with TDLP Policies (GD 1 J), L) and ENV8 and Part 15 (paragraph 170) of the NPPF in this respect.

Ground stability

95. The area has a legacy of extensive coal mining activity and falls within the Coal Authority High Risk Area for historic coal workings. The Coal Authority records indicate that the application site lies in an area of both recorded and historic

unrecorded underground coal mining at shallow depth and thick coal seams likely to outcrop at or close to the surface that may also have been worked in the past. In addition, there are two recorded mine entries (one shaft; one adit) within the application site, and coal has been removed by surface mining (opencast) operations within the application site.

96. In accordance with NPPF paragraphs 178 and 179 the potential for existence of coal mining features and hazards is a material consideration. The Coal Authority advises that no details to provide a thorough assessment of the risks to any proposed new development on the site has been submitted. The Coal Authority has therefore objected to the application.
97. As the Coal Authority is a statutory consultee in this respect their comments must be given significant weight. It is therefore considered that the proposal does not demonstrate that the application site is safe, stable and suitable for development, which is contrary to paragraphs 178-179 of the NPPF.

Flood Risk

98. The National Planning Policy Framework (paragraph 163, footnote 50) states that a Flood Risk Assessment (FRA) must be submitted when development is proposed classified as major development. TDLP Policy ENV15 also advises on development and flood risk and whilst the general thrust of the policy is consistent with the advice in the NPPF it is somewhat out of date in its references to now superseded national advice.
99. The application site is lies in an area classified as flood zone 1. As the site measures more than 1ha in size, a Flood Risk Assessment is required in support of the application to ensure flood risk is not increased elsewhere as a result of the proposed development.
100. In the absence of an FRA the flood risks posed by the development are unknown. It is therefore considered that the proposal does not demonstrate that the development of the application site will not lead to an increase in flood risk elsewhere. As such there is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policies GD1 F) and ENV15 in this respect and paragraphs 163 of the NPPF.

Foul and Surface Water Drainage

101. Saved Policy ENV14 (Protection of Water Quality) states that development will not be permitted which would unacceptably prejudice the quality of surface or ground water. With regards to how the development would address foul and surface water drainage, no details have been submitted other than a septic tank is to be sited to the north eastern corner of the site. The proposals do not propose any sustainable drainage systems to control surface water run off close to where it falls and mimic natural drainage as closely as possible. Paragraph 165 of the NPPF requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The applicant has not contested or sought to address the comments of the Drainage and Coastal Protection team that sustainable drainage systems are required in conjunction with the Council's Sustainable Urban Drainage System Adoption Guide (2016). Therefore, the

proposed development would be in conflict with Policy GD1) F), P), ENV14, and Paragraph 165 of the NPPF.

102. Policy ENV17 (Sewerage Infrastructure and Sewage Disposal) of the TDLP highlights that development will be restricted to locations where adequate infrastructure already exists or where additional provision can be made in time to serve the development. The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances the Planning Practice Guidance (PPG) Water supply, wastewater and water quality advises that applications for developments relying on anything other than connection to a public sewage treatment plant should be supported by sufficient information to understand the potential implications for the water environment. In this instance no information has been submitted.
103. The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development and the Environment Agency raise objection over this point. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policies GD1 F), P) and ENV17 in this respect and paragraph 165 of the NPPF.

Noise and disturbance

104. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. TDLP Policy GD1 at part D) states that new development should be compatible with surrounding existing land uses. GD1 also advises that there should be not significant pollution of the environment from a range of sources including noise. This policy is considered to be consistent with NPPF in this regard and can be afforded full weight in the decision making process.
105. The development relates to a noise sensitive receptor being residential holiday lodges. Paragraph 180 of the NPPF requires that planning decisions ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution.
106. The development site is located in proximity to a number of noise sources, namely vehicular traffic using the Toft Hill- Hamsterley C33 Road, traffic using the A68, and noise arising from a nearby wind turbine. The wind turbine is located in a field to the south of the application site on the opposite side of the C33 highway. The turbine would be sited approximately 120 metres from the closest lodge, and it measures 15 metres to hub height. When the turbine was approved (ref 6/2010/0200/DM) it was stated that as the turbine was over 400 metres away from the nearest property not owned by the applicant, it would not unduly affect residential amenity in respect of noise emissions.
107. There is no specific noise threshold level to allow for quantitative consideration of the impact of noise on "holiday" accommodation. As such a qualitative view must be taken based on the principle of paragraph 180 and the underlying noise policy and hierarchy.

108. Timber lodge type accommodation is more susceptible to noise having more limited acoustic attenuation than a traditional residential property. The expectation of holiday accommodation of this type is that it provides a low noise climate scenario for visitors to enjoy a country side location. This includes potentially expecting to stay asleep for longer and greater enjoyment of outside areas and therefore an expectation of a higher level of amenity. Considering the likely cumulative impact from the various noise sources it is considered that the development site proposed has a medium-high noise level associated with it, which is likely to continue 24hrs a day.
109. The Environmental Health officer has commented that noise impact on the development site is likely to be at such a level so as to be considered to be noticeable and intrusive and therefore an Observed Adverse effect level, rising to Noticeable and Disruptive at times and therefore a significant Observed Adverse effect level. In the absence of any evidence that the occupiers of the chalets would not be unduly affected by noise, the impact of the proposal cannot be fully assessed and the compliance of the development with Policy GD1) D) and Parts 12 and 15 of the NPPF cannot be explored.
110. In addition to the above, paragraph 182 on the NPPF requires that decisions regarding new developments must ensure that they can integrate effectively with existing businesses. The wind turbine identified above is part of a nearby agricultural business use. Dependant on certain factors and conditions, wind turbines of this type can result in significant noise emissions and this is one reason why they are located away from residential properties. Placing noise sensitive receptors in close proximity to the turbine, could potentially lead to complaints and therefore impact on the viability of the existing business if operations have to be modified as a result.
111. Given the above the application does not, therefore, provide a sufficient basis for an assessment to be made of the impact of noise from the nearby roads and wind turbine may have in users of the chalets. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policies GD1 D), E), and N) in this respect and paragraphs 180 and 182 of the NPPF.

CONCLUSION

112. The application seeks to provide of 10 holiday lodges and associated works on an agricultural field.
113. The main purpose of the NPPF is to achieve sustainable development and the NPPF sets out that there are three strands to sustainable development which are mutually dependant- economic, social and environmental. It is acknowledged that there would be some positive economic benefits arising from the proposed development, associated with increased visitor numbers and job creation although these benefits would be relatively limited.
114. In environmental terms, the site occupies a relatively exposed location, and the existing topography increases the wider prominence of the site. It is considered overall that the lack of existing screening and unhelpful local topography would result in lodges and platforms on the site being highly visible from surrounding settlements, roads and public footpaths. These impacts are likely to be accentuated by parked vehicles, lighting and other domestic paraphernalia associated with holiday use and the lack of natural screening. As a result, the development would have transformative

effect on the undeveloped nature of the site leading to substantial adverse landscape harm and would not respect existing natural and landscape features. This would be contrary to policies GD1 A), B)a., B)b., B)c., I, L, and M, ENV10, ENV1, TR3 of the Teesdale District Local Plan and paragraphs 127 and 170 of the NPPF.

115. Whilst some steps to address the identified concerns could be taken the submitted application is lacking in detail in several respects to allow the necessary assessments to be carried out in line with both local and national planning policy objectives.
116. Insufficient information has been submitted to demonstrate that the development could be served by a safe access, whether the development would have an adverse effect upon biodiversity including protected species, and whether the proposal would lead to an increase in respect of offsite flooding. The submission also does not provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development, or for an assessment to be made of the potential impact of noise from the nearby roads and wind turbine may have to users of the chalets. The submission also fails to demonstrate that the application site is safe, stable and suitable for development.
117. In conclusion when assessed against the policies of the NPPF as a whole it is considered that there are no material considerations which would outweigh the conflict with Teesdale District Local Plan policies.

RECOMMENDATION

That planning permission be **REFUSED** for the reasons below:

1. The proposed development would have a transformative impact upon the existing undeveloped nature of the site resulting in significant adverse impacts on the appearance of the site and the wider landscape setting, contrary to policies GD1 A),B)a., B)b., B)c., I and M, ENV10, ENV1, TR3 of the Teesdale District Local Plan and paragraphs 127 and 170 of the NPPF.
2. The application contains insufficient detail to demonstrate that the development would have an acceptable impact on the wider highway network. The application also does not demonstrate that a safe and satisfactory means of access to serve the development can be achieved. The development is therefore considered contrary to policy GD1 of the Teesdale District Local Plan and having regards to the advice at paragraphs 108 and 109 of the National Planning Policy Framework.
3. The application contains insufficient information to demonstrate that the development would not result in unacceptably harmful impacts upon the biodiversity of the site including protected species. As a result, the development is considered contrary to Teesdale District Local Plan Policies GD1, ENV5, ENV7 and ENV8 and paragraphs 170 and 177 of the National Planning Policy Framework.
4. The site falls within the Coal Authority High Risk Area for historic coal workings and the proposal does not demonstrate that the application site is safe, stable and suitable for development; contrary to NPPF paragraphs 178 and 179.

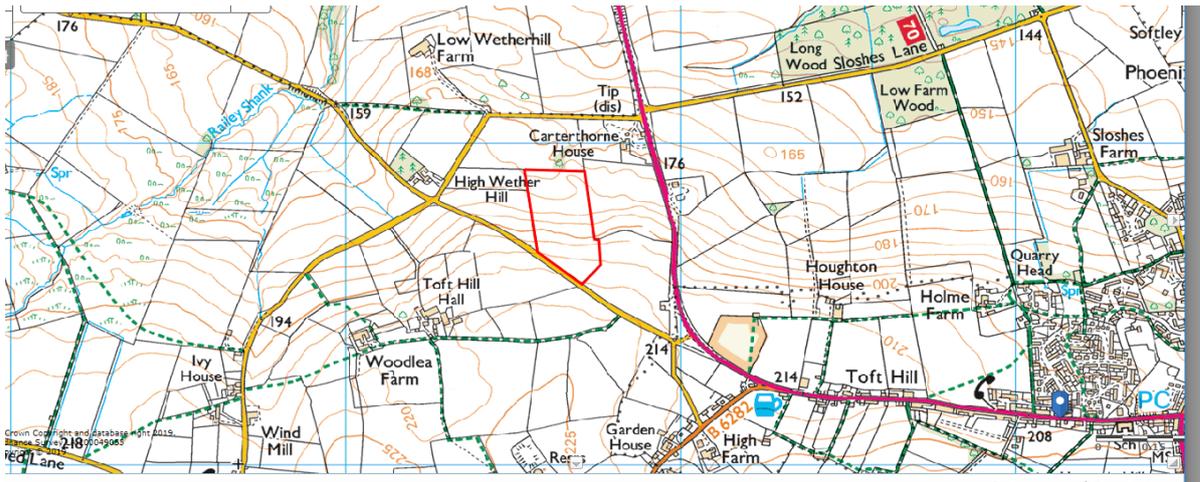
5. The proposal does not demonstrate that the development of the application site will not lead to an increase in flood risk elsewhere. As such there is insufficient information to demonstrate that the scheme is in compliance with Teesdale District Local Plan Policies GD1 F) and ENV15 and paragraphs 163 of the NPPF.
6. The application does not provide sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policies GD1 P), F) and ENV17 in this respect and paragraph 165 of the NPPF.
7. The application does not provide sufficient basis for an assessment to be made of the impact of noise from the nearby roads and wind turbine and the affects this may have on occupiers of the proposed chalets. There is therefore insufficient information for the Council to assess whether the scheme is in compliance with TDLP Policies GD1 D), E), and N) in this respect and paragraphs 180 and 182 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However this has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
Teesdale District Local Plan
National Planning Policy Framework
Planning Practice Guidance Notes
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance
DCC Sustainable Urban Drainage System Adoption Guide (2016).
County Durham Tourism Management Plan 2016-2020
County Durham Visitor Accommodation Futures Study (CDVAFS),



Planning Services

Land to the North West of the A68 café,
Toft Hill, DL14 0JF

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Date
August 2019

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/01389/FPA & DM/19/01390/LB
FULL APPLICATION DESCRIPTION:	Extension to the side/rear of dwelling, demolition of existing extension; re-locate garden wall, erection of garage. New dwelling and garage within rear garden.
NAME OF APPLICANT:	Mr Aidan Hamilton
ADDRESS:	13 West Terrace, Staindrop, Darlington, DL2 3JS
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Jill Conroy, Planning Officer, 03000 264955, jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site effectively consists of two elements. The first, the residential property and curtilage of no. 13 West Terrace, an end-terrace cottage which is located on the western fringe of Staindrop, adjacent to the junction of the A688 and the B6279. The property is a diminutive, single storey structure and along with the adjoining two cottages, is Grade II listed, the property also lies within the boundary of Staindrop Conservation Area.
2. The second element relates to a plot of amenity land, belonging to 13 West Terrace, sited north of the dwelling. The site lies outwith the Conservation Area boundary but within an Area of High Landscape Value (AHLV). This plot of land is characterised by thick-set mature hedgerows and trees, primarily along its boundaries and close mown grass. Public Footpath no. 9 (Staindrop) runs parallel to the northern boundary of the site and provides a clear distinction between the parcel of land and the agricultural fields beyond to the north. To the east, the land abuts the gardens of 8 West Terrace and Orchard House. To the south of the site, the gardens of West Terrace are enclosed by a mid-height, stone boundary wall. The western wall enclosure of the garden of 13 West Terrace is adjacent to a watercourse, Moor Beck. This watercourse runs under the B6279 highway and is enclosed by a dressed stone wall to the road frontage and lower wall which runs parallel with the western garden wall. Between the two walls is a driveway which leads up to a detached garage to the northwest of the host property and provides to sole vehicular access to the site

The Proposal

3. Planning permission and Listed Building Consent is sought for the extension and alteration of the host property, which includes the demolition of an existing extension to the front and side of the property and the erection of a modest single storey rear

extension and detached garage. The extension would measure 3.6m x 4.8m and would provide for a dining room/ kitchen extension. A new detached single garage is proposed to be erected to the north, measuring 6.5m x 3.5m.

4. It is also proposed that the front garden wall would be reconfigured and an existing detached garage demolished to permit a wider driveway to allow vehicular access. A new dwelling is proposed to be erected on the plot of land to the north of the properties of West Terrace. The dwelling would consist of a dormer bungalow measuring 13m by 6.8m with a pitched roof at a maximum height of 6.6m. Dormer windows are proposed in the front and rear elevations. The dwelling would be orientated so that the front elevation would face the rear of West Terrace at a minimum distance of 35m. A detached double garage measuring 6.5m x 6.5m is proposed to be located to the southeast corner of the plot.
5. The application is being reported to the Planning Committee at the request of Cllr George Richardson to consider the visual impact of the proposal and the potential impact on highway safety.

PLANNING HISTORY

6. Planning and Listed Building Consent applications (ref DM/16/03834/FPA/03835/LB) for the extension to the side/rear of dwelling; re-locate garden wall, erection of garage. New dwelling and garage within rear garden were withdrawn in January 2017.

PLANNING POLICY

NATIONAL POLICY

7. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

10. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
11. *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.
12. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
13. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
15. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - 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.
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.

LOCAL PLAN POLICY:

Teesdale District Local Plan (2002) (TDLP)

17. *Policy GD1: General Development Criteria:* Development will be permitted providing it complies with a number of criteria including that it would not disturb or conflict with adjoining uses, or unreasonably harm the amenity of adjoining occupants.
18. *Policy ENV1- Protection Of the Countryside* – Sets out that 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.
19. *Policy ENV3 – Development within or adjacent to areas of high landscape value* – Sets out that development will only be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals.
20. *Policy ENV8 – Development affecting plant or animal species protected by law* – Sets out that development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity.
21. *Policy ENV10: Development Affecting Trees or Hedgerows:* Development will only be permitted where it avoids unreasonable harm to or loss of; Any tree or hedgerow protected by a preservation order; or A tree within a conservation area; or Any trees, tree belts or hedgerows which do, or will when mature, contribute significantly to any of the following A. Landscape diversity B. The setting of nearby existing or proposed buildings C. A protected species habitat D. Visual amenity.
22. *Policy ENV14 – Protection of water quality* – Sets out that development will not be permitted which would unacceptably prejudice the quality of surface or ground water
23. *Policy ENV15: Development Affecting Flood Risk:* Development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. Where appropriate, new development should incorporate a sustainable drainage system in order to manage surface water run-off
24. *Policy BENV1: Alterations to Listed Buildings:* Alterations will only be permitted if the proposals are in keeping with the character and appearance of the building.
25. *Policy BENV3: Development Adversely Affecting the Character of a Listed Building:* Development which would adversely affect the character of a listed building or its setting will not be permitted.
26. *Policy BENV4: Development within Conservation Areas:* Development within conservation areas will only be permitted provided that among other things the proposal respects the character of the area and does not generate excessive environmental problems which would be detrimental to the character and appearance of the conservation area.
27. *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 Settlements. 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.

28. *Policy H6: New Housing in the Open Countryside:* A new dwelling will not be permitted in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry, and where the need cannot reasonably be accommodated within an existing town or village. Where such justification exists and permission is granted for such development, an appropriate occupancy condition will be attached.
29. *Policy H11: Extensions:* Extensions and alterations to an existing dwelling will be permitted where the relevant criteria listed in policy GD1 are met and where in particular they respect the scale, character, architectural style and materials of the original property and its neighbours and safeguard the amenity of adjoining residents.
30. *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/media/3401/Teesdale-local-plan-saved-policies/pdf/TeesdaleLocalPlanSavedPolicies.pdf?m=636736392446700000>

RELEVANT EMERGING POLICY:

The County Durham Plan

31. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Staindrop Parish Council* – Raise Objections to the application as the proposed dwelling is disproportionately large; it is out of character with its surroundings in a Conservation Area; and the poor access from the development on to Moor Road which could cause a major hazard and add to existing congestion close to a key junction road. The amended plan refers to planting trees and hedgerow and does not

diminish the size of the development, move it from a conservation area or improve the access.

33. *Highways Authority* – Advise that the currently constrained access (due to its width) which serves the dwelling would be marginally improved due to some small-scale demolition. The area available for hardstand parking for the existing dwelling will reduce, albeit the proposed block plan arrangement could theoretically accommodate a space in addition to that depicted. It is advised that the amended access would satisfactorily accommodate movements associated with the existing and proposed dwelling and therefore no objection on highway safety is made.
34. *Environment Agency* – Offer no objections to the application as submitted following the submission of a satisfactory Flood Risk Assessment (FRA) and supporting addendum. It is advised that the revisions to the existing dwelling in Flood Zone 3 would reduce the overall footprint within the floodplain and will include a suite of resistance resilience measures (confirmed within the addendum to FRA).

INTERNAL CONSULTEE RESPONSES:

35. *Design and Conservation*– Advise that the proposed extension to the listed building would result in an improvement on the current situation and have a positive impact on the asset's significance. The new dwelling would be concealed to the rear of the development lining Moor Road whilst there may be the potential for slight visibility of the roofline and chimney from the A688, it is advised that the new dwelling would not appear to be excessively prominent when viewed from the south and thus would not dominate the listed buildings. It is also advised that the proposed roof of the new dwelling is also to be natural slate, a traditional material in keeping with the majority of buildings in the conservation area whilst the more contemporary features of the design such as the dormers would not be visible from the south. As such there is not considered to be any detrimental impact on the setting of the listed properties comprising West Terrace, nor on the surrounding listed buildings. The listed buildings in the vicinity are all viewed within the context of the wider settlement rather than in isolation. The countryside beyond West Terrace is not an integral element of the asset's setting and glimpsed views of this will still be visible to the northwest. Similarly, it is advised that there would be no detrimental impact on the character and appearance of the conservation area, the boundary of which is drawn along the boundary between West Terrace to the south and the site of the proposed new dwelling to the north.
36. *Archaeology*– Advise the proposed development is on the edge of the historic core of Staindrop and there is potential for archaeological remains to have survived in this area. Accordingly, it is advised that a watching brief should be carried out on any ground disturbing works. This should be secured by condition.
37. *Ecology*– Offer no objections to the proposals on Ecological grounds, advising that the submitted reports and subsequent conclusions are sound.
38. *Landscape*– Advise that the site is located within an area of High Landscape Value and is part within the Conservation Area. Subject to the acceptability of the design, materials and massing of the buildings no landscape issues with the proposal are raised, providing that the trees and hedges are protected.
39. *Arboricultural Officer* – Advise that no arboricultural objection providing the measures within the submitted tree report are followed in full.

PUBLIC RESPONSES:

40. The application has been publicised by way of site notice, advertised in the local press and individual notification letters to neighbouring residents. In Total 8 no. objections, including an objection have been received from in relation to the proposals, relating to the following issues:

Principle of development

- The proposal doesn't meet the criteria of the Staindrop Parish Plan of 2008 for any additional housing to be for the purposes of the elderly or affordable housing. Recent housing approvals have been approved in the area.
- Development of the site would conflict with relevant Local Plan policies, resulting in development beyond settlement limits.
- The proposed site was considered and discounted by the Councils SHLAA as unsuitable for housing due to a substandard vehicle access.

Impact on Heritage Assets/Landscape

- The proposal will demolish a significant proportion of the listed building purely for purposes of vehicle access, there is a presumption against demolition of listed buildings/structures as set out in planning policy.
- The wall to the front is a unique feature and the demolition and rebuilding of it will impact on the conservation area and setting of the listed building.
- The development would have a substantial impact on the surrounding listed buildings and conservation area. There are no overriding public benefits which would outweigh this harm.
- The ridge height of the property will be higher than the existing bungalows, thus detrimental to the setting of the listed buildings and the Conservation Area.
- The site is designated an area of high landscape value and therefore development should be resisted.
- A significant number of trees to the rear of the cottages have been removed and have not been referred to in the submitted Arboricultural report.
- The development would impact on views from the PROW to the north of the site.

Highway safety

- The proposal details the widening of an existing vehicle access which is on an extremely busy junction, with considerable amount of traffic, including farm tractors and heavy lorries travelling at high speeds.
- The congested car parking compounds the problem of sight visibility and overall concerns of highway safety.

Other issues

- The proposal is located in a flood risk area; there are concerns that it will lead to flooding of the adjacent Moor Beck.
- The western boundary of the site is incorrect and should be amended.
- Errors are highlighted in the supporting information.
- The scale of the proposal will result in an overshadowing impact, loss of privacy and adverse effect on the outlook of the neighbouring properties.
- The extension includes a window to the side which will offer direct views in adjacent gardens, causing a loss of privacy.
- The proposed development should be accompanied by a full bat and bird survey. Further, due to the adjacent watercourse an assessment of the stream ecology should also be undertaken.

- Concerns raised that the development site is agricultural rather than domestic garden land and not suitable for residential development and should be protected.

APPLICANTS STATEMENT:

41. My mam and her partner own the land and cottage. They are in their 60's and 70's respectively. They have a farm, abattoir and butcher shop, employing a dozen people and they work incredibly hard day in day out. This planning application is for a house for them to retire too. It is thought the existing cottage will be used as much needed holiday accommodation for tourists wishing to visit the area.
42. The land is in my family's home village of Staindrop; classified as a local service centre in the Durham County Settlement Study due to the wide and sustainable range of services and facilities it contains. The village has among other things primary and secondary schools, post office, butchers, pub, church, community halls, along with bus services to Barnard Castle, Bishop Auckland, Darlington and beyond.
43. The area of our land where the new home will be located sits on the edge of the village. The land is incredibly well screened and contained by housing on two sides, and mature trees and hedgerows which we will retain and enhance with additional native tree and hedgerow planting. In the context of the character of the village, the proposals represent a sensitive extension to the existing built form of the village in this location, much the same as the adjacent 2 story 'Orchard House' was when granted consent. Although interesting to note Orchard House also sits within the Conservation Area
44. This land sits outside of the Staindrop Conservation Area (SCA). It is clear that our land is contained and screened from the wider area and would not affect the setting of the SCA, a point of principal agreed with Durham County Councils (DCC's) Design and Conservation officer. The site is not referenced within the Conservation Area Character Appraisal
45. The design has been considered extremely carefully, with every detail discussed and agreed with DCC's internal officers. The quality of natural materials including stone walls, heads and cills; slate roof; provide for an attractive home, both modern and sympathetic to the range of the dwellings found within the Conservation Area and village as a whole. The scale of the proposed property has been considered in relation to the surrounding area and key views of it from the Conservation Area. Our proposed new home is lower in scale than both Orchard House to the east, and 8 West Terrace, as shown by the submitted sections (90-004-P1). The drawings (based on surveyed data) show the new home will not be visible from the main village to the south of the site.
46. Of the existing listed building, the CACA notes that it has been "stripped of character with concrete pantiles, painted solid stone surrounds to windows and doors". Furthermore, flat roofed 1950s extensions detract from both the historic character of the dwelling and the street scene. The sensitive alterations we propose to make will therefore make a highly positive contribution to the existing property as confirmed through dialogue with, and by consultee response from DCC's Design & Conservation officer
47. In terms of access, the existing cottage has an established vehicular access which connects onto West Terrace. There have been no accidents or incidents from this existing access and an additional single dwelling would not lead to a material change

in how this access functions, a point in principle not contested and agreed with DCC's Highways Officer

48. In Summary:
- Proposals accord with para's 77, 78, 83 of the NPPF, and all of the existing technical requirements in the Teesdale Local Plan (the council consider this document to be out of date)
 - The site sits in a sustainable and accessible location for new housing
 - The designs have been carefully and sensitively considered to ensure no material impact or harm on their surroundings
 - The proposed new home is well related to the existing village in terms of scale, location and character
 - Safe access can be achieved
 - The new house far exceeds minimum privacy distances
 - There are significant positive modifications to a listed building, and improving the historic character and appreciation by removing unsympathetic, poor quality 1970's extensions.
 - The proposals have been unanimously accepted by all statutory consultees, all offering a 'no objection' response
49. There are no policy or technical reasons at all to refuse the proposal and I respectfully requests that the applications are approved.

PLANNING CONSIDERATIONS AND ASSESSMENT

50. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of development, housing land supply, locational sustainability of the site, impact on heritage assets and the character of the surrounding area, Landscape impacts, residential amenity, highway safety, ecology, highway safety, flood risk, archaeology and other matters.

Principle of Development

51. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Teesdale District Local Plan (TDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF
52. The TDLP was adopted in 2002 and was intended to cover the period to 2010. NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

53. In terms of policies most relevant to the principle of development of the site, TDLP Policy ENV1 sets out that in order to protect and enhance the countryside, development beyond the defined settlement limits will only be allowed for the purposes of agriculture, farm diversification, forestry or outdoor recreation. This approach is replicated in policy H4 of the TDLP, which sets out that new development will be directed to those towns and villages best able to support it, comprising previously developed land. TDLP Policy H6 sets out that beyond the settlement limits defined on the Local Plan Proposal Map, in the countryside, new housing will not be permitted unless it is necessary for the needs of an agricultural or forestry worker. The development would conflict with TDLP Policies ENV1, H4 and H6, representing the erection of a dwelling in the defined countryside that does not serve the essential need of a rural worker.
54. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Furthermore, whilst the NPPF seeks to promote the use of previously development land it is not as prescriptive of Policy H4, instead requiring a rounded assessment of the suitability of the site. Whilst this does not mean that relevant policies should be disregarded, or be given no weight, the weight that can be afforded to them is reduced.
55. The approach of Policy H6 of the NPPF is considered consistent with the NPPF, which at paragraph 79 seeks to avoid the development of isolated homes in the countryside, unless there is an essential need for an agricultural worker to live permanently at their place of work.
56. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole
57. As set out above the it is considered that there are policies within the TDLP, that are most important for determining the application, which are out of date (Policies ENV1 and H4), by virtue of the out of date evidence which informed them. Therefore, the acceptability of the development must, be considered in the context of Paragraph 11(d) of the NPPF as set out above.

Housing Land Supply

58. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
59. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure.
60. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.
61. 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.

Locational Sustainability of the Site

62. Policies GD1 and H3 of the TDLP jointly seeks to ensure that developments achieve adequate links and have access to public transport to access facilities and services to help reduce the need for additional car journeys. This policy is considered consistent with the NPPF in this respect, with paragraph 103 of the NPPF setting out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Paragraph 110 of the NPPF also sets out that applications for development should give priority of priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment. Policy GD1 of the TDLP should therefore be afforded full weight in the decision-making process. Although consistent with the NPPF in this respect Policy H4 should be afforded reduced weight, as due to the age of the information which informed it.
63. In assessing the development against the above policy context, the site on the western fringe of Staindrop, amongst residential dwellings to the east and south and is approximately 220m from the central core of the village. Staindrop, although limited in size does contain a number of services and amenities, including a primary school, a secondary school, a news agent, hairdressers, Post Office, a public house and medical centre all of which are easily accessible for future occupiers of the dwelling. Furthermore, the site is served by a bus stop just opposite the site which provides a regular bus service to larger settlements including Barnard Castle, Bishop Auckland and Darlington.
64. Overall, the local amenities within Staindrop are considered sufficient to serve a development of this scale and are accessible for future residents by foot. Also noting the sites close proximity to an established bus route, residents would also not be wholly reliant on private car travel. The development is therefore considered to

comply with policies GD1 and H4 of the TDLP and Paragraphs 103 and 110 of the NPPF in this respect.

Impact on heritage assets and the character of the surrounding area

65. Policies GD1, BENV 1, BENV3 and BENV4 of the TDLP seek to ensure that developments protect the character of a Listed Building and are in keeping with the character and appearance of the area, including Conservation Areas. This approach is in general is considered in accordance with the Part 16 of the NPPF which seeks to conserve and enhance the historic environment in a manner appropriate to its significance, whilst recognising that some harm may be appropriate when weighed against the public benefits of a scheme.
66. Furthermore Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 sets out the duty as respects listed buildings and conservation areas in the exercise of planning functions. In considering whether to grant permission for development which affects a listed building or its setting and a conservation area, 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, and the character or appearance of the conservation area.
67. The Heritage Assets in this instance are identified as the Staindrop Conservation Area, and the adjacent Grade II listed buildings of 7 and 8 West Terrace, 11, 12 and 13 West Terrace (which includes the host property). The applicant has submitted a heritage statement which appraises the impact of the development on the significance on relevant heritage assets. A number of concerns from local residents, including the Parish Council have been received stating that the proposed dwelling is disproportionality large and will be visible above the roof line of the cottages of West terrace, thus impacting on the Listed Building and character and appearance of the Conservation Area.
68. The development proposal effectively comprises of two main elements; the extension and alterations to the host property, 13 West Terrace, and the erection of a dwelling on the land to the rear.
69. In relation to the extension and alterations to the host property, it is noted that the existing dwelling at present features twentieth century flat roof extensions to both the side and rear of the property. These extensions are considered of no architectural or historical merit and are proposed to be demolished. The Council's Design and Conservation Officer advises that they relate poorly to the existing form of the property and their loss is acceptable. The demolition of the extension, to the side in particular, will reveal the gable end of the block of terraces, this is considered positive in preserving the historic asset. The proposed new extension is of a modest scale and will be contained to the rear of the property; it will feature a pitched roof, lower in height than the host ridgeline of the property and will be constructed of materials to match 13 West Terrace, namely coursed stonework and a pantile roof. In addition to the extension it is proposed to replace a rear window with a feature bay window. Again, this is contained to the rear of the property and on the advice of the Council's Design and Conservation Officer would not have a negative impact on the Listed Building.
70. The proposed dwelling would be located on land to the north of the host property. Although outside of the Conservation Area boundary, regard must still have regard in terms of its visual impact on the setting of the adjacent heritage assets, including listed building and conservation area. The site is also visible from the public footpath

which runs parallel with the northern boundary, however these views are less sensitive than those from the Conservation Area. The dwelling is proposed to be centrally located on the plot and will feature a relatively low ridge height of 6.6m in total, following amendments. Whilst the main form of the building utilises a traditional palette of materials (stone faces and slate roof), the dwelling does details relatively extensive glazing and incorporates modern flat roof dormers.

71. In reviewing this element of the proposal, the Council's Design and Conservation Officer, advise that although there is potential for views of the roofline from the A688, the new dwelling would not appear to be excessively prominent when viewed from the south and thus would not dominate the listed buildings. The proposed roof of the new dwelling is proposed to be natural slate, a traditional material in keeping with the majority of buildings in the conservation area, whilst the more contemporary features of the design such as the dormers would not be visible from the south. The Design and Conservation Officer advises that, as result there would not be any detrimental impact on the setting of the listed properties comprising West Terrace, nor other surrounding listed buildings. This is principally because the he listed buildings in the vicinity are all viewed within the context of the wider settlement rather than in isolation; the countryside beyond West Terrace is not an integral element of the asset's setting glimpsed views of which will still be visible to the northwest. Similarly, it is advised that there would be no detrimental impact on the character and appearance of the conservation area.
72. To facilitate access to the rear of the site, a section of stone walling to the front of 13 West View is proposed to be dismantled and rebuilt slightly further east. Concerns from local residents have been received, stating that this wall is a feature of the Conservation Area and should not be allowed to be removed just to permit access for the development. The Council's Design and Conservation Officer advises that that although stone boundary walling is a noted feature of the Conservation Area, this section of wall in particular being set at an angle from the road to provide access, it is unlikely to be original to the property and its slight relocation for the purposes of providing a wider access would therefore cause no harm.
73. In addition to the works describe above, it is proposed to provide detached garages to serve both the new dwelling and to replace the demolished garage of the host property. These garages are to be constructed of suitable matching materials and are of a reasonable size and proportion, appropriately located on the site and would not negatively affect heritage assets.
74. Accordingly, subject to appropriate conditions controlling the finished appearance and materials of the development, based on the advice of the Council's Design and Conservation Officer, the proposed development as a whole is considered to be acceptable, representing a neutral impact upon the significance of adjacent listed buildings and on the character and appearance of Staindrop Conservation Area. The proposal is therefore considered to accord with policies GD1, BENV1, BENV2 and BENV4 of the TDLP and Parts 15 and 16 of the NPPF.

Landscape Impact

75. Policy TDLP Policy GD1 seeks to protect and enhance the countryside, requiring that developments do not have a detrimental impact on the landscape quality of the surrounding area. TDLP Policy ENV1 seeks to protect and enhance the countryside from inappropriate development. Policy ENV4 sets out that development will only be permitted where it does not detract from the areas special character and pays attention to the landscape qualities of Areas of High Landscape Value (AHLV). These policies are considered consistent with the NPPF in this respect which at

paragraph 170 recognises the intrinsic character and beauty of the countryside, whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. However, it is recognised that the strategy of Policy ENV1 of the TDLP in restricting development proposals for agricultural or compatible uses is only partially consistent with the NPPF which takes a more permissive attitude towards a wider range of development types in the countryside and therefore this policy can only be afforded moderate weight. Due to their consistency Policies GD1 and EV3 can be afforded full weight in the decision-making process.

76. The application site lies beyond the established development Limits of Staindrop, however as set out above settlement boundaries are out of date, as they are based on time limited information. The site is also included in a wider area of High Landscape Value (AHLV).
77. In assessing the development against the above policy context, it is considered that in this instance, the boundary of the Public Right of Way to the north of the site now provides for the perceived edge of the settlement and the start of the open countryside. When viewed from the beyond the site boundaries, to the west and east, the proposed development would be viewed against the existing development of Staindrop and would not be read as an incursion into the open countryside. It is due to the location of the perceived settlement limit it is considered that there would be no impact on the special landscape quality and character of the wider AHLV. This view is shared by the Council's Landscape Officer who raises no objections in relation to the landscape impact of the development.
78. Concerns have been received from neighbouring properties that trees were previously cut down on the site and have not been identified on any supporting information. The loss of these trees is certainly regrettable; however, no protection was afforded to these trees. New planting has been proposed on the submitted plans with a view of mitigating their loss and softening the appearance of the development. An Arboricultural Method Statement has also been submitted in support of the proposals, highlighting the method of protection to existing trees on the site. The Tree Officer has advised that there are no objections to the application providing that the methods in the Tree Report are adhered to in full which can be secured by condition.
79. Overall whilst recognising the development of a greenfield site, it is considered that the development would not be read as an encroachment into the open countryside and would not impact on the wider AHLV. The development is considered to accord with Policies GD1 and ENV3 of the TDLP in this respect.

Residential Amenity

80. Local Plan Policy GD1 (E) permits development providing it would not disturb or conflict with adjoining uses. This policy is considered consistent with Part 12 of the NPPF which seeks to ensure a good level of amenity is achievable for existing and future residents.
81. In this respect, the main issue of the proposal in terms of amenity relates to window placements; potential loss of privacy and overshadowing impact. The proposed extension to the property will result in the formation of a small window to the eastern side and set of bi-fold doors to the rear, further to this a new bay window would be positioned adjacent to the rear boundary of the property. Following amendments both side elevations of the rear elevation would contain no windows and would therefore not lead to a loss of privacy. A window is proposed in the side elevation of the existing dwelling which would face back towards the adjacent property of no. 2

Rose Cottage. However, this is not considered to result in a significant loss of amenity given the current positions of windows and access doors on this elevation

82. In terms of the new dwelling, concerns have been raised in relation to the separation distances proposed. resulting in overlooking and overshadowing of the neighbouring properties. However, in this respect, the proposal would result in a separation distance of approximately 20.0m, from the side elevation of the of the property to the property frontage of Orchard House (to the east of the site). This would exceed the generally accepted minimum separation distance of 13m for gable to primary elevations. Furthermore, the side gable facing east is blank and therefore no direct overlooking into the habitable room windows of Orchard House would occur. A distance of approximately 30 would be evident to the dwellings of West View, well in excess of the minimum 21m facing separation distances.
83. Overall based on the height of the new dwelling and when taking into account the orientation and relationship of the surrounding properties, it is considered that the proposals would not have an overbearing impact or result in significant loss of amenity on any of the surrounding properties. The development is therefore considered accord with Policy GD1 and H11 of the TDLP and the aims of Part 12 of the NPPF in this respect.

Highway Safety

84. Local Plan Policy GD1 (Q) requires development proposals achieve a satisfactory means of access onto the wider highway network in order to protect highway safety. This policy is considered consistent with the NPPF in this respect, where paragraphs 108 and 110 seek to ensure that a safe and suitable access to the site can be achieved whilst seeking to maintain highway safety.
85. Significant local concern has been raised with respect to Highway Safety, highlighting the substandard sight visibility when egressing the site, which is compounded by a substantial number of parked vehicles adjacent to the site entrance. Furthermore, concerns are raised that the site is adjacent to a busy junction used by both farm machinery and lorries travelling at high speed.
86. The access is proposed to be utilised to serve the proposed and existing dwelling. In order to facilitate a wider driveway, a stone boundary wall is proposed to be relocated further east, while the demolition of the existing site garage and garage would allow access to the rear.
87. In assessing the suitability of the access arrangements, taking into account representations received, the Highways Authority advise that due to the alterations the proposed access arrangements would be suitable to serve the existing and proposed dwelling while not adversely impacting on highway safety. It is also advised that sufficient parking would be available to serve the existing and proposed dwelling.
88. Overall, based on the advice of the Highway Authority views into account, the proposed development will not have an adverse impact on highway safety, and would therefore accord to Policy GD1 of the TDLP and Part 9 of the NPPF in this respect.

Ecology

89. Policies GD1 and ENV8 of the TDLP seek to ensure that developments do not endanger or damage important national or wildlife site or that of the ecology of the

wider area. These policies are considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, providing net biodiversity gains.

90. In this respect a Preliminary Ecological Appraisal (as updated) has been submitted in support of the application. The report concludes that there are no designated ecology sites within the immediate area and the site itself concludes that the site is of low ecological value and no major ecological constraints were identified. However, basic mitigation measures have been recommended to protect local wildlife during development, including controlling the timing of the works.
91. The Council's Ecology Officer advises that the submitted Ecological Assessment is acceptable, and the results and conclusions of the report are sound. On this basis, no objections are raised on ecological grounds.
92. Accordingly, it is considered that the proposal does not conflict with policies GD1 and ENV8 of the TDLP and Part 15 of the NPPF. The council can satisfy its obligations under the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) in this respect.

Flood Risk

93. TDLP Policy ENV15 states that development (including the intensification of existing development) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted, whilst adopting a sequential approach to site selection. This policy is considered broadly consistent with national advice within the NPPF and NPPG with regard to flood risk and management of surface water and can be afforded significant weight in the decision-making process, while promoting a sequential criteria-based approach to site selection.
94. Concerns have been raised from local residents that the site is located adjacent to Moor Beck watercourse which is prone to flooding.
95. Part of the site is located within Flood Zone 2 and partially within Zone 3 as defined by the Environment Agency Flood Map, however, this principally relates to the existing dwelling and the southern part of the development site. An overland flow route of surface water is also located in the southern portion of the site. Accordingly, the applicant has submitted a Flood Risk Assessment (as amended) in support of the proposals, which concludes that the proposed new dwelling would be located within flood zone 1, with the lowest risk of flooding. Mitigation measures are however proposed, including the setting of floor levels above 113m AOD.
96. In considering the submitted information, The Environment Agency raise no objections to the development, advising that, the revisions to the existing dwelling in Flood Zone 3 will reduce the overall footprint within the floodplain and will include a suite of resistance / resilience measures in relation to its construction. Accordingly, the development is in accordance with Policy ENV15 of the TDLP and Part 14 of the NPPF.

Archaeology

97. Local Plan policy BENV11 relates to sites of Archaeological interest and states that developments which affect sites of regional or local importance will only be approved where the applicant has secured a scheme of works which will in the first instance preserve archaeological remains in situ or where this is not possible by excavation and record.

98. Durham Councils Archaeological section have been consulted on the application and notes that the site is on the edge of the historic core of Staindrop and there is potential for archaeological remains to have survived in this area. Accordingly, it is advised that a watching brief should be carried out on any ground disturbing works which can be secured by condition. On this basis, and subject to the condition the proposal is considered to accord with policy BENV11 which is considered consistent with section 16 of the NPPF.

Other Matters

99. A conditional approach to land contamination is recommended given the previously undeveloped nature of the site.
100. An objection has been received stating that the submitted OS boundary is incorrect. Land Registry details have been provided and the plan has been amended accordingly.
101. Issues over land ownership, loss in value of properties, loss of view and impact on the efficiency of solar panels are not material planning considerations.

Conclusion

102. The development would conflict with Policies ENV1, H4 and H6 of the TDLP representing development beyond the development limits of Staindrop, within the open countryside, while not meeting the essential needs of a rural worker.
103. However, it is concluded that application site would represent a sustainable location for new residential development, allowing future residents to access services and amenities without relying on the private motor car, in accordance with Policies GD1 and H4 of the TDLP in this respect. It is also concluded that the development would not have a negative impact on the Staindrop Conservation Area, relevant Listed Buildings and the wider landscape, including the AHLV, while representing good design. The development would therefore accord with the provisions of the policies GD1, ENV3, BENV1, BENV2, BENV4, H11 and H12 of the TDLP in this respect. It is also concluded that the development would not have an adverse impact on highway safety, ecological interests and would not be subject to or increase the risk of flooding in accordance with Policies GD1, ENV8 and ENV12 of the TDLP.
104. The NPPF is a material planning consideration capable of outweighing conflict with the development plan. It is identified that the most important policies for determining the application (Policies ENV1 and H4) are considered out of date and as there are no policies within the framework that protect assets of importance, consideration should therefore be given to Paragraph 11 d) (ii.) of the NPPF. This sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
105. The development provides some limited benefit in terms of a boost to housing supply and delivery, although it is noted that one additional dwelling would be provided in the context that the Council's ability to demonstrate 6.37 years supply of housing land. Less weight should therefore be afforded to the benefits of delivering new housing in this regard as such than would otherwise be the case if any shortfall in supply existed.

- 137 No adverse impacts are identified that would significantly and demonstrably outweigh the benefits associated with the development. In this instance after applying the planning balance test is considered the NPPF is sufficient to outweigh the development's conflict with local plan policies.
- 138 The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

RECOMMENDATION

That the application DM/19/01389/FPA 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 unless otherwise agreed in writing with the local planning authority.

Plan Reference Number	Date received
738-DUC-SD20.05 - Proposed Garages - Plans and Elevations	01.05.19
B1718-D-90-002 rev D – Proposed Site Plan	21.07.19
B1718-D-20-0012 – New Dwelling Plans and Elevations	31.07.19
90-003 S2 rev P2 – Site Sections 40 Degree Pitch	31.07.19
90-004 S2 rev P1 – Site Sections 35 Degree Roof Pitch	31.07.19
B1718-D-20-004 rev D – Existing Dwelling Proposed Plans and Elevations	09.09.19

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GD1, ENV1, ENV3, ENV10, ENV15, BENV1, BENV3, BENV4, H6, H11 and H12

3. Notwithstanding the details of materials submitted with the application, the external walls shall be formed using natural stone and the roofs from natural slates and pantiles. There shall be no development above base course level until a sample panel of the roof materials and proposed stone and pointing to be used in the construction of the main walls of the buildings have been erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be retained for reference on site throughout construction and the development shall be constructed in accordance with the approved details.

Reason: To ensure a high quality of development and to comply with policies GD1, BENV1, BENV3, BENV4, H11 and H12 of the Teesdale District Local Plan.

4. Notwithstanding details submitted with the application, all external windows, doors and rooflights shall be installed in accordance with details, including cross sections at a scale of 1:20 and external colour finishes, which have first been submitted to and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details.

Reason: To ensure a high quality of development and to comply with policies GD1, BENV1, BENV3, BENV4, H11 and H12 of the Teesdale District Local Plan.

5. No demolition works shall commence on site until the tree protection measures as detailed in the submitted 'Arboricultural Method Statement, Ref: ARB/AE/1345, dated May 2019' have been put in place. The protective measures shall be retained on site during the course of the construction works hereby approved.

Reason: To ensure appropriate protection of the trees and to comply with policy GD1, ENV1, ENV3 and ENV10 of the Teesdale District Local Plan.

6. The proposed planting as detailed on dwg 'B1718-D-90-002 rev D, dated 21.07.19' shall be carried out in the first available planting season following practical completion of the development hereby approved and any trees or plants which die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a high quality of development and to comply with policies GD1, ENV1, ENV3 and ENV10 of the Teesdale District Local Plan.

7. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

8. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

9. The development shall be carried out in strict accordance with the recommendations outlined in 'Section 6' of the submitted 'Preliminary Ecological Appraisal, by Naturally Wild, dated March 2018'.

Reason: To conserve protected species and their habitat in accordance with policies GD1 and ENV8 of the Teesdale District Local Plan and Part 15 of the National Planning Policy Framework.

10. The development shall be carried out in strict accordance with the submitted 'Flood Risk Statement' produced by 'iD Civils Design Ltd', dated March 2018 and addendum contained in email dated 25.06.19.

Reason: To ensure appropriate management of flood risk in accordance with policies GD1, ENV14 and ENV15 of the Teesdale District Local Plan and Part 14 of the National Planning Policy Framework.

11. No development shall commence in relation to the erection of the dwelling hereby approved, until the widening of the driveway, as detailed on plan no. B1718-D-90-002 rev D – Proposed Site Plan and demolition of the detached garage has been completed.

Reason: In the interests of highway safety in accordance with policy GD1 of the Teesdale District Local Plan and Part 9 of the National Planning Policy Framework.

12. In undertaking the development that is hereby approved:
No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.
No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.
No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays
For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with policy GD1 and H11 of the Teesdale District Local Plan and Part 15 of the National Planning Policy Framework.

13. No development of the dwelling hereby approved, shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

14. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

15. Notwithstanding the submitted information, prior to the first occupation of the dwelling hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following.
- Any trees, hedges and shrubs scheduled for retention, including method of protection
 - Details soft landscaping including planting species, sizes, layout, densities, numbers;
 - Details of planting procedures and/or specification.
 - Finished topsoil levels and depths.
 - Details of temporary topsoil and subsoil storage provision.
 - The timeframe for implementation of the landscaping scheme.
 - The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
 - A plan showing the public/structural landscaping and private/in-curtilage landscaping.
 - Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

Reason: In the interests of the visual amenity of the area and to comply with policy GD1, ENV1, ENV3 and ENV10 of the Teesdale District Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

16. No development of the dwelling hereby approved, shall commence until detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development and those of existing neighbouring buildings (if any), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with policy GD1 of the Teesdale District local plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.

That the application DM/19/01390/LB be **APPROVED** subject to the following conditions;

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: Required to be imposed pursuant to section 18 of the Planning (Listed Building and Conservation Areas) 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 unless otherwise agreed in writing with the local planning authority.

Plan Reference Number

Date received

738-DUC-SD20.05 - Proposed Garages - Plans and Elevations 01.05.19

B1718-D-90-002 rev D – Proposed Site Plan	21.07.19
B1718-D-20-0012 – New Dwelling Plans and Elevations	31.07.19
90-003 S2 rev P2 – Site Sections 40 Degree Pitch	31.07.19
90-004 S2 rev P1 – Site Sections 35 Degree Roof Pitch	31.07.19
B1718-D-20-004 rev D – Existing Dwelling Proposed Plans and Elevations	09.09.19

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GD1, ENV1, ENV3, ENV10, ENV15, BENV1, BENV3, BENV4, H6, H11 and H12

3. Notwithstanding the details of materials submitted with the application, the external walls shall be formed using natural stone and the roofs from natural slates and pantiles. There shall be no development above base course level until a sample panel of the roof materials and proposed stone and pointing to be used in the construction of the main walls of the buildings have been erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be retained for reference on site throughout construction and the development shall be constructed in accordance with the approved details.

Reason: To ensure a high quality of development and to comply with policies GD1, BENV1, BENV3, BENV4, H11 and H12 of the Teesdale District Local Plan.

4. Notwithstanding details submitted with the application, all external windows, doors and rooflights shall be installed in accordance with details, including cross sections at a scale of 1:20 and external colour finishes, which have first been submitted to and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details.

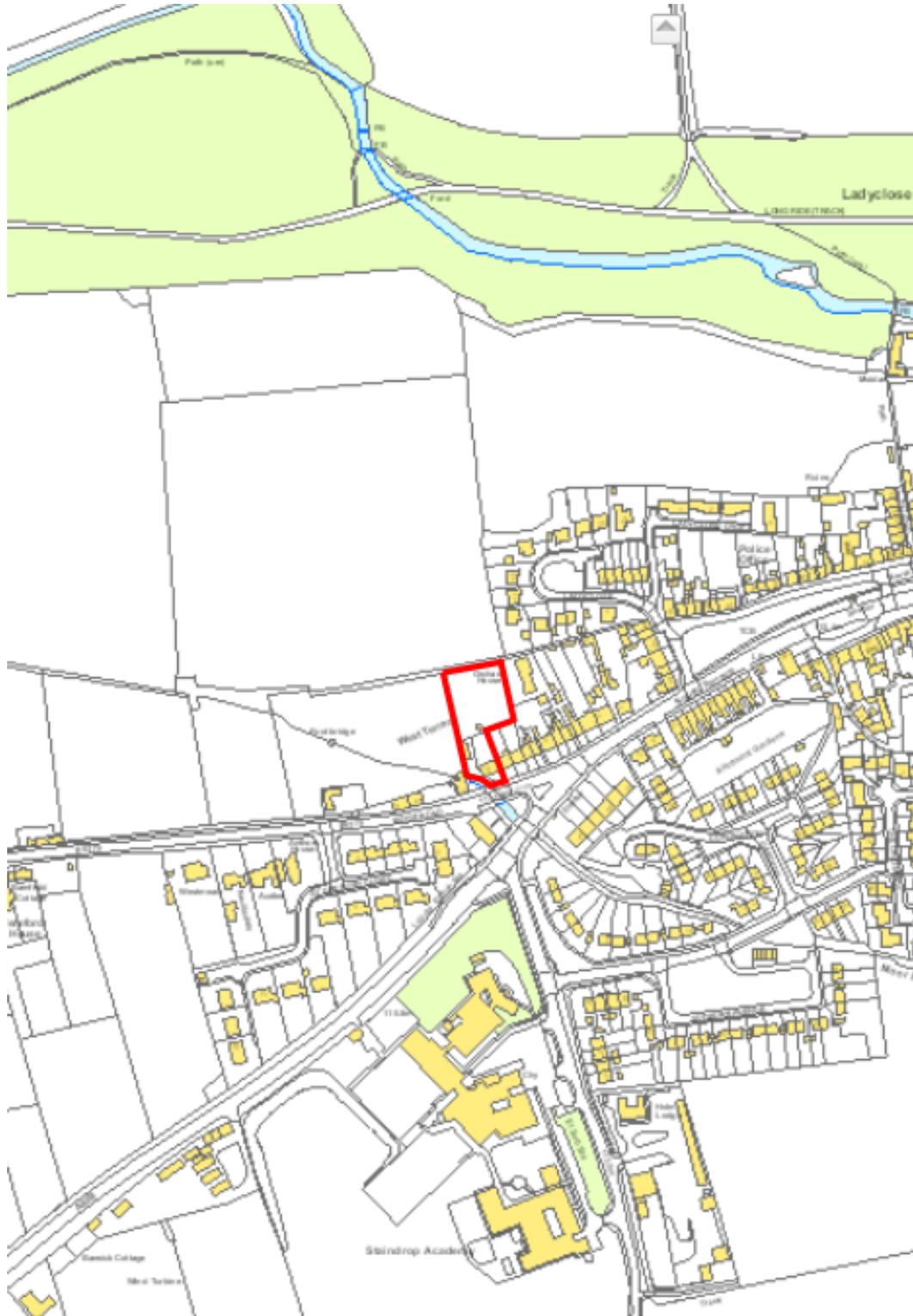
Reason: To ensure a high quality of development and to comply with policies GD1, BENV1, BENV3, BENV4, H11 and H12 of the Teesdale District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan
Statutory consultation responses
Internal consultations responses
External consultations responses



Planning Services

13 West Terrace
Staindrop

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Date
September 2019

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/01350/FPA
FULL APPLICATION DESCRIPTION:	Retrospective application for retention of single dwelling
NAME OF APPLICANT:	Mr And Mrs Harbottle
ADDRESS:	Land East of Old Granary Farm, Morley, DL14 0PF
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Adam Williamson Planning Officer 03000 260826

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site consists of a former farmstead called Swape Foot located approximately 2KM southwest of Toft Hill, to the South West of the County. The site extends to 0.28ha and contains several agricultural buildings which are now in an equestrian use, and a recently constructed dwelling to which this application relates. The site slopes gently away to the south. To the north of the site Swape Foot Bungalow and Swape Foot Farmhouse are located, agricultural land surrounds the site to the west, south and east. Public Right of Way no. 60 (Evenwood and Barony) passes through the application site. Gordon Beck is located approximately 200 metres to the south of the site. The site is visible at close and distant views along the B6282 which passes south west to north east direction across the front of the site. The buildings on Swape Foot are evident of the 1st edition 1860 Ordinance Survey plan under the name of Low Gordon.

The Proposal

2. Planning permission is sought for the retention of the 4 bedroom detached dwelling which has been constructed on the site. The dwelling forms an 'L' shape and has a footprint measuring 16.3 metres by 15.7 metres, 4.6 metres to the eaves and 6.4 metres to the ridge. The dwelling has been constructed from coursed stone with a red clay pantile roof. External doors and windows are constructed from timber, with natural stone cills and lintels. A gravel driveway has been constructed from the B6282 entrance

3. This application has been called to committee by Cllr Smith to consider the dwellings design, materials and appearance.

PLANNING HISTORY

4. Planning permission was refused in 2005 and then again in 2006 for the conversion of a disused barn to a dwelling due to the formation of a dwelling in the countryside, potential impact on bats and the impact of the development on the agricultural character of the barn. (this application was submitted by a different applicant).
5. Planning permission was granted in August 2014 (ref 6/2013/0168/DM) for the conversion of a former agricultural building into a dwelling. This permission granted on the basis that although the existing building was in a poor condition, it was considered of historic and architectural value, and its conversion to residential use would lead to an enhancement of the immediate setting, in accordance with relevant TDLP policies and the NPPF. A structural survey was submitted with the application which concluded that the building could be converted with minimal intervention.
6. During the course of the application the case officer highlighted that the submitted bat survey indicated that the building would be demolished. It was advised to the applicant's agent that the approval would relate to the conversion of the building only and the erection of a new dwelling could not be supported. Other supporting information submitted with the application including marketing of the building for alternative use refer to the conversion of the barn.
7. An application to discharge the materials to be used in the development, means of enclosure, hard and soft landscaping and joinery details was approved on the 26th June 2014.
8. A Building Regulations Initial Notice application ref (BC/17/01788/IN) for the conversion of a barn into a dwelling was submitted on the 24th August 2017 and an acknowledgment sent to the applicant and agent. A completion notice was issued by a private inspector on the 27th November 2018 for a new build dwelling (two storey) on the footprint of an existing barn.
9. This application seeks the retention of the replacement dwelling on the site and is required to be assessed against relevant policies as a new dwelling. As the building to be converted no longer exists, no conditions were discharged, and as the resultant building is different in appearance to the approved plans, it is considered that there is no extant planning permission for a dwelling on the site.

PLANNING POLICIES

National Policy

10. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of

planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

11. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
12. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *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.
15. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
17. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

18. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
19. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
20. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
21. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - 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.
22. *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.

LOCAL PLAN POLICY:

Teesdale District Local Plan (2012)

23. *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.
24. *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.

25. *Policy ENV8 – Development affecting plant or animal species protected by law* – Sets out that development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity.
26. *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 Settlements. 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.
27. *Policy H6: New Housing in the Open Countryside*: A new dwelling will not be permitted in the countryside unless it can be shown to be essential in any particular location to the needs of agriculture or forestry, and where the need cannot reasonably be accommodated within an existing town or village. Where such justification exists and permission is granted for such development, an appropriate occupancy condition will be attached.
28. *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.

RELEVANT EMERGING POLICY:

The County Durham Plan

29. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. Highways Authority – Advise that the proposal is for a new dwelling at the same location as that of application 6/2013/0168, albeit officially is for 'new build' rather than the conversion agreed in 2014. The site is not deemed sustainable, being relatively remote and linked to settlements by unlit derestricted rural roads. This would have been duly considered in the planning balance related to determination of the 6/2013/0168 application. The highway access arrangements were agreed as part of the 2013 permission and it is assumed that this has been installed as approved. Accordingly, there is not deemed to be a highways refusal reason. The principle of 'new build' at this location raises potential for refusal on the basis of the rural location and associated reliance on the private motor car. This, as before, is something for consideration in the planning balance.

INTERNAL CONSULTEE RESPONSES:

31. *Landscape Officer* – Advise that the site is not presently within a locally or nationally designated landscape, however it is within a proposed Area of Higher Landscape Value in the County Durham Plan. It is principally visible from the road the north and from the footpath that runs immediately west of the site. An assessment of the pre-existing landscape is not able to be made, however it is advised that the building as build does not detract from the local landscape character and therefore objections are made on landscape grounds.
32. *Spatial Policy* – Advise that Based on the information and evidence submitted with the application it is considered that the proposal is contrary to saved Policy H6 and therefore, there is a clear policy rationale for recommending refusal. However the acceptability of the development will rest on whether there is a clear reason for refusing the development following the application of policies that protect areas or assets of particular importance or any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits.
33. *Ecology Officer* - Advise that the conclusions of the supporting information provided, including Bat Survey report (Barrett Environmental) is sound and no objections are raised to the proposals on ecological grounds.
34. *Design and Conservation Officer* – Advises that as the original building is now demolished it is not possible to comment on any heritage loss. Matters of design are somewhat unimportant in this case as the site contains no designated assets and is not a conservation area. Policy matters are likely to weigh more heavily in the determination of this application.

PUBLIC RESPONSES:

35. The application has been publicised by way of individual notification letters to neighbouring residents. No letters of objection have been received.
36. *Cllr Smith* – Support is offered for the retrospective approval of this planning application particularly in light of the circumstances that they find themselves in and how these arose and this was likely to be a genuine misunderstanding rather than any intention to circumvent planning permissions or conditions. Having spoken to the
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agent, and read the detailed report, it is considered that it would not have been technically feasible to build the property according to the plans approved in 2014. The plans on which permission was granted contained errors in measurements which did not seem to have been noticed at the time. The house that has been constructed is on the exact footprint of the derelict barn that it replaces. If it appears larger than the dimensions recorded on the original 2014 plan, then it is my belief that this is because there were inaccuracies in that plan. It has been finished to a very high standard. The property also has 10 acres of land on which the applicants keep horses which they breed and show. It is necessary for them to live on the site to care for the animals. The consequences of refusing to grant retrospective planning permission to the applicants would be devastating, in both human and financial terms, and I hope that permission will be granted

APPLICANTS STATEMENT

37. Vanessa and Ian Harbottle received a planning permission in 2014 for what they believed from that time through until February 2019 was a permission for a new dwelling to be built on the same footprint as buildings previously intended for conversion. They were represented by an agent throughout the original planning and subsequent Building Regulations process, but they do not appear to have been advised that their understanding of the permission was not correct. An email from the planning officer to their agent in August 2014, which would have clarified their position had they seen it, was not disclosed to them. Indeed they only became aware of their error in February 2019 when they became aware of this email, and their misunderstanding of their permission only came to light as a result of them contacting the planning department.
 38. Their misfortune has been further compounded when they were advised in April 2019 that the drawings which had been prepared on their behalf, and which were the subject of the permission in 2014, were actually incapable of providing the dwelling for which they had applied, and what is built on the site today is actually an accurate representation of what the drawings should have indicated had they been accurate. Thus Vanessa and Ian Harbottle had trusted in what had been submitted on their behalf, but were unaware that the permission they had was not what they thought it was.
 39. Notwithstanding, the scale and design of the dwelling now on site is what should have been accurately represented on the original submitted drawings, and the resultant building is one of a high quality of workmanship. The applicants do not hide from the fact that they now realise their misunderstanding, and they deeply regret having been placed in the position they now find themselves, as they are only too well aware that their misplaced trust will have the gravest consequences for them if planning permission is refused, as they have invested all they have in the construction of their home.
 40. Whilst Vanessa and Ian Harbottle now appreciate there is a point of principle at issue for the local planning authority, they are acutely aware of the human issue as their precarious position has had a significant impact on their health and lives, whilst there is also the added concern of what will become of the enterprise on which Old Granary Farm is focussed, that of the breeding and showing of horses and ponies.
 41. The consequences of planning permission being refused are enormous both in human and financial terms, and whilst the local planning authority has a duty, as well
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as a discretion, to balance issues when determining planning applications, members are genuinely and strongly urged to understand that a mistake was made, whilst that mistake should be weighed against the quality of the development created which represents an accurate reality had the approved drawings been capable of delivering what was intended: and it should be weighed against the human consequences which would arise if the punishment for the error of judgement or misplaced trust was to refuse planning permission. Members are respectfully urged to see the positives in this application and to grant planning permission for the applicants to retain their home.

PLANNING CONSIDERATION AND ASSESSMENT

42. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: principle of development, housing land supply, visual impact, residential amenity, highway safety and ecology.

Principle of development

43. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Teesdale District Local Plan (TDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF
44. The Teesdale District Local Plan (TDLP) was adopted in 2002 and was intended to cover the period to 2010. NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
45. In terms of policies most relevant to the principle of development of the site, TDLP Policy ENV1 sets out that in order to protect and enhance the countryside, development beyond the defined settlement limits will only be allowed for the purposes of agriculture, farm diversification, forestry or outdoor recreation. This approach is replicated in Policy H4 of the TDLP, which sets out that new development will be directed to those towns and villages best able to support it, comprising previously developed land. TDLP Policy H6 does not permit new dwellings in the countryside unless it can be shown to be essential to meet the needs of agriculture or forestry, a case has not been put forward in this respect. As dwelling is located in the open countryside some distance from the nearest settlement outside of any settlement boundary and as the site is not classed a

previously developed land the development would conflict with Policies ENV1, H4 and H6 of the TDLP.

46. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Furthermore, whilst the NPPF seeks to promote the use of previously development land it is not as prescriptive of Policy H4, instead requiring a round assessment of the suitability of the site. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to Policies ENV1 and H4 is reduced.
47. The approach of Policy H6 of the NPPF is considered consistent with the NPPF, which at paragraph 79 seeks to avoid the development of isolated homes in the countryside, unless there is an essential need for an agricultural worker to live permanently at their place of work.
48. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole
49. As set out above the it is considered that Policies ENV1 and H4 of the TDLP are out of date by virtue of the evidence which informed them, Therefore, the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF.

Housing land supply

50. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
51. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land

supply will be local housing need using the Government's standard methodology. The County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure.

52. 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.
53. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.

Locational Sustainability of the Site

54. Policies GD1, and H4 of the TDLP jointly seek to ensure that developments achieve adequate links and have access to public transport to access facilities and services to help reduce the need for additional car journeys. Paragraph 103 of the NPPF setting out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Paragraph 110 of the NPPF also sets out that applications for development should give priority of priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment. NPPF paragraph 79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Due to their consistency with the NPPF Policy GD1 of the TDLP should be afforded full weight in the decision-making process.
55. In terms of distances to services and amenities, a range of distances that are generally considered acceptable are set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. Relevant guidance sets out that maximum walking distance to a bus stop should not exceed 400m and preferably be no more than 300m.
56. In this respect the nearest currently operational bus stop in this case is approximately 1320m to the southwest on High Lands Terrace, along mainly unlit rural highway with no footway for the large sections of the route, and steep hills due to local topography. The nearest settlement to the application site is the small hamlet of Morley, the centre of which is approximately a 5-minute walk to the north west along a steep, unlit derestricted highway with no footpaths. Morley consists of a handful of dwellings and has no local services or facilities, this is reflected in the County Durham Settlement Study (2017) with a low-ranking score of 0.3. The larger village of Cockfield (with a sustainability score of 22.9), is located over 2.8 km

away to the south west, again the highway is unlit with no footpaths for the majority of the route.

57. The site is reached by sections of rural highway without made footways in its majority and the horizontal alignment is such that forward visibility of pedestrians walking in the carriageway is significantly restricted in places for motorised road users. Neither would the rural/semi-rural environment suggest to motorised road users that pedestrians walking in the carriageway could be reasonably expected as a common occurrence. It is considered that pedestrian journeys would be viewed as relatively unattractive, particularly during periods of inclement weather, darkness and for unaccompanied children. Therefore, walking and public transport would not be a realistic alternative to reliance on private car travel from this site. This is contrary to the aims of the NPPF in respect of locating development where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
58. The NPPF does not define what constitutes an 'isolated home in the countryside' as referred to in paragraph 79. However relevant case law dictates that simply connotes a dwelling that is physically separate of remote from a settlement. Whilst noting the location of the surrounding agricultural buildings and dwellings, it is considered that the dwelling is isolated which paragraph 79 of the NPPF seeks to resist.
59. Overall, the application site is poorly related to existing facilities, failing to promote more sustainable transport choices, accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling. Therefore, the residential occupation of the building would not reduce the need to travel, especially by car. Overall in principle the development of this site for residential purposes is considered to conflict with TDLP Policies GD1 and H4 and promotion of sustainable development as set out in the NPPF. This adverse impact is required to be taken into account in the planning balance.

Visual impact

60. TDLP Policy GD1 seeks to protect and enhance the countryside of the Teesdale, requiring that developments do not have a detrimental impact on the landscape quality of the surrounding area. TDLP Policy ENV1 seeks to protect and enhance the countryside. Policy H12 seeks a high standard of design in new dwellings. These policies are considered consistent with the NPPF in this respect which at paragraph 170 recognises the intrinsic character and beauty of the countryside, whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. However, it is recognised that the strategy of Policy ENV1 of the TDLP in restricting development proposals for agricultural or compatible uses is only partially consistent with the NPPF which takes a more permissive attitude towards a wider range of development types in the countryside and therefore this policy can only be afforded moderate weight. Due to its consistency Policy GD1 can be afforded full weight in the decision-making process.
61. The site is not within a locally or nationally designated landscape. However, it is considered attractive in its own right and reads as part of the wider countryside when viewed from the B6282 and Public Right of Way 60 which passes through the site, and from PROW61 which runs to the south of the site. The site is highly visible in the open countryside when viewed from the Public Right of Way network and also in wider views from the north and east.

62. From the B6282 and longer distance views, the dwelling appears as part of the cluster of buildings forming Swape Foot Farmhouse, Swape Foot Bungalow and the agricultural/ equestrian buildings to the west of the site.
63. The dwelling which has been constructed appears to broadly share its appearance with the previously plans approved for the conversion, but the southern wings are approximately 1 metre higher than approved to allow for sufficient headroom to the 1st floor, but this difference is ineligibile in public views of the building. The footprint of the building has not increased over the previous barn which was on the site. The dwelling has been constructed from reclaimed stone laid to courses from the previous building, but the quality of the workmanship is very high, and utilises natural stone cills and lintels, and has utilised natural clay pantiles which is an appropriate traditional roof covering in the Hamsterley/Toft Hill area. Window and door openings are in similar positions as the shown on the 2014 conversion approval, as it the size and location of the domestic curtilage. Window and doors are timber which are appropriate for the buildings design and location.
64. It is considered that the proposed development in terms of its effect on the character and appearance of surrounding area are the same as the converted barn, with the current proposal causing no additional landscape harm. The design, materials and scale of the building would not undermine the objectives of Policies GD1 and H12 of the TDLP which remain consistent with the aims of the NPPF in this respect.

Residential amenity

65. TDLP Policy GD1 states that new development should be compatible with surrounding existing land uses. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. TDLP Policy GD1 is therefore considered to be consistent with NPPF in this regard and can be afforded full weight in the decision-making process.
66. To the north of the dwelling is Swape Foot Farm Bungalow, a detached bungalow, and Swape Foot Farm house, a detached two storey dwelling. These dwellings are approximately 43 metres away from the application site. The boundaries of these properties are marked with a 2 metre high close boarded fence and dense mature planting creating a private plot. Given the separation distance and the boundary treatments the proposal has not led to any loss of privacy from overlooking impacts. The site is well screened from these properties, and the proposal protects the privacy and amenity of neighbouring residents. Accordingly, it is considered that there is no conflict with TDLP Policy GD1 (E).

Highway safety

67. TDLP GD1 (Q) set out that developments should be served by a safe means of access and developments should not create unacceptable levels of traffic which exceed the capacity of the local road network. These policies are considered consistent with the NPPF which seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved. The NPPF also sets out that development should only be prevented or refused on

highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given the consistency of TDLP Policy GD1 with the NPPF, full weight can be given to them in the decision-making process.

68. The development would take access through the previously approved access to the east of Swape Foot Farmhouse. The access junction has been constructed as approved and provides good visibility splays onto the B6282. Off street parking for several vehicles has been provided to the east of the dwelling on a large gravelled area. The Highways Authority offer no objections to this element of the scheme and as such there is no conflict with TDLP Policy GD1, which is consistent with the aims of NPPF Part 9

Ecology

69. The ecological surveys in the original application carried out in 2013 highlighted that a bat roost was present in the original building and that a Natural England Licence would be required for the proposed works. As there was a delay between the consent and works starting onsite in 2017, the applicant commissioned a new bat survey undertaken by the original Ecologists. The updated 2017 bat survey found that bats were no longer roosting in the structure. As such a licence from Natural England was no longer required for the works. A scheme of mitigation was however adopted. As part of the mitigation two new bat roost points would be installed as part of the proposed development. This has been undertaken and therefore the Councils Ecology Officer offers no objections to the development and the proposal would conform to policies GD1 and ENV8 of the TDLP which are consistent with Part 15 of the NPPF in this respect.

CONCLUSION

70. The development has resulted in the formation of a new build residential dwelling in the open countryside in an isolated, unsustainable location. The development is therefore considered contrary to Policies ENV1, H4 and GD1 of the TDLP in this respect. The development does not have an unacceptable impact on the visual amenity of the wider countryside, in terms of design and landscape setting and does not negatively affect highway safety. The development would therefore accord with the criteria of policies GD1, ENV1 and H12 in this respect.
71. The NPPF is a material planning consideration capable of outweighing conflict with the development plan. It is identified that the most important policies for determining the application (Policies ENV1 and H4) are considered out of date and as there are no policies within the framework that protect assets of importance, consideration should therefore be given to Paragraph 11 d) (ii.) of the NPPF. This sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Benefits

72. The development provides some limited benefit in terms of a boost to housing supply and delivery, although it is noted that this could be considered limited at one

additional dwelling in the context that the Council's ability to demonstrate 6.37 years supply of housing land. Less weight should therefore be afforded to the benefits of delivering new housing in this regard as such than would otherwise be the case if any shortfall in supply existed.

Impacts

73. The development has resulted in the siting of an isolated dwelling in an unsustainable location meaning that residents have a high dependency upon the private motor vehicle to gain access to retail, education and community facilities.
74. Overall on balance, without the benefit of securing optimal use of a heritage asset as it has been demolished, and enhancement of its immediate setting through its re-use, as per the original planning application, the adverse impacts in terms of locational sustainability are considered to significantly and demonstrably outweigh the benefits associated with the development and would not outweigh the conflict with TDLP Policies and the locational sustainability objectives of the NPPF. As such the application is recommended for refusal.
75. Whilst officers have some sympathy for the applicant, the permission granted was for a conversion scheme which was explicitly referenced to in the decision notice. The responsibility rests with the applicant to ensure that they have the correct permissions in place before commencing building works.

RECOMMENDATION

That planning permission be **REFUSED** for the reason below:

1. The development, by reason of its isolated and unsustainable location, results in most journeys to and from the property being made by private vehicle, which is the least sustainable mode of transport and contrary to the aims of the NPPF, particularly Section 9, in respect of managing growth to promote sustainable transport, as well as saved Policies GD1, H4 of the Teesdale District Local Plan..

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However this has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
Teesdale District Local Plan
County Durham Plan Settlement Study 2017
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

Land East Of Old Granary Farm
Morley
DL14 0PF

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Date
August 2019



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/01406/FPA
FULL APPLICATION DESCRIPTION:	Change of use from A1 (retail) to C3 (residential) use. Creation of additional residential unit. External alterations (resubmission of DM/19/00291/FPA)
NAME OF APPLICANT:	Mr S Ravichandran
ADDRESS:	96 Wheatbottom, Crook, DL15 9HB
ELECTORAL DIVISION:	Crook
CASE OFFICER:	Adam Williamson Planning Officer 03000 260826

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to no. 96 Wheatbottom, Crook, a mixed-use property located to the west of Crook Town Centre, to the south west of the County. At present the ground floor of the property consists of an A1 retail use, with an associated residential use to the rear of the retail area, extending to the first floor. The property provides residential accommodation over five bedrooms. The building is a semi-detached building with the adjoining Travellers Rest Public House to the northwestern elevation. The building has a rendered in finish to the A690 and rear elevation and constructed of buff brick to the south (side) eastern elevation.
2. The site lies on the A690 which is the main road linking Crook to Durham, sited approximately 500 metres to the south east of Crook town centre. To the north of the site, beyond the A690, the residential dwellings no.7 -12 Wheatbottom are sited. To the south east of the site, public open space is located on the junction of Ennerdale Drive and Wheatbottom. To the rear of the site a rear garden is present, which beyond lies the residential properties of Ravensworth and Walton Court.
3. The southern boundary of the Crook Conservation Area lies approximately 300 metres to the north west of the site which contains a number of listed buildings. There is no intervisibility between the application site and the conservation area.

The Proposal

4. Planning permission is sought for the change of use of the A1 retail area to a residential use and the subdivision of the building, to form two no. 2 bedroom flats. Externally the existing shop front is proposed to be removed and replaced with a new double window and an entrance door to provide access to the ground floor unit, while a secondary window is proposed to the ground floor front elevation. A conservatory on the rear elevation is proposed to be demolished and a new entrance door created to provide access to the unit on the first floor. A single window on the ground floor side elevation overlooking an area of open space is proposed. Existing windows and doors throughout the property are proposed to be replaced, while the rear garden would be retained and would serve as amenity space for both properties, no in-curtilage car parking is proposed.
5. The application has been reported to the South West Planning Committee at the request of Cllr Patterson who raises concerns in respect of car parking and the impact on the adjoining public house.

PLANNING HISTORY

6. Planning application DM/19/00291/FPA for General alterations and creation of additional residential unit was withdrawn over highways concerns as it included land for parking not in the control of the applicant.
7. In 1998 planning permission was granted (3/1998/0463) for the change of use of ground floor office to form part of the dwelling.

PLANNING POLICIES

National Policy

8. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
10. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are

interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

11. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
12. *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.
13. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from

pollution and land stability and remediating contaminated or other degraded land where appropriate.

LOCAL PLAN POLICY:

Wear Valley Local Plan (WVDLP) 1997

19. *Policy GD1 (General Development Criteria)*- Sets out that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
20. *Policy H3 (Distribution of Development)*- Sets out that new development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
21. *Policy H18 (Sub-Division of Premises)*: Sets out that permission will be granted for sub-division and/or conversion of any premises to flats or other forms of multiple residential occupation provided it meets the criteria detailed and conforms with Policy GD1.
22. *Policy H24 (Residential Design Criteria)*: Requires that new residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
23. *Policy T1 – General Policy – Highways*. All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

RELEVANT EMERGING POLICY:

The County Durham Plan

24. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. Highways Authority - Advise that the existing property comprises a small area of commercial A1 use at ground floor, with the rest of the accommodation given over to a 4 bed flat with study (the latter, a possible extra bedroom). The proposal removes the A1 use and converts/subdivides the remaining space to form 2 no. 2 bed flats. Parking availability has been cited adjacent to a nearby public house. This land is DCC freehold and while parking has historically been able to take place here without apparent restriction it is third party land and cannot be conditioned as exclusively available for the benefit of the applicant. It is advised that the proposed removal of the commercial A1 use, and no increase in total bedroom numbers, leads to a conclusion that an NPPF based highway objection would not be sustainable, accordingly no objections are raised to the proposal.

INTERNAL CONSULTEE RESPONSES:

26. *Asset Management* : - Advise that there are no proposed Disposals or Leases adjacent to the site, however the land adjacent is Open Space
27. *Clean and Green*: - No response received.
28. *Environmental, Health and Consumer Protection (Pollution Control)* :- Advise that the submitted details in relation to upgraded glazing would be sufficient to address noise arising from the adjacent public house and road given the construction of the building, layout of adjoining premises and exiting residential use of the site. No objection is raised subject to the agreed glazing details being implemented

PUBLIC RESPONSES:

29. The application has been publicised by way of individual notification letters to neighbouring properties.
30. One letter of objection has been received from the adjoining public house highlighting that the application is retrospective, the works may not accord with building regulations, and the lack of off-street car parking.
31. *Cllr Patterson*: Raises concerns regarding the lack of parking at the property as the land to the west of the Travellers Rest cannot be relied on for parking, and the existing property is landlocked. By creating a 2nd dwelling the applicant is increasing the occupancy levels and the likelihood of increased vehicles at the property with the A690 with speeding and traffic issues just off the bend. The Highways Authority have already lodged an objection to the previous application. Whilst the applicant has undertaken building works there have been issues with the public house and accessibility of deliveries as a result of parked vehicles and obstruction. This is one of the oldest public houses in Crook and it would be wrong to approve an application that would have a detrimental effect on their business.

PLANNING CONSIDERATION AND ASSESSMENT

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of development, housing land supply, residential amenity, highways impacts, visual amenity and other issues.

Principle of development

33. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.

34. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with the Framework, the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

35. Policy H3 of the WVDLP, sets out that new development will be directed to those towns and villages best able to support it, recognising that other than infill developments or small extensions, development outside of defined settlement limits would not be acceptable. The development would comply with Policy H3, representing residential within the defined settlement limits of Crook as set out in the WVDLP Proposals Map.

36. Saved Policy H18 of the WVDLP states that the sub-division of premises to flats is permitted where sites are located in the built up areas of towns and villages; they will not harm the amenity of adjoining residents; they have sufficient off-street parking provision; any alterations or extensions would be in keeping with the character of the area and providing they have sufficient amenity space. In principle, subject to a detailed analysis of the impacts of the proposal the development would be supported by WVDLP Policy H18.

37. However, given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced.

38. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Furthermore, although the approaches of Policy H3 and H18 of the WVDLP are considered consistent with the NPPF, which seeks to promote development in sustainable locations, whilst minimising the impacts of a development, it is recognised that the housing supply policies of the WVDLP are based on time limited information. WVDLP Policies H3 and H18 are therefore considered out of date, whilst this does not mean it should be disregarded, or be given no weight, the weight that can be afforded to the policy is reduced.
39. The development would result in the loss of a retail unit, however there are no policies with in the WVDLP or NPPF which seek to protect retail units outside of designated centres or shopping areas.
40. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole
41. As set out above although in principle the development would conform to policies H3 and H18 of the WVDLP, these policies are considered out of date by virtue of the evidence which informed them, Therefore, the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF.

Housing land supply

42. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

43. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure.
44. 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.
45. The Government has also recently published its Housing Delivery Test (HDT) results in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.

Locational Sustainability

46. Policies GD1, H24 and T1 of the WVDLP jointly seek to promote that adequate and safe pedestrian and cycle routes are provided to facilitate access to services and amenities, prioritising pedestrian and cycle links. The policies also seek to ensure that adequate links and access to public transport are incorporated within the layout of the site.
47. These policies are considered consistent with the NPPF in this respect with paragraph 103 of the NPPF which sets out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 110 of the NPPF also sets out that applications for development should give priority of priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment. Due to their consistency Policies GD1, H24 and T1 of the WVDLP should be afforded full weight in the decision-making process.
48. In terms of distances to services and amenities, consideration is given to a range of distances that are generally considered acceptable set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets', along with work undertaken by independent consultants. In general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes.
49. In this respect Crook has a wide range of services, facilities and employment sites, capable of servicing a development of this nature. Bus stops linking the site to Durham and Bishop Auckland are within 150 metres of the application site, and the

site is approximately a 500 metre walk into facilities contained within the centre of Crook, well within the 20 minute walking time. Future residents would therefore have ready access to services and amenities without the reliance on the private motor car.

50. Accordingly, the development is considered to comply with Policies GD1, H24 and T1 of the WVDLP and the locational aims of the NPPF to secure sustainable patterns of development.

Residential amenity

51. Saved Policies GD1 and H18 of the WVDLP seek to ensure that new development does not disturb or conflict with adjoining uses, while seeking to safeguard the amenity of adjoining residents. Policies H18 and H24 of the WVDLP also seek to ensure that sufficient garden and/or private amenity space to meet the needs of future residents. These policies are considered consistent with Parts 12 and 15 of the NPPF in this respect which also seeks to ensure a high standard of amenity for existing and future uses whilst ensuring new development can integrate effectively with existing businesses. Full weight should be afforded to Policies GD1 and H18 of the WVDLP in the decision-making process in this respect.
52. In conjunction with the retail use of the site, the existing development comprises a residential property adjoining an existing Public House. Concerns have been raised regarding the relationship of the development with the existing Public House, specifically in relation to potential noise transfer.
53. Paragraph 182 of the NPPF requires that new development should be integrated effectively with existing businesses (including pubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established (such as through statutory nuisance legislation). Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.
54. The Environmental, Health and Consumer Protection (Pollution Control) Officer (EHO) has given consideration to this matter and relationship with the proposed development and the adjoining Public House particularly from internal noise transfer, and noise from people coming and going. It is also advised the development would not introduce a sensitive receptor over and above the existing situation as the existing residential use of the building and surrounding properties provide a degree of limitation of the use of the Public House and noise generated
55. Furthermore, it is advised that due to the a 200mm thick internal wall at first floor and an internal passageway to the ground floor between the buildings noise transfer from the public house to the application site would not be significant. In order to address comings and goings, and road noise, a scheme of replacement glazing and mechanical ventilation for openings to the front elevation has been detailed. It is advised that with these measures' future occupiers will be protected from the existing adjoining commercial use, and a statutory nuisance is unlikely to arise. A condition is recommended to ensure these mitigation measures are installed before the use is commenced.

56. Subject to the above-mentioned conditions it is considered that the noise effects associated with adjacent development, would be appropriately mitigated in accordance with Policies GD1 and H18 of the WVDLP and Parts 12 and 15 of the NPPF in this respect.
57. In terms of proposed amenity space, both units would have rear doors accessing the existing rear garden which measures over 37 metres in length resulting in a large shared amenity area in excess of the standard set out in policy H24 of the WVDLP.
58. The relationship of the building with the residential properties to the rear on Ravensworth Court would remain as existing, and as there is existing residential uses to the rear of the host building, there would be no significant impacts over or above the existing situation.
59. Overall it is considered that the development would comply with saved policies GD1, H18 and H24 of the WVDLP and Parts 12 and 15 of the NPPF in this respect.

Highways Safety

60. Policy T1 of the WVDLP seeks to ensure that new development provides adequate access and does not exceed the road capacity of the local road network. Policy H18 of the WVDLP supports the creation of flats where the access and parking arrangements are in line with the County Council's parking standards set out in further planning note 2. Policy T1 of the WVDLP is considered consistent with the NPPF in this respect which seeks to protect highway safety. Whilst the principle of setting out appropriate car parking standards is consistent with the NPPF, the standard referred to in the WVDLP have since been superseded and are therefore considered out of date, reduced weight should be afforded to Policy H18 in this respect.
61. Concerns have been made in respect of the lack of off-street parking proposed by the development, and that future occupiers of the flats may park on land to the west currently used by the public house for customer parking. This land is DCC freehold, and while parking has historically been able to take place here without apparent restriction, it is third party land and cannot be used exclusively available for the benefit of the applicant or the public house. This land could be sold to another party or enclosed without planning permission meaning it could be no longer used to provide parking. Whilst the public house may have a right of access across this land, matters relating to private access rights are not a matter to be dealt with under the planning process.
62. The Highways Authority advise that whilst the lack of any potential on-site parking provision is disappointing, given the availability of existing on street parking provision close by, no objections are raised to the proposals. It is also highlighted that at present 5 bedrooms and a retail unit are located within the property, while the proposed development would consist of 2 bedrooms each, the parking demand for the property is therefore not considered to be significantly greater. It is also considered that those who choose to occupy these flats will do so in the full knowledge of parking limitations in the area. Given the edge of centre setting

however, these flats would also appeal to non-car users who would make use of the good public transport linkages.

63. In view of the foregoing, whilst the proposals cannot provide additional car parking provision, the site has adequate on-street parking to facilitate the development. The proposals are not considered to cause an unacceptable impact in terms of highway safety as advised by the Highway Authority, and therefore it is considered that the proposal would comply with the aims of policies T1 and H18 of the WVDLP and Part 9 of the NPPF in this respect.

Impact on character and appearance of the surrounding area

64. Policies GD1 and H18 of the of the WVDLP seeks to ensure good design in new developments setting out that new developments should be in keeping with the character and appearance of the area and designed to be appropriate in terms of form, mass, scale, layout, density and materials to be used. Saved policy H24 of the Local Plan similarly seeks to ensure good design standards, ensuring new developments are in keeping with their surroundings reflecting the density and character of the locality. These policies are considered consistent with the NPPF in this respect which at Part 12 seeks to promote good design and developments which are visually attractive and sympathetic to the local character.
65. In this respect the site lies within a predominantly residential area, with a mix of housing types and ages surrounding, while noting the adjoining the building to the north west is a public house (The Travellers Rest). The existing building is rendered in finish with a relatively traditional shop front to the ground floor and a central bay window to the 1st floor roadside elevation. However, the current shop front has fallen in a state of disrepair, and in itself has no significant historical interest or architectural merit.
66. The scheme proposes to remove the shopfront and replace it with a central door and a new sash style window to match the existing while a secondary window would be created in the front elevation. The bay window to the 1st floor is proposed to be repaired and retained. To the rear, an existing lean to extension is proposed to be replaced with a door to serve the first-floor accommodation, and the replacement of an existing door with a window. The scheme also involves the insertion of a ground window on the side elevation of the property which would look onto the area of public open space on the junction with Wheatbottom and Ennerdale Drive.
67. Overall, it is considered that the removal of the current decaying shopfront and its replacement with a new façade would tidy up the main roadside elevation of the building resulting in a visual improvement. A conditional approach to secure the detailing of the design and appearance of the windows is recommended. Subject to this condition it is considered that the development would accord with policies GD1, H18 and H24 of the WVDLP and the Part 12 of the NPPF in this respect.

Other matters

68. Issues relating to compliance of works undertaken with building regulations is not a planning consideration. It is acknowledged that internal works have been undertaken to the building, however internal alterations do not require planning permission.

CONCLUSION

69. The change of use for a retail unit and the formation of 2no. residential flats would in this location would comply with the locational strategy of Policies H3 and H18 of the WVDLP. The development would also comply with the criteria set out in Policies GDP1, H18, H24 and T1 of the WVDLP in terms of residential amenity, highway safety and impact on the character and appearance of the surrounding area.
70. However, it is identified that the most important policies for determining the application (Policies H3 and H18) are considered out of date and as there are no policies within the framework that protect assets of importance, consideration should therefore be given to Paragraph 11 d) (ii.) of the NPPF. This sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole
71. The development would provide some limited benefit in terms of a boost to housing supply, although it is noted that this could be considered limited as one additional dwelling in the context that the Council's ability to demonstrate a 6.37 year supply of housing land. Less weight should therefore be afforded to the benefits of delivering new housing in this regard as such than would otherwise be the case if any shortfall in supply existed.
72. The site occupies a sustainable location in Crook which itself is served a good range of shops, services, employment and education opportunities. The introduction of additional residential development in this location would help support these facilities while residents would not be wholly reliant on the private motor car to access services and amenities.
73. The development would result in the removal of the current decaying shopfront and its replacement with a new façade would tidy up and improve the appearance the main roadside elevation of the building resulting in a visual improvement.
74. The lack of off-street parking is regrettable; however, occupants of these flats will do so in the full knowledge of parking limitations in the area and on the advice of the Highways Authority a loss of highway safety would not arise. An adverse impact is not considered to arise in this respect.
75. The development would result in the loss of a retail unit; however, the site is located outside of the defined town centre and protected street frontages, and therefore not afforded protection through the WVDLP policies or the NPPF. It is also noted that the retail unit has been out of a productive use for some time. An adverse impact is not considered to arise in this respect.

76. On balance, in this instance it is considered that there are no adverse impacts which would significantly and demonstrably outweigh the benefits associated with the development. There are no material considerations which indicate otherwise, and the application is recommended for approval.
77. The proposal has generated some public interest, with a number of letters of objection/concern having been received. The objections and concerns raised have been taken account and addressed within the report.

RECOMMENDATION AND CONDITIONS

That members Approve 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 in shall be carried out in strict accordance with the following approved plans and documents:

Site Location Plan received 02.05.2019

Dwg. No. 19 06 03A Existing and Proposed Elevations received 16.07.2019

Dwg. No. 19 06 04 Proposed site Plan received 02.05.2019

Dwg. No. 19 06 02 Proposed Floor Plans received 02.05.2019

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, H3, H24 and T1 of the Wear Valley District Local Plan.

3. Prior to their installation, full details of the proposed windows and doors to the front elevation, including plans at a scale of 1:20, their colour treatment, and glazing specification and shall be submitted to and approved in writing by the local planning authority. The windows and doors shall be installed and retained in accordance with the approved details thereafter.

Reason: In the interests of visual and residential amenity in accordance with policies GD1 and H24 of the Wear Valley District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
Wear Valley District Local Plan
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

96 Wheatbottom
Crook
DL15 9HB

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Date
August 2019

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/02742/FPA & DM/18/02743/LB
FULL APPLICATION DESCRIPTION:	Residential conversion and extension of pumping station (amended description/plans 11/03/2019)
NAME OF APPLICANT:	Northumbrian Water Ltd
ADDRESS:	Former Pumping Station to the North East of Presser Villa, Bale Hill, Blanchland, DH8 9XB
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Amy Williamson, Planning Officer, 03000 261391, amy.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The property is a former water pumping station dating from the late 19th century. The building has two storey and single storey elements with a tall chimney to the south east corner. The building is constructed from coursed stone with slate hipped roofs. It features a number of arched windows and doors at both ground and first floor levels, primarily to the east and west elevations. Immediately to the north of the building is a small area enclosed by walls and fencing within which former mine shafts are situated. The building is grade II listed.
2. Vehicle access is currently taken via an unsurfaced track through a wooded area adjacent to Presser Villa to the south west. This is connected to the public highway via a gravelled track running adjacent to the southern boundary of the site, which is also a public right of way. The building sits within an open field enclosed by fencing to the north, south and east. Presser Villa, an existing residential property, lies to the west of the site. A Northumbrian Water easement runs from north to south across the site, immediately to the west side of the building.
3. The building is one of the few remaining features of the former Presser and Ramshaw Lead Mines and there are a number of associated mine shafts, structures and earth works on and adjacent to the site. The residual elements of Ramshaw Lead Mine located a short distance away to the east and west are a scheduled monument.
4. The application site is within the North Pennines Area of Outstanding Natural Beauty (AONB). Land beyond the gravelled access track are designated as a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Special Area of Conservation (SAC) due to the high quality moorland environment.
5. Planning permission and Listed Building Consent is sought to convert the building into a 5 bedroom detached dwelling. This would be achieved by the installation of internal stud partition walls involving minimal alteration to the historic fabric of the building. Existing openings would primarily be used for windows and doors, with a

small number of new openings proposed relating to features of the existing building. A new terrace at first floor level would be created above the area containing mine shafts to the northern side of the building to completely enclose the former shafts. A light weight orangery of contemporary, flat roof design would be added to the east side of the building.

6. The existing grassed access track across the site would continue to be used and would be widened and resurfaced in gravel. A new domestic curtilage would be added around the building, enclosed to the eastern side by a 1m high dry stone wall and post and rail fencing around the access track and western extent of the curtilage. Field gates would enclose the end of the access next to the existing gravel track and would also be provided within the site to access the wider land in which the site is situated. A parking area for the new dwelling would be provided immediately to the south of the building.
7. Initial proposals included the erection of 3 no. new build dwellings. However following discussions with the LPA the new build element has been removed from the proposal and only permission to convert the existing building is now sought.
8. Hunstanworth Parish Council has requested that the application is considered by the Planning Committee on the grounds that the development would result in adverse impacts visually, on the landscape and heritage assets, residential amenity and protected species and areas.
9. The application was initially reported to the Planning Committee on 18 July 2019, where objectors identified that legal notices had not been served on all those with an interest in the land. The application was subsequently deferred by the Committee. The agent has now confirmed that all appropriate notices have been served on the land owner and all parties with an interest in the land. At the time of the report no further representations had been received following service of the notices.

PLANNING HISTORY

10. There are no records of any planning permissions having previously been granted at this site.

PLANNING POLICY

NATIONAL POLICY

11. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
12. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

NPPF Part 2 - Achieving sustainable development. The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

NPPF Part 4 - Decision-making. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

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.

NPPF Part 11 Making Effective Use of Land - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

NPPF Part 12 – Achieving well-designed places The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

NPPF Part 15 Conserving and Enhancing the Natural Environment - 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.

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.

LOCAL PLAN POLICY:

13. The following policies of the Wear Valley 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.

Policy GD1: General Development Criteria: All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

Policy ENV1: Protection of the Countryside: The District Council will seek to protect and enhance the countryside of Wear Valley. Development will be allowed only for the purposes of agriculture, farm diversification, forestry or outdoor recreation or if it is related to existing compatible uses within the countryside as defined in other Local Plan policies.

Policy ENV2: The North Pennines Area of Outstanding Natural Beauty: Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty as identified on the Proposals Map, when considering proposals for development. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.

Policy ENV10: Sites of Special Scientific Interest: Development which will adversely affect the conservation value of SSSI's directly or indirectly will only be permitted where the development is of overriding national importance and cannot be located elsewhere. Measures should be taken to conserve and enhance nature conservation and provide replacement habitats and features where damage is unavoidable.

Policy BE1: Protection of Historic Heritage: The Historic Heritage of District should be conserved by the maintenance, protection and enhance of features of particular historic, architectural or archaeological interest.

Policy BE4: Setting of a Listed Building: Development which impacts on the setting of a listed building and adversely affect its special architectural, historical or landscape character will not be allowed.

Policy BE20: Conversion of Buildings in the Countryside: This policy sets out the criteria that will need to be met for change of use of rural buildings to residential and other uses to be considered acceptable.

Policy H3: Distribution of Development: New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.

Policy H24: Residential Design Criteria: New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.

Policy T1: Highways: Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <https://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan

14. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 28 June 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

15. *Blanchland Parish Council* - Support the principle of conversion of Presser Pumping Station to a residential dwelling providing this is sympathetically done to and retains the key features and fabric of the listed building. The proposed orangery is not supported. The proposed 3 no. new dwellings are not supported due to their significant adverse visual and landscape impacts upon the AONB and Dark Skies, harm to the significance and setting of the listed building and other designated heritage assets, the isolated and inaccessible nature of the location, lack of need for new housing, particularly expensive housing, in this area, lack of clarity around enabling development, adverse ground conditions and land contamination from previous mining activities, lack of environmental impact assessment, impact on biodiversity, habitats and protected species and general lack of information to prevent the Council from fulfilling its statutory duties.
16. *Highways Authority* – No objections, recommend a maintenance schedule for the shared access track is agreed by condition and considers it likely that bins will be stored in the vicinity of the junction of the shared gravel track with the public highway
17. *Historic England* – No objections
18. *Hunstanworth Parish Council* – Initially commented that they support the principle of the renovation and conversion of Presser Pumping Station to a residential dwelling providing this is sympathetic to and retained the key features and fabric of the listed building. The proposed orangery is not supported. The proposed 3 no. new dwellings are not supported due to their significant adverse visual and landscape impacts upon the AONB and Dark Skies, impacts on the significance and setting of the listed building, the isolated and inaccessible nature of the location, lack of need

for new housing in this area, lack of clarity around enabling development, adverse ground conditions and land contamination, impact on biodiversity, habitats and protected species, impacts on water supply and services infrastructure, lack of environmental impact assessment and general lack of information to prevent the Council from fulfilling its statutory duties.

19. Following reconsultation on the amendments, they advised they were pleased the additional dwellings have been removed from the scheme. Careful assessment of the scheme by the LPA is advised due to the sensitive nature of the site which is a listed building in an AONB surrounded by very sensitive ecological and visually prominent managed moorland. The following issues are currently considered to be unaddressed: Impacts on habitats, the access road, water supply, ground contamination and lead pollution, visual impacts of curtilage and light pollution. A condition to remove permitted development rights is recommended.

20. *Natural England* – Natural England initially commented that further information was required in order to determine the significance of impacts of the development and the scope for mitigation, including an assessment of potential impacts on designated sites as a result of disturbance by pets and residents, including predation by pets, potential disturbance during construction, a mitigation strategy if impacts are identified and a habitats regulations assessment. Following preparation of a Habitats Regulations Assessment by the Council's Ecologist, Natural England concurred with the findings of the Assessment and raise no objections.

21. *Northumbrian Water* – No objections

22. *The Victorian Society* - Following the amendments to the scheme, consider that the introduction of new windows and the orangery will over domesticate the building. The windows may be justified by the public benefits of re-use of the building, however it is not considered there is any need or justification for the orangery.

23. INTERNAL CONSULTEE RESPONSES:

24. *Archaeology* – No objections subject to conditions requiring approval of written scheme of investigation and scheme of archaeological works.

25. *Contaminated Land* – Given previous land uses a contaminated land condition should apply to ensure future users are not exposed to any unacceptable contamination.

26. *Design and Conservation* – Support the application following the amendments to the scheme and advise that given the building now requires considerable stabilization and repair works full support is offered for this proposal to secure the fabric and ensure the development can commence as soon as possible.

27. *Drainage* – No objections

28. *Ecology* – Following completion of the HRA in consultation with Natural England, no objections are raised subject to a condition to secure the mitigation and compensation set out in the Ecological Impacts and Mitigation report

29. *Landscape* – Welcome the preservation and re-use of the building however this should not compromise its appearance in the landscape. Concerns are raised about parking arrangements, hard surfacing and boundary treatments to minimize visual impacts. Hard surfacing should be located away from the historic concrete structures to the south of the building and should be minimized and appropriately

sited to screen car parking. Further details of boundary treatments are requested. It is noted that fencing around the wider site is in a dilapidated condition and it is suggested that this should be replaced in a more appropriate style.

30. *North Pennines AONB Officer* - Comments that statutory duties under the Countryside and Rights of Way Act (2000) to have due regard to the purpose of the AONB designation should be fulfilled. Clarity is sought about whether the proposal is an outline or full planning application. Concern is raised about the orangery, which does not respect the form and function of the original building and when lit at night, will become an unacceptably dominant part of the dwelling and would negatively impact on dark skies. Colours of windows and doors and pointing should be agreed in advance. Consideration should be given to outside space and out buildings to ensure there are no negative impacts on the setting of the building in terms of clutter. The chimney should be consolidated as part of the scheme.
31. *Tree Officer* – Details of proposed tree removal, tree protective measures (compliant with BS5837) and replacement planting should be agreed.
32. *Spatial Policy* – Following removal of the proposed new build dwellings, it is advised that the application should be assessed against paragraph 11, d) i. where the policies that protect areas or assets of particular importance which are identified in relation to footnote 6 are:
- Habitats sites policies
 - AONB policies
 - Policies relating to designated heritage assets.

Should these policy requirements be satisfied, paragraph 11, d) ii. would be engaged and a planning balance test should be undertaken which weighs up any identified 'adverse impacts' and 'benefits' of the scheme to arrive at the final decision.

PUBLIC RESPONSES:

33. The application has been publicised by way of site notice, advertised in the local press and individual notification letters to neighbouring residents.
34. 47 no. letters of objection were received in relation to the initial proposals raising the following points:
- The unmade access track does is not adequate to serve the development. DCC Highways Guidance states that no more than 5 dwellings should be accessed via a private driveway. Emergency Services would struggle to gain access via the unmade track and access by construction traffic would be difficult. The track is a public right of way and their maybe disruption for users of this.
 - The site gets a considerable amount of snow and ice in the winter and access to the public highway can be problematic during such periods, current residents park close to the public highway however there will be insufficient space for all new residents to park adjacent to the public highway. Other rural roads are single lane in places and also get blocked in the snow. There will be highway safety issues resulting from the development.
 - The development will add significant to the number of vehicles using narrow rural roads
 - Only 2 parking spaces are provided per dwelling, this is insufficient for the needs of large families and visitors
 - There are only extremely limited public transport links in the vicinity

- The development would threaten the water supply to Presser Villa which runs beneath the application site which is via a spring, it is poor during hot weather and freezes in the winter, existing arrangements would not be suitable to serve an additional 4 no. large dwellings
- Electricity to the site is not comprehensive and is likely to require substantial upgrading, there is no mains gas.
- Concern is expressed about how sewerage would be dealt with and the impacts of a sewage treatment plant serving 4 no. dwellings
- The site is in a quiet moorland location, the development will adversely affect local residents in terms of visual impacts, loss of tranquillity, an increase in noise, light pollution, loss of privacy and additional traffic
- The development would cause substantial harm to the setting and significance of an iconic, prominent listed building, in particular from the 3 no. new dwellings and subdivision of domestic curtilages, and would be out of keeping with the openness and special scenic quality of the AONB to the detriment of local residents and tourists, contrary to saved policies GD1, ENV2, ENV3 and BE4 of the WVDLP, the NPPF and the aims of the Emerging County Durham Plan
- The NPPF requires harm to the significance and setting of the listed building to be weighed against its public benefits, given the significant public opposition, it is not considered the harm would be outweighed by any public benefits
- The contemporary designs for the new dwellings do not reflect the character of the listed building and surrounding area
- Given the sensitive location, the proposed 3 no. dwellings should not be considered on a hybrid, outline basis.
- The development will not conserve and enhance the natural beauty of the AONB contrary to the requirements of the Countryside and Rights of Way Act 2000
- The addition of 3 no. new build dwellings will affect the setting of the pumping station, be visible in views into the site and affect the wider landscape
- It is unnecessary for Northumbrian Water to build 3 no. new dwellings in order to fund restoration of the pump house as they are a successful, profitable business
- The pumping station should have been maintained by Northumbrian Water and not allowed to deteriorate, in line with their legal responsibility as owners of a listed building. Funding could have been sought from English Heritage or other similar organisations in order to restore the building.
- The development will result in light pollution from windows and bi-folding doors in an area of total darkness at night and UNESCO Geopark with dark skies status
- The proposals for converting the pumping station will take away any relevance to its original function, introduce domestic use and features, particularly the orangery, and would not conserve its significance, special architectural and historic interest in line with statutory requirements
- The site contains a number of mine shafts, spoil heaps and an underground lake, this is not a suitable location for residential development and future occupants may struggle to get a mortgage
- Bin men do not access the site and new residents will have to take bins all the way to the edge of the public highway, as such it is likely bins will be permanently kept adjacent to the road side. A discretely positioned, sensitively designed bin store would be preferable. Bins may be blown over in high winds leading to rubbish being blown across the moor.
- The proposed new dwellings will not be desirable to future purchasers due to previous land uses and remaining features of this, inclement weather and

maintenance of a 20m high chimney which serves no domestic purpose. The site would be better operated as a tourist attraction to enhance local visitor offer.

- There is no need for new housing in the area, in particular large, executive housing which will be out of reach for local young residents. There are currently empty houses in neighbouring settlements.
- The site is no longer a brownfield site and has been used for grazing for many years since lead mining ceased
- New residential development would set a precedent for future development in the area
- There is no fibre or cable broadband in the area and the internet is very slow, mobile phone signal is also poor
- Moorland habitats, plants, biodiversity and wildlife, including ground nesting birds, would be adversely affected and there will be direct and indirect impacts on the adjacent SSSI, SAC and SPA, in particular from walking and cats and dogs accessing the protected areas. An Ecology Habitats Impact Assessment has not been carried in out in accordance with the Conversion of Habitats and Species Regulations 2010.
- It is unclear if the new build development is enabling development to secure the restoration of the listed building, if so a detailed structural survey identifying the issues with the building, full costs of repair and profit from the new build scheme should be provided. There is no submitted evidence that the 3 no. dwellings are necessary to achieve the repairs to the pumping station.
- The site has not previously been marketed on the basis that the pumping station could be converted to residential use, the marketing exercise was carried out over 5 years ago and does not reflect current circumstances. It is considered that the conversion would in itself deliver sufficient value. The proposal for 3 no. new dwellings is considered to be for the purposes of maximising the value of the site only.
- There are no schools, health services and amenities in the surrounding area and the location cannot be considered to be sustainable as set out in the NPPF.
- Emergency services have long response times in this area.
- Have Environmental Impact Assessment Regulations been complied with?
- The development would be contrary to the aims of the Altogether Better Strategy for County Durham 2014-2030
- Only minimal publicity has been used to notify local residents of the application, Northumbrian Water have not carried out any consultation with the local community
- The site is of archaeological value in terms of industrial archaeology, in particular the engine house and chimney which may contain earlier fabric, and should be considered as part of an archaeological mitigation strategy
- Residents have been unable to obtain planning and listed building consent for changes to their listed properties, which are of a more minor nature than the current proposal
- The development would have an adverse impact on the activities and land management of the adjacent sporting estate, which makes a greater contribution to the rural economy than 4 no. houses would do
- The shared gravelled access track is an integral part of the scheme but is not included with the red line boundary of the application site and not within the applicants ownership. There has already been encroachment onto the adjacent protected areas and the development would result in further encroachment and damage from vehicles in this area. No proposals are included to re-surface or upgrade the track. As this land is not within the

applicants ownership conditions requiring widening or formalisation could not be imposed.

- There are subsidence cracks at the northern side of the building which are likely to be caused by collapse of the lead mine shaft, this is likely to be an expensive and complicated structural problem that has not been referred to in the application.
- Planning Committee members should visit the site to be able to appreciate all of the material considerations

35. Following amendment to the scheme to remove the 3 no. new dwellings and seek consent for conversion of the existing building only, a further 10 no. letters of objection have been received from previous respondents raising the following matters in addition to those raised above:

- The ecological statement refers to vegetation clearance and tree felling, precise details of these works are unclear in the application. Concern is expressed that Northumbrian Water would not effectively enhance and maintain the coniferous shelter belt as suggested.
- It is noted that Northumbrian Water own land outside the revised red line boundary and the Ecology Report advises that a restrictive covenant would be applied to this land restricting its use to moorland habitats for nature conservation without livestock grazing, it is unclear whether such a restriction can be imposed. Future owners/residents may not adhere to the restrictions. The Ecological Report refers to ponds in this area, which may require planning permission in their own right but no details are provided.
- It is unclear how use of the garden area would be regulated to prevent siting of domestic paraphernalia which would detract from the view and setting of the listed building.
- The Ecological Report is limited in its scope, the 20 day snap shot comprising only 1 hour and 25 minutes is not considered a suitable monitoring period in order to be able to make a comprehensive assessment, this should be over 12 months and the bird assessment is flawed and incomplete. A number of other birds not identified in the report are present on the moorland. A Habitat Regulations Assessment should be undertaken.
- The amended plans fail to acknowledge and mitigate potential light spillage, in particular from the orangery, roof terrace and new window openings. The proposed mitigation plan to use a maximum of 2 lux light bulbs is not considered suitable.
- Planning conditions are recommended to agree use of the access road with the land owner, upgrading of the access road including off road parking for 3 vehicles and bin storage, restriction of the blue lined land for natural moorland habitat and nature conservation without livestock grazing in perpetuity, submission of an ecological implementation plan, external materials, no new openings in the pumping station building, covenants on the pumping station to comply with the terms of the Ecological Mitigation Measures and Landscaping Scheme.
- There has been no formal withdrawal of the proposals for the 3 no. new build dwellings, concern is expressed this may lead to opportunities for the development in future. Given the significant change in the nature of the development, it is considered the initial application should have been withdrawn and a new application submitted.
- The proposed domestic curtilage is large and parking areas within this need to be carefully considered to be tucked behind the building so as not to be seen from the adjacent road

- Proposed boundary treatments are not adequate mitigation to prevent domestic dogs and cats escaping into the moorland, to the detriment of wildlife. An information pack or interpretation panel is not suitable to prevent this from occurring and may be lost with changing owners of the property. This will be difficult to enforce. Concern is raised that if the property is used as holiday accommodation these impacts would be greater.
- The additional information does not address how a safe water supply would be provided, the proposal to use a borehole may not be achievable, practical or sustainable.
- On another application at Dalton Pumping Station, Cold Hesleden, for a separate applicant, a consultation response Northumbrian Water commented that the proposals did not include sufficient information in relation to surface water drainage and this should be dealt with in accordance with part H of the Building Regulations. Concern is expressed that Northumbrian Water required this of another developer but have not provided detail of this nature as part of the current application.
- Concern is raised about a large area adjacent to the public highway to the southern side of the access track edged in red on the site location plan, this does not currently form part of the track, it is moorland, steeply shelving on one side and contains a water course, it is assumed this is shown to provide parking/access in winter.

APPLICANTS STATEMENT:

36. Presser Water is a redundant brownfield site and the pumping station has been disused for over twenty years. Under the Water Industries Act 1991, NWL are required to make best use of their assets and dispose of them when they are no longer required for operational purposes, ensuring they get 'best value' for the land and property – a requirement of OFWAT.
37. This important listed building is at risk unless an alternative use can be found that will secure its future use and maintenance. Due to the constraints of the site and the building, development opportunities are limited. It has been marketed for community uses, small scale employment, holiday accommodation, recreational uses and rural enterprise but no interest was secured. Since 2017, NWL has been working with the Council to secure a viable alternative use for the property.
38. Following lengthy discussions, an application was brought forward for the conversion of the listed building to residential use supported by three new build dwellings. However, this attracted local objection regarding the new build development. The applicant took the decision to reduce the scheme and revised proposals were submitted in March 2019.
39. The revised scheme addressed the objections and comments raised through the consultation process - removing the new houses and focusing solely on the conversion of the listed building. The applicant has since met with the Parish Council and local residents to explain the proposals and respond to any outstanding concerns or queries.
40. The applicant has responded positively throughout the process and the final scheme has evolved through input from Council Officers, Statutory Consultees, the Parish Council and Local Residents. The proposals draw upon the industrial heritage and landscape character of the area to revitalise the redundant rural site. Ecological enhancements to support wildlife in the local area have also been included and will be secured through condition.

41. This proposal provides a unique opportunity to secure the future of this important heritage asset through its repair, refurbishment and conversion to residential use and we trust that the Committee will approve this application.

PLANNING CONSIDERATIONS AND ASSESSMENT

42. 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 relate to the principle of development, impact on heritage assets and the character of the surrounding area, impacts on biodiversity and protected species, highway safety, contaminated land and residential amenity.

Principle of Development

43. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVDLP) forms the statutory development plan and remains the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The WVDLP was adopted in 1997, Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due weight should be given to them, according to their degree of consistency with the NPPF.
44. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:- c) approving development proposals that accord with an up to date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or, ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when
45. Paragraph 177 of the NPPF states that where a development requires appropriate assessment because of its potential impact on a habitats site and that appropriate assessment concludes that it will adversely affect the integrity of the habitats site, then the presumption in favour of sustainable development does not apply. In this instance, the development requires appropriate assessment under the Habitats Directive (92/43/EEC), however as this concludes the development would not have an adverse affect on the integrity of the habitats site the presumption in favour of para. 11 is still engaged.
46. Para. 79 of the NPPF states that the development of isolated homes in the countryside should be avoided unless certain criteria apply. One of which is where the development would re-use redundant or disused buildings and enhance their setting.
47. Para. 192 of the NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with the conservation.

48. Saved policy BE20 of the WVDLP relates to conversion of buildings in the countryside. It states that where the rural buildings cannot be converted to employment or tourism uses, residential conversions may be considered if it forms part of a group which includes at least 1 no. dwelling and the building is structurally sound, would not adversely affect local amenity, is not detrimental to the landscape quality, safeguards the form, character, features design and setting of the building, can be serviced without adverse landscape impacts, is accessible and has adequate car parking, complies with saved policy GD1 and can accommodate any nature conservation interest associated with the building. This policy is not considered to be in complete accordance with the NPPF, which offers a more permissive approach to the conversion of rural buildings, however the wider principles of policy BE20 are consistent with the aims of the NPPF.
49. Saved policy H3 of the WVDLP states that new residential development will be directed to existing towns and villages best able to support it with good access to local services and facilities, Part 9 of the NPPF also supports development in sustainable locations. It is noted that the proposed dwelling is in an isolated rural location and that there are no local services in close proximity to the site. As such the location cannot be considered to be a sustainable location and new residents would be heavily dependant on private car journeys. Furthermore it is noted that during the winter months, weather conditions can be particularly inclement in this area, with problems of snow and ice as highlighted by local residents. As such the unsustainable location is something which would need to be weighed against the benefits of the proposal in a planning balance test.
50. The site is in an isolated, moorland location to the south of Blanchland, it is not easily accessible on foot or by public transport and cannot be considered to be in a sustainable location. However the proposed development would secure a long term, viable use for the grade II listed building, which has been disused for some time and in need of repair. In accordance with the broader aims of saved policy BE20 and paras. 79 and 192 of the NPPF the meaningful re-use and restoration of the building must carry significant weight in this case.
51. Subject to the outcome of the planning balance test and an assessment of whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits, it is considered that the proposal is in broad accordance with the aims of the NPPF and the Wear Valley District Local Plan.

Impact on heritage assets and the character of the surrounding area

52. Parts 12 and 16 of the NPPF and saved policy GD1 of the WVDLP seek to ensure good design in new developments, especially those affecting the historic environment, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent development and the local setting of the site. Saved policies BE1 and BE4 relate to protection of historic heritage and the setting of listed buildings, stating that development which adversely affects the special architectural, historic or landscape character will not be permitted.
53. Saved policies ENV1 and ENV2 of the WVDLP afford protection to countryside and North Pennines AONB, stating that development which adversely affects the special scenic quality and nature conservation interest of the AONB will not be permitted. Part 15 of the NPPF emphasises the need to protect and enhance valued landscapes, with para. 172 requiring great weight to be given to conserving and enhancing the landscape and scenic beauty of AONBs.

54. Para. 189 of the NPPF states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected in a proportionate level of detail. Para. 190 goes on to advise that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including the setting of a heritage asset) to avoid or minimise conflict between the heritage asset's conservation and the proposed development.
55. When considering the impact of proposed works on the significance of a listed building, paragraph 193 of the NPPF states that "great weight" be given to their conservation and states that, the more important the asset the greater the weight should be.
56. Given the designation of the property as a grade II listed building the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 arises namely that the LPA must have regard to the desirability of preserving the building or its setting and special historic and architectural interest of the listed building.
57. Section 85 of the Countryside and Rights of Way Act (2000) places a duty on local authorities and other public bodies to have due regard to the purpose of AONB designation (the conservation and enhancement of natural beauty) in the discharging of their functions.
58. The scheme has been substantially amended since being originally submitted and the proposals for the erection of 3 no. new build dwellings adjacent to the Pumping Station have been removed, which represents a significant improvement to the setting of the grade II listed building.
59. The proposed alterations to the building to convert it to residential use are largely internal and involve the subdivision of existing large spaces with stud walls. Previous pumping equipment was removed from the building in the mid 20th century and there are no remaining features associated with the former use. The internal alterations are considered necessary to facilitate the proposed residential use and are of a lightweight nature, which could potentially be reversed in future, resulting in limited harm to the significance of the listed building.
60. Some new windows would be inserted externally on the ground floor. These would primarily be situated between stone buttresses within the two storey element and would have a similar fenestration pattern to existing first floor windows. As such they are considered to be a sympathetic alteration to the building to facilitate the new residential use. Currently there are no ground floor windows to this part of the building and any internal space would not have adequate natural light without the addition of new windows.
61. An orangery would be added to the eastern side of the building. This is of a contemporary, light weight design and which is intended to be read as a modern addition to the building, without preventing the original form and purpose of the building from being appreciated. It would be sited in the position of a former crane shed. As such any harm to the overall character of the building from the proposed orangery is considered to be limited.
62. A new enclosure above the mine shafts immediately to the north of the main part of the building is proposed, which would replace an existing structure. This would contain a balcony area at first floor level enclosed by railings and would be access from an existing opening at first floor level that was previously bricked up. Whilst the

introduction of a balcony would add an external domestic function to this part of the building, this would be of limited size and is considered to relate acceptably in visual terms to the main building without dominating or changing its industrial character significantly.

63. A new domestic curtilage would be formed around the building to provide outdoor amenity space and car parking for new residents. Proposed plans indicate this would primarily be to the north, south and west of the building. It would be enclosed by a dry stone wall to the eastern side and post and rail fencing to the west side. A hard surfaced parking area is shown immediately to the south of the building. It is considered by the Landscape Officer that car parking would be better provided to the west side of the building where it would be screened by the building itself and existing trees to the south and west of the site. The proposed position to the south of the building is likely to be visible from the access track running along the southern boundary of the site, which is also a public right of way, and the public highway to the east. There are open views into the site from the east, parked vehicles seen from this direction would detract from the industrial character and moorland setting of the building and it is considered these would be more discrete in the screened location to the west. A condition to agree precise details of the location and specification of hard landscaping is considered appropriate to agree a suitable location and appearance for car parking.
64. As the building is grade II listed, it would not benefit from any permitted development rights. As such any extensions or alterations and the addition of any new boundary treatments, structures etc within the curtilage would require planning permission in their own right. The proposed domestic curtilage would be limited in extent and largely positioned to the west of the building where it would be screened by the building and existing trees. Remaining land around the proposed dwelling that would not form part of the curtilage and would be used for biodiversity enhancements, to ensure that the industrial, rural character of the building and its setting is maintained. Whilst it is acknowledged that some domestic activities and features such as planting, outdoor furniture and drying washing, may domesticate the appearance of the curtilage to some extent, it is considered that the benefits of the new use would outweigh the limited harm to the setting of the building in this regard.
65. The site is located within a UNESCO Geopark with dark skies status. Some concern has been raised by local residents, Hunstanworth and Blanchland Parish Council and the AONB Officer about the impacts light from windows and the orangery would have at night times on the dark skies status. The submitted Ecological Report identifies that external lighting will be minimised with light spillage along the adjacent tree line being less than 2 lux. A condition requiring black out blinds to all glazing has been suggested by the agent in order to overcome the issue of light spillage and is considered appropriate. Furthermore, although in a remote area, the proposed dwelling would form one of a series of rural dwellings with a 1km radius, where existing windows, conservatories and similar features would raise similar impacts. The applicant considered removing the proposed orangery, however considered that this may affect the viability of the scheme and hence it has been retained within the scheme. It is therefore considered that any light spillage in the evening from the new dwelling would be to a limited extent and would be similar to that of existing rural properties within the locality. Whilst the comments of local residents, the Parish Councils and the AONB Officer are noted, it is considered that any light spillage would be minimal and would not have such an adverse impact on the character of the surroundings and dark skies status to such an extent that would justify refusal of the application on these grounds.

66. The building is a prominent local landmark, largely due to the imposing 20m high chimney, which can be seen in long distance views into the site and it has a well defined association with local lead mining heritage. The prominence of the building within the protected AONB landscape would not change as a result of the development. Any external changes associated with the new residential use would be subtle and limited in extent. However conditions to agree precise detailing and specification of external materials, windows and doors and landscaping within the curtilage are considered appropriate to minimise impacts of the proposed development in long and short distance views into the site from the surrounding moorland.
67. The Design and Conservation Officer and Historic England raise no objections to the applications, noting the urgency for re-use and repair of the building in order to secure its future and prevent further deterioration.
68. Whilst the proposed development would result in some limited harm to the significance of the listed building and its setting from the new domestic function and associated features, this harm is considered to be less than substantial.
69. Para. 196 of the NPPF states that where development will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use. It is understood that the applicant has previously marketed the site for other purposes, excluding residential use, and there has been no interest from the open market in terms of securing a less intense use of the site. The development would secure public benefits in terms of the repair and long term retention of the grade II building, which forms a prominent landmark associated with local mining heritage. As such it is considered that the public benefits of the development outweigh the less than substantial harm to its significance in this case.
70. The value of the site in terms of its industrial and mining heritage is acknowledged. The Council's Archaeologist has commented on the application and recommends a condition for a scheme of archaeological works on the site in association the development, in accordance with a written scheme of investigation to be agreed by condition. This is considered appropriate to ensure that all features of interest are preserved or recorded as a public record, as appropriate.
71. Some minor tree works are also likely to be required to facilitate the improved access into the site from the shared gravel track. The Tree Officer raises no objections to the application and advises that a condition is appropriate to agree these details as part of a tree protection plan, together with any replacement planting as appropriate.
72. Whilst noting objections from local residents and Hunstanworth and Blanchland Parish Councils, taking all of the above into account and having regards to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 85 of the Countryside and Rights of Way Act (2000), it is considered that significant weight must be given the preservation and functional re-use of the grade II listed building, which is redundant and in a deteriorating condition. On balance it is considered that the proposal would preserve the character and significance of the grade II listed building and would conserve the landscape and scenic beauty of the AONB. There is no conflict with the landscape, design and heritage policies of the NPPF in this respect or Saved Policies DG1, ENV1, ENV2, BE1, BE4, BE20 and H24 of the WVDLP.

Impacts on biodiversity and protected species

73. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests and specifically paragraph 175 states that if significant harm to biodiversity resulting from a development cannot ultimately be avoided, that planning permission should be refused. Saved Policy ENV10 states that development which will adversely affect the conservation value of SSSI's directly or indirectly will only be permitted in very exceptional circumstances. Additionally, regard should be had to The EU Habitats Directive 92/43/EEC.
74. Given the small scale and nature of the proposed conversion and extension development it does not fall within schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as such an accompanying Environmental Impact Assessment is not required as part of the application.
75. The North Pennines Moors Special Protection Area (SPA), North Pennine Moors Special Area of Conservation (SAC) and Muggleswick, Stanhope, Edmundbyers Commons and Blanchland Moor Site of Special Scientific Interest (SSSI) borders the site to the south, east and west and encompasses the gravelled access track linking the site to the public highway. At the closest point these designated areas lie around 60m to the south, 78m to the east and 144m to the west.
76. The ground included within the above designations is considered to be of interest due to the presence of rare grassland types, blanket bogs, oak woodland, wet heathland, plants in crevices and scree. A number of rare birds are also found in the area including breeding hen harriers, merlins, peregrine falcons and European golden plovers.
77. An Ecological Assessment and Ecological Impacts and Mitigation Reports have been submitted in support of the application and a Habitats Regulations Assessment including Appropriate Assessment has been undertaken by the Council's Ecologist, which has been submitted for consideration to Natural England.
78. The Habitats Regulations Assessment identifies the key vulnerabilities of the protected areas as being over grazing, drainage of wet areas, acid and nitrogen deposition and recreational activity. No direct impacts on the protected areas are identified as the site does not directly comprise any of these areas, other than the existing gravel track which would not be altered as a result of the development.
79. The assessment considers potential indirect impacts in terms of air quality, water quality, hydrology, habitat/species disturbance and urbanisation impacts/recreational disturbance. It concludes that the proposed development would have no adverse effect on the integrity of the SPA and SAC subject to conditions to secure the mitigation set out in the Ecological Assessment and Ecological Impacts and Mitigation Reports which includes further bat surveys and obtaining a bat license from Natural England, appropriate site design, timing of works, best practice working methods, specific protection of the SPA and protected species and a monitoring programme. The Council's Ecologist and Natural England raise no objections to the application.
80. In light of the Appropriate Assessment and the application site being outside the boundary of the SSSI, in line with the requirements of saved policy ENV10 it is not considered there would be any adverse impacts on the SSSI.
81. The Ecological Impacts and Mitigation Report concludes that there are bat roosts within the building. The Conservation of Habitats and Species Regulations 2010 contain three "derogation tests" which must be applied by Natural England when

deciding whether to grant a license to a person carrying out activity which would harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that:

- The activity to which the license is required must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative and;
- Favourable conservation status of the species must be obtained.

82. Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty under Regulation 9(5) and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS.

83. In this case mitigation is to be provided by the provision of bat and bird boxes, retention of roosting opportunities within the building, minimal external lighting, retention and management of adjacent woodland, a licence will be required from Natural England prior to the commencement of works. The Council's Ecology Section are satisfied with the proposed mitigation to ensure there would be no adverse impacts upon bats as a protected species.

84. Having regard to the Habitats Regulations it is considered that it is in the public interest that the development scheme can be implemented given the untidy appearance and deteriorating condition of the site and its potential to attract antisocial behaviour. There is no more suitable alternative to the proposals. The proposed mitigation is appropriate to ensure there will be no significant impact on the conservation of the local bat population as a whole. It is therefore considered that Natural England would be likely to grant a licence. Accordingly, the LPA can discharge its duties under the Habitats Regulations. Overall it is considered that the proposal would not have any adverse impact upon protected species in accordance with the requirements of part 15 of the NPPF in relation to protected species.

85. Whilst the comments and concerns of local residents, Hunstanworth and Blanchland Parish Councils about the likely impacts on the natural environment are noted, it is considered there would be no adverse impacts upon bio-diversity and protected species in accordance with the requirements of part 15 of the NPPF and the EU Habitats Directive 92/43/EEC.

Highway Safety

86. Para. 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. Saved policies GD1 and T1 of the WVDLP seeks to ensure that new developments provide safe access and adequate parking facilities.

87. It is understood that the gravelled access track connecting to the public highway is not owned by the applicant. However it is within the red line boundary of the application site on the submitted plans and certificate B has been signed confirming the land owner has been notified of the application. Any agreements or disputes over rights of access would be a private matter to be resolved between the applicant and land owner. The grassed track within the site which would be improved as part of the scheme is within the applicants ownership.

88. There is some form of maintenance of the shared access track from the public highway and surface improvement which has taken place at some time since the Google Street View record of 2009. The Highways Officer suggests that a schedule

of future track maintenance should be agreed by condition to ensure the condition of the track is adequately maintained. The gravelled access track is not within the applicant's ownership and is understood to be in the control of the sporting estate. The existing track is considered suitable to serve the new dwelling, particularly given the previous commercial use of the site and that the track already serves the existing dwelling at Presser Villa. Photographs of the site over time indicate that it is in a reasonable condition and is maintained, presumably by the estate. As such it is not considered that a condition to agree a maintenance schedule is reasonable or enforceable.

89. There appears to be at least two existing places where vehicles may pass each other on the track between the site entrance and the public highway, which are included within the red line boundary of the application site.
90. The Design and Access statement states that refuse bins would be taken to the eastern end of the third party access track on bin collection days. However it is considered that the permanent or semi-permanent location for the bins would be at/near the public highway road side. As such a condition to agree precise details of bin storage is considered appropriate in order to address this matter.
91. The existing building currently has only notional access requirements but there would have been a higher level of vehicle movements when the pumping station was operational. Although current levels of vehicular use of the shared gravel track would increase, given that it already serves 1 no. dwelling together with access by the sporting estate, the increase in traffic associated with 1 no. additional dwelling is considered to be minimal in this context. It is therefore considered that the track is capable of accommodating an additional dwelling without resulting in adverse highway safety impacts.
92. Para. 78 of the NPPF states that in rural areas new development may help to support services in nearby settlements. However as only 1 no. dwelling is proposed, any benefit that can be drawn in this regard is very limited.
93. The Highways Officer raises no objections to the application. The unsustainable location is identified as an adverse impact but despite objections in all other respect the proposal is not considered to be detrimental to highway safety, in accordance with the requirements of saved policies GD1 and T1 of the WVDLP and para. 109 of the NPPF.

Contaminated Land

94. As apparent from the site history and as noted by local residents, Hunstanworth and Blanchland Parish Councils, the site was previously used as a lead mine and contains a number of remaining features from its former use, including a number of mine shafts. In order to secure a safe, new residential use, any contamination and potentially hazardous features such as mine shafts would need to be appropriately treated to ensure they do not pose a danger to future residents.
95. The Contaminated Land Officer has considered the proposals and a Phase 1 Preliminary Risk Assessment has been submitted in support of the application. As the development involves change of use to a more sensitive receptor and given the previous use of the site, a contaminated land condition requiring the submission of Phase 2 (Site Investigations and Risk Assessment, Phase 3 (Remediation Strategy) and Phase 4 Verification Reports (as necessary) is recommended by the officer. This is considered appropriate and in line with the findings of the Phase 1 Preliminary Risk Assessment which recommends further investigations are carried

out. Remediation works to existing mine shafts would also be addressed as part of the contaminated land condition, to ensure they do not pose a risk to future users of the site. On this basis the proposals are considered acceptable with regards to risks from contaminated land and would accord with saved Local Plan policy GD1 and the requirements of the NPPF.

96. Furthermore the development would need to comply with the Building Regulations to ensure the building is stable and the conversion scheme appropriately detailed in order to accommodate the proposed new use.

Residential Amenity

97. Para. 127 of the NPPF states that new development should maintain a good standard of amenity for all existing and future users of land and buildings. Para. 182 specifies that planning decisions should avoid, mitigate and reduce noise and other adverse impacts on health and quality of life as a result of new development and that existing businesses should not have unreasonable restrictions put on them due to changes in nearby land uses. Saved policy GD1 from the Wear Valley District Local Plan advises that new development should not disturb or conflict with adjoining uses. Saved Policy H24 sets out the standard of design expected of new residential development.

98. The closest residential property to the building is Presser Villa, originally built as caretaker's accommodation for the pumping station, which lies around 77m away to the west. Given the separation distance no adverse impacts in terms of loss of privacy would result from the proposed change of use.

99. Internally the rooms would have adequate natural light from new and existing windows. There is adequate space within the curtilage for private outdoor amenity space and car parking.

100. Taking all of the above into account the proposal is considered acceptable in terms of impacts to residential amenity and would not conflict with the aims of paras. 127 and 182 of the NPPF and saved policies GD1 and H24 of the WVDLP.

Other Matters

101. Concern has been raised about the deteriorated condition of the building. Para. 191 of the NPPF states that where there has been neglect of a heritage asset, its deteriorated state should not be taken into account in any decision. It is noted that the building has not been in functional use for a number of years and maintenance has proved problematic given the value of the building, its isolated location and design. If the building was in a better condition, the principle of a sympathetic residential conversion would still have been considered acceptable. Notwithstanding the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, in light of para. 191, the current condition of the building is not something which can be taken into account in this decision.

102. The supply of services to the site is outside the scope of the planning system. However it is understood that the water supply would be from an existing water main on the site or a bore hole previously used to support the former commercial use. A new septic tank would be provided to deal with foul drainage.

103. Other points raised by local residents and the Parish Councils are addressed in the report above or are not considered to be material planning considerations.

Planning Balance Test

104. The acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF.
105. The primary benefit of the scheme involves the meaningful re-use and restoration of the grade II listed building, which draws support in principle from saved policy BE20 and paras. 79 and 192 of the NPPF. This key benefit must carry significant weight is the assessment of the proposal.
106. The new domestic use and associated curtilage would result in less than substantial harm to the former pumping station as a designated heritage asset, however in accordance with para. 196 of the NPPF it is considered that the substantial public benefits that would arise from securing a future for the building would outweigh the less than substantial harm in this instance. As such, it is considered the development would preserve the character and significance of the grade II listed building in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, part 16 of the NPPF and saved policies GD1, BE1 and BE4 of the WVDLP.
107. The intended external changes and interventions to facilitate the domestic use would be to a limited extent and precise details of parking and landscaping of the domestic curtilage would be agreed by condition. A condition is also appropriate to ensure black out blinds are used throughout the new dwelling to limit light spillage. These would help to ensure the essential industrial character of the building as a prominent feature within the landscape is retained and that any adverse impact on the dark skies status of the area would be minimised. As such it is considered the development could be satisfactorily accommodated with out any adverse impacts on the AONB in accordance with Section 85 of the Countryside and Rights of Way Act (2000) and saved policies GD1, ENV1 and ENV2 of the WVDLP and Part 15 of the NPPF.
108. A Habitat Regulations Assessment including Appropriate Assessment has been carried out. Impacts on biodiversity arising from the development can be adequately mitigated in accordance with measures set out in the submitted Ecological Assessment and Ecological Impacts and Mitigation Reports. The proposed development would have no resulting adverse effect on the integrity of the SSSI, SAC and SPA, in accordance with part 15 of the NPPF and the EU Habitats Directive 92/43/EEC.
109. Although the site was previously part of a lead mine, an appropriate scheme of remediation can be secured via a contaminated land condition to ensure the site is capable of a safe, residential use, in accordance with part 15 of the NPPF.
110. Proposed access to the site is considered satisfactory and new residents would benefit from a good level of residential amenity, in accordance with the requirements of the NPPF and saved policies GD1, H24 and T1 of the WVDLP.
111. The site is in an unsustainable location where new residents would be reliant on private car journeys to access local services and facilities, contrary to saved policies H3 of the WVDLP and part 9 of the NPPF.

Conclusion

112. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF.
113. The development would accord with the requirements of parts 15 and 16 of the NPPF with regards to landscape, biodiversity and heritage. As such no NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.
114. Whilst continuing concerns of some local residents and local representative bodies are acknowledged, overall, on balance, the adverse impacts of the development in terms of the unsustainable location are not considered to significantly and demonstrably outweigh the benefits of the scheme resulting from the meaningful re-use and restoration of the grade II listed building. No other adverse impacts have been identified and the development is considered to comply with legislative requirements, relevant saved policies from the WVDLP and the NPPF.

RECOMMENDATION

That the applications be APPROVED subject to the following conditions;

DM/18/02742/FPA

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 approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GD1, ENV1, ENV2, ENV10, BE1, BE4, BE20, H3, H24 and T1 of the WVDLP.

3. Notwithstanding any details of materials submitted within the application no works shall be carried out to convert the building to a dwelling until samples of all new external walling and roofing materials to be used in the conversion have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with the requirements of saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

4. Prior to the commencement of the development a method statement setting out the method of repair of the building shall be submitted to an approved in writing by the Local Planning Authority, the method statement shall include precise specification details of the proposed mortar mix and pointing details. The development shall be constructed thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

5. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: To comply with paras 197 and 199 of the NPPF because the site is of archaeological interest.

6. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 199 of the NPPF which ensures information gathered becomes publicly accessible.

7. Prior to the commencement of works to convert the building to residential use a land contamination scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and shall include a Phase 2 site investigation that should be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

Required to be pre-commencement to ensure that the development can be carried out safely.

8. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until an arboricultural impact assessment and tree protection plan detailing all trees and hedges to be removed and retained has been submitted to and approved in writing by the Local Planning Authority. All trees and hedges to be retained shall be protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out other than in accordance with the approved details.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: To ensure trees on and adjacent to the site are appropriately managed throughout the development, to preserve the character of the surrounding landscape and setting of the grade II listed building in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

10. Notwithstanding the information shown on the submitted plans full specification, colour finish and joinery details of all new windows and external doors drawn to a scale of 1:20 together with full construction details and section of any frames and units of non-timber construction shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be implemented thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

11. Notwithstanding the information shown on the submitted plans full specification and colour finish details of the orangery and balcony area shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be implemented thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

12. Prior to first use of the dwelling hereby approved hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention
Details of new planting species, sizes, layout, densities, numbers
Details of planting procedures or specification
Seeded or turf areas, habitat creation areas and details etc
Details of how new planting will be established, including watering, rabbit protection, tree stakes, guards etc
Details of how hard and soft landscaping will be maintained in perpetuity
Samples or precise specification details of all hard landscaping materials
Specification details of all boundary treatments and means of enclosure, including bin stores

Trees, hedges and shrubs shall not be removed without agreement within five years.

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

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of the visual amenity of the surrounding area and preserving the setting of the grade II listed building, in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

13. Prior to the first use of the dwelling hereby approved a scheme for the provision of automatic blinds on all windows that will close during the hours of darkness shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the scheme. These blinds shall be operated and retained in good working order in perpetuity.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of the visual amenity of the surrounding area and preserving the setting of the grade II listed building, in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

14. The development hereby approved shall be implemented in complete accordance with the mitigation measures detailed in Section G – Recommendations (E3 Ecology Ltd, Ecological Impacts and Mitigation, March 2019) including but not limited to:

- The acquisition of a relevant protected species license for bats, in advance of any works commencing on site. All works to be undertaken thereafter in strict accordance with the conditions of the license;
- All boundary fences and walls to be dog proof to prevent straying and to exclude sheep grazing (this includes the wider site outwith the red line boundary);
- Erection of heras type fencing reinforced by scaffold netting around the construction area, prior to the start of works (as detailed in the report);
- Sensitive timing of works to avoid impacts on breeding birds (no works between April and July inclusive);

- Production of a detailed reptile method statement, for agreement with the LPA, prior to any works commencing on site;
- New drystone walls to be suitable for use by reptiles – as detailed in the report;
- Sensitive lighting scheme, with respect to bats, to be agreed with LPA prior to any works commencing on site;
- Enhancement/promotion of dry heath community within wider site (outwith garden area) with suitable fencing to prevent sheep and rabbit grazing;
- Creation of two new pools within former reservoir areas as detailed in the report;
- Production of an information pack for new residents, and interpretation panel/board as detailed in report – content to be agreed with LPA prior to any works commencing on site;
- Prior to occupation of the property, a mitigation monitoring report shall be submitted and approved by the LPA to confirm that key mitigation requirements as required have been successfully delivered.

Reason: To conserve protected species and their habitat and to maintain the integrity of the SSSI, SPA and SAC in accordance with part 15 of the NPPF.

15. Details of the height, type, position and angle of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The lighting shall be erected and maintained in accordance with the approved details.

Reason: To ensure external lighting does not disturb adversely affect the character of the surrounding landscape and significance and setting of the grade II listed building in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

DM/18/02743/LB

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

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GD1, ENV1, ENV2, ENV10, BE1, BE4, BE20, H3, H24 and T1 of the WVDLP.

3. Notwithstanding any details of materials submitted within the application no works shall be carried out to convert the building to a dwelling until samples of all new external walling and roofing materials to be used in the conversion have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with the requirements of saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

4. Prior to the commencement of the development a method statement setting out the method of repair of the building shall be submitted to an approved in writing

by the Local Planning Authority, the method statement shall include precise specification details of the proposed mortar mix and pointing details. The development shall be constructed thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

5. Notwithstanding the information shown on the submitted plans full specification, colour finish and joinery details of all new windows and external doors drawn to a scale of 1:20 together with full construction details and section of any frames and units of non-timber construction shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be implemented thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

6. Notwithstanding the information shown on the submitted plans full specification and colour finish details of the orangery and balcony area shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be implemented thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

7. Details of the height, type, position and angle of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The lighting shall be erected and maintained in accordance with the approved details.

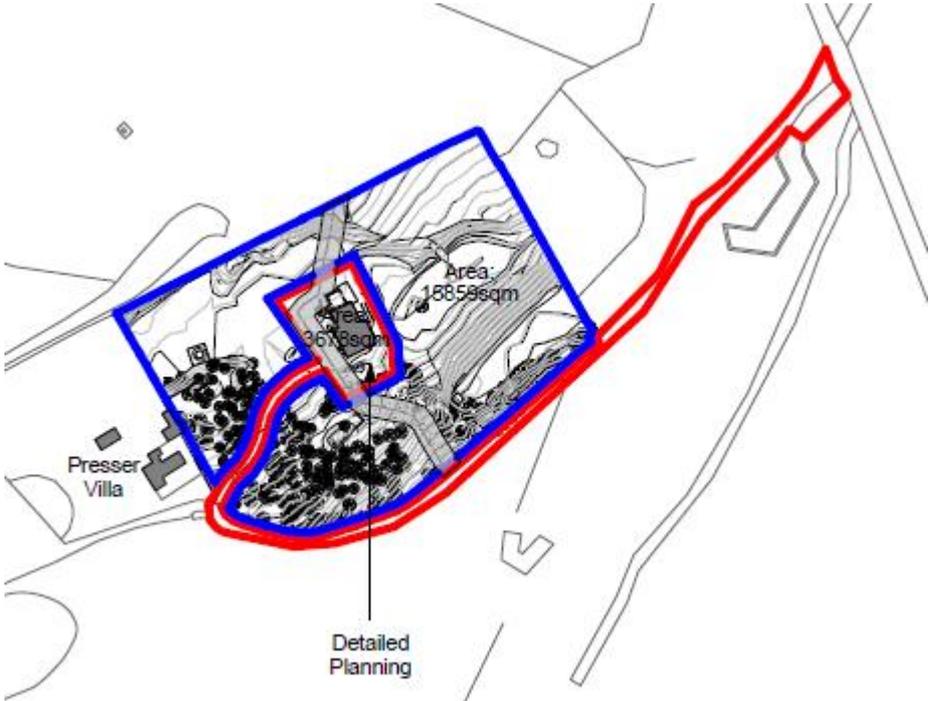
Reason: To ensure external lighting does not disturb adversely affect the character of the surrounding landscape and significance and setting of the grade II listed building in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted Application Forms, Plans and supporting documents
- National Planning Policy Framework
- Wear Valley District Local Plan
- Statutory consultation responses
- Internal consultations responses
- External consultations responses

 <p>Durham County Council</p> <p>Planning Services</p>	<p>Residential conversion and extension of pumping station (amended description/plans 11/03/2019)</p> 	
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	<p>Date 19 September 2019</p>	