



Area Planning Committee (South and West)

Date Thursday 18 June 2015
Time 2.00 pm
Venue Council Chamber, Civic Centre, Crook

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 14 May 2015 (Pages 1 - 10)
5. Applications to be determined
 - a) 3/2014/0008 - Land East of Fairfield Cottages, Stanhope, Bishop Auckland (Pages 11 - 34)
Erection of 9 dwellings
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
10 June 2015

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

Councillor M Dixon (Chairman)

Councillor H Nicholson (Vice-Chairman)

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

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 14 May 2015 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Nicholson (Vice-Chairman), D Bell, D Boyes, J Clare, K Davidson, S Morrison, A Patterson, L Taylor, C Wilson and S Zair

Also Present:

S Pilkington – Senior Planning Officer
T Burnham – Senior Planning Officer
A Glenwright – Highways Officer
C Cuskin – Solicitor – Planning and Development

1 Apologies for Absence

Apologies for absence were received from Councillors G Richardson and R Todd.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 19 March 2015 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

5a DM/14/02318/OUT - Land South of Beacon Avenue, Sedgfield

Consideration was given to the report of the Senior Planning Officer regarding an outline application for residential development all matters reserved, indicative 34 dwellings (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

Councillor Gloria Wills of Sedgefield Town Council addressed the Committee. She stated that this was a very emotive issue in Sedgefield and the Town Council had received complaints and expressions of concern from hundreds of residents. She noted that 83 letters of objection had been received but in her experience not everyone expressed their concerns in writing and Town Councillors had been approached directly by residents.

The Town Council had considered the revised application and she spoke in support of the Planning Officer's recommendation for refusal.

Sedgefield Town Council had examined the application in light of the Inspector's interim views in paragraph 4 of his report on the emerging County Durham Plan which concluded that the objective assessment of housing needs was too high. The work done to provide the Housing Needs Assessment baseline was carried out by external consultants and the findings showed that there was no evidence of need in the South Durham Delivery Area. The Inspector stated that there was scope for dispersing housing delivery to safeguard the character of the area. Bearing this in mind it was clear that weight should be given to the character of Sedgefield.

Councillor Wills then referred to the applicant's supporting statement which stated that the development would deliver much needed housing. There was no evidence of need with over 100 homes for sale in Sedgefield and many more rented out.

Given that the additional affordable element was only 10%, that neither the Town Council or the community had been consulted on the application or Section 106 Agreement, none of these issues should be considered as material considerations and could not override the detrimental effect the development would have on the character of the area.

The Landscape Officer felt that the development would not form a natural extension to the settlement, and the Town Council considered that the mediaeval rig and furrow contributed to the landscape character of the field.

Sedgefield Borough Local Plan was inspirational and forward thinking as it designated this site as Green Wedge, and 19 years later the importance of protecting this site had now been recognised.

Local Plan Policy conformed with paragraph 76 of the NPPF which stated that 'by designating land as local green space local communities would be able to rule out new development other than in very special circumstances'.

The Town Council believed that the Saved Policy relating to the Green Wedge was also in line with Paragraphs 76, 77 and 78 of the NPPF and should be given considerable weight. The designation of the site as Green Wedge had also been reflected in the Neighbourhood Plan which was now out for consultation and which had established that Sedgefield had no requirement for further housing.

Turning to the proposed site layout she was under the impression that Lifetime Homes Standards would be applied. The vehicle parking arrangements were not acceptable particularly for plot 20, a 5 bedroom house which had only one single garage and one single parking space. Sedgefield had experienced problems created by new developments without adequate parking provision. Development on this site would create overspill onto Beacon Lane and the village, exacerbating existing problems.

Councillor John Robinson, local Member spoke in support of the Officer's recommendation for refusal. Sedgefield Plans from as far back as 1860 had stated that this land should not be developed because of its importance to the village and its history. Members had visited the site and would have noted that this was the view seen when travelling in or out of the village. Saved Policy E16 of the Local Plan stated that the Conservation Area must be protected. The Conservation Area included a Grade 1 Listed Building and was a hallowed green area with mediaeval rig and furrow. If Members were minded to approve the application he asked that the layout be examined closely as currently the rear of properties on the edge of the development faced onto the road. The old cemetery was located within a few feet of the land and he asked that a condition be included to protect the graves closest to the site.

Councillor Rachel Lumsdon, local Member concurred with the comments made and agreed with the recommendation for refusal which reflected the strength of feeling of the community.

Mr Andrew Burnett, the applicant's agent spoke in support of the application stating that landscape and heritage were the two main issues of concern.

Planning Officers considered that the development would represent an incursion into the open countryside despite it being partially within the settlement boundary. The applicant's consultants had demonstrated that the site had an urban context that was well defined by existing or stopped up roads on all sides, a landscaped belt with a public right of way to the eastern edge, and that the site related well to adjacent development. The views to and from the Conservation Area boundary were not solely framed by a green corridor but were dispersed with later housing developments of varying quality.

The site had been referred to as being in the open countryside, as having the appearance of being in the open countryside, and it had also been implied that the open countryside was beyond the site. The assertion that the development would represent an unacceptable encroachment should be considered against the Council's own proposals for 450 houses to the south west of the site in open countryside which would represent a damaging loss of apparently highly valuable open countryside if the same principles were applied.

With regard to the rig and furrow, no formal appraisal of the value or significance of these had been undertaken, and research showed that it was a common feature of the landscape of Durham, with 17 references to it in the Sedgefield area alone. This issue needed to be considered against Planning Inspectorate rulings where representations that such systems should be preserved had been overturned on the grounds that the features were not uncommon enough to merit retention on scarcity grounds alone.

The site did not benefit from any formal landscape policy other than a Green Wedge policy. The report acknowledged that any saved policies must be consistent with the NPPF to be relevant and that Green Wedges were not recognised within the NPPF as a way to protect land. The report concluded that limited weight should be afforded to it, and the applicant was surprised that it was contained in both of the reasons for refusal.

Mr Burnett then proceeded to discuss heritage issues and the Conservation Area. This site was not in the Conservation Area and he stated that the Heritage Statement submitted by the applicant found that, although close to the Conservation Area, the context and setting of the site related more closely to a much later phase of 20th Century development within the eastern part of Sedgefield. The narrowing at the eastern edge of the Conservation Area denoted the entrance to the historic core with modern peripheral development surrounding it. This view was acknowledged by the Council's Heritage Officer.

Saved Policy E18 had been used as a reason for refusal and he felt that this reason was unsustainable given the views of the Heritage Officer. He noted that Saved Policy D1 had also been used as a reason for refusal, however there was no specific reference by Planning Officers to the application of this policy to the proposals, and given that this was an outline application was not relevant.

Turning to the issue of 5 year housing supply, Mr Burnett reminded Members of the NPPF and the presumption in favour of sustainable development. Schemes should be approved where planning authorities were unable to demonstrate sufficient housing supply. The NPPF also stated that where policies were out of date, planning permission should be granted.

The report referred to the weight that could be attached to the emerging County Durham Plan and that little or no weight should be attached to the emerging Sedgefield Neighbourhood Plan. Mr Burnett referred to a recent high court decision that overturned the Secretary of State's refusal of a scheme on the grounds that too much emphasis had been placed on an emerging Neighbourhood Plan.

He maintained that the Council's view that there was a sufficient housing supply was incorrect as it was based on sites identified in the County Durham Plan which had been significantly delayed and had limited or no weight. The proposals were compliant with the Development Plan as far as it was up to date, and there were significant material considerations, including the expectations of the NPPF, that weighed in favour of planning permission being granted. The applicant could demonstrate that development of the site would not bring about impact which would significantly and demonstrably outweigh the benefits of granting planning

permission which could deliver much needed new homes, affordable housing and Section 106 benefits.

In conclusion he stated that there were no other major objections from statutory consultees. The reasons for refusal were unsustainable and the application should be considered under paragraph 14 of the NPPF.

In response to the submissions made the Senior Planning Officer advised that Local Plan Policy E4 sought to protect sites against development but it was acknowledged that Green Wedges were not recognised in the NPPF as a method to safeguard land, and therefore limited weight should be afforded to it. At present the Council was able to demonstrate a 5 year housing land supply, but this was only one element of a holistic view of the proposals. Other material planning considerations including the visual impact, impact on the setting of the Conservation Area, and encroachment into open countryside should be taken into account.

Councillor Davidson stated that, having visited the site and having heard the arguments of the local Members, Councillor Wills and the applicant's agent, he was erring towards support of the Officer's recommendation for refusal.

Councillor Boyes made the point that a recent application for houses on Green Wedge at Easington had been approved, however considered that in respect of this site careful consideration should be given to the visual impact of the proposed development which was only 60m away from the Conservation Area. He accepted that the NPPF did not recognise Green Wedges but felt that Policy E4 of the Local Plan should be respected.

He then sought clarification with regard to the application of planning policy, referring to the issues raised with regard to the NPPF's presumption in favour of sustainable development, and the Inspector's interim findings on the emerging County Durham Plan in terms of housing supply.

In response to the Member, C Cuskin, Solicitor – Planning and Development stated that where Planning Authorities could not demonstrate a 5 year housing supply, consideration should be given to paragraph 14 of the NPPF, a presumption in favour of sustainable development. However, whether or not housing supply had been demonstrated in respect of this application, other factors such as visual impact, impact on the Conservation Area and the Green Wedge were material planning considerations which should be taken into account in determining the application.

Councillor Davidson moved and Councillor Boyes seconded the recommendation to refuse the application.

Resolved:

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

5b DM/14/01831/FPA - Land North of Travellers Green, Newton Aycliffe

Consideration was given to a report of the Senior Planning Officer regarding an application for the erection of 79no. dwellings including associated infrastructure works (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site and were familiar with the location and setting.

The Officer advised Members of an on-line petition and the receipt of a further 3 letters of objection since the report had been circulated. The letters raised the following issues which had been addressed in the report:-

- Loss of Green Wedge
- Loss of residential amenity
- Highway safety
- Inadequate infrastructure
- Housing need
- Potential impact on wildlife and fauna, including Great Crested Newts

Members were also advised of a minor amendment to conditions 2, 4, 5, 6, 14 and 15. The reference number of the Soft Landscaping Plan had been amended to take into account minor revisions to the scheme.

A Glenwright, Highways Officer addressed the concerns raised in relation to highway matters and stated that the application was supported by a Transport Statement. Initial proposals for traffic calming measures along Travellers Green and Clarence Chare had been withdrawn following a traffic speed survey carried out by Durham County Council which found that vehicles were travelling at 3% below threshold speeds.

With regard to concerns expressed about on-street car parking, Assistant Traffic Officers had confirmed in September 2014 that no complaints had been received.

The existing highway infrastructure could accommodate additional vehicle flows. Travellers Green and Clarence Chare had additional access points to the north at Gilpin Road and Balliol Road, and improvement works were proposed at the junction of Travellers Green, Gilpin Road and Clarence Chare.

The Highways Authority was satisfied that this was an accessible site which was reasonably connected to transport infrastructure. On balance there were no highway grounds to refuse the application.

Councillor Dixon referred to on-site parking provision and the Highways Officer confirmed that the proposals were deemed to be acceptable, in line with DCC standards. Notwithstanding this, at 6.2m wide, Travellers Green/Clarence Chare was capable of accommodating some on-street parking and local bus services.

Councillor Dixon then referred to the lack of affordable housing and asked the applicant's representative to address why this had not been offered.

The applicant's representative explained that a requirement for affordable housing would render the scheme economically unviable, and this had been tested through a viability assessment with DCC. Gleeson Homes' ethos was to provide housing priced at the lower end of the market and to offer incentive schemes such as Help to Buy.

Councillor Boyes expressed disappointment at the lack of affordable homes but appreciated the comments by the agent about the type of 'starter homes' to be provided.

In response to a question from the Member, the Committee was advised that a Section 106 Agreement to secure a financial contribution of £79,000 was proposed towards the provision/maintenance of open space and recreation facilities in the immediate area.

Councillor Clare stated that, until a recent newspaper article about the proposals residents had raised little comment on the application. The article had prompted an on-line petition which included 94 names, and the concerns of residents was evident by those who were in attendance at the meeting. He understood that their chief concern was the loss of a greenfield site in the town which was allocated as Green Wedge. In the Local Plan the Green Wedge was located along the length of the A167 so this would represent a significant loss to the community in that respect.

However he did not think that this was sufficient to overturn the Officer's recommendations for approval. Newton Aycliffe was a main town in the industrial heart of County Durham, on which the prosperity of the County depended. The town had to make provision for industry and housing as it continued to grow.

The type of low cost housing proposed was welcomed and desperately needed. The Committee had heard that the viability of the development would be affected if affordable housing provision was required.

He was satisfied that every attempt had been made to separate the housing from the A167 by means of an acoustic barrier, and a barrier of vegetation and trees. This piece of Green Wedge differed to the remaining sites along the A167 in that the others all continued to be used. This was former allotment land and had fallen out of use. It was now a redundant site.

The proposals were fully in line with the NPPF and had to be considered against a Green Wedge Policy in a Local Plan dating from 1995, which carried little or no weight. Despite the strong arguments from residents he considered that there were no grounds to overturn the Planning Officer's recommendation and moved approval of the application.

In response to a question from Councillor Dixon about the inclusion of conditions to protect the amenity of residents during the construction period, the Senior Planning Officer advised that Environmental Health had regulatory powers to deal with

matters such as working hours and highway cleansing. It was therefore not deemed necessary to control this by way of condition.

Following a question from Councillor Wilson regarding the comments from the Council's Ecologists in paragraph 43 in the report, the Senior Planning Officer advised that Great Crested Newts had not been found on the site and the Ecology Section had requested the use of a method statement to mitigate any residual risk.

Councillor Nicholson stated that, having visited the site, he had some concerns about the road network but these were alleviated by the comments of the Highways Officer. He also noted the comments made regarding the relevance of this section of the Green Wedge against other areas along the A167, and seconded approval of the application.

Councillor Davidson made the comment that the site was situated between a wooded area and a play area, and would be separated from the A167. The site benefitted from a substantial access road and he was pleased to note that footpath improvement works were proposed.

Resolved:

That the application be approved subject to

- (i) the conditions outlined in the report, and to conditions numbered 2, 4, 5, 6, 14 and 15 being amended as reported;
- (ii) the completion of a satisfactory Section 106 Legal Agreement to secure a financial contribution of £79,000 towards the provision/maintenance of open space and recreation facilities in the locality and entering into a training, recruitment and management employability plan.

5c DM/15/00597/FPA - Former Willington Health Centre, Chapel Street, Willington

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of 12no. terraced dwellings (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site.

In response to a question from Councillor Clare about site density, the Senior Planning Officer advised that the site was 0.2 hectares in size and was in keeping with the surrounding area of Central Willington which comprised of terraced houses with modest yards.

Councillor Boyes noted that there was no reference in the report to any comments from Willington Town Council on the application. Members were advised that this was an omission from the report but that the Town Council had not offered any comments on the proposals.

Councillor Davidson moved and Councillor Nicholson seconded approval of the application.

Resolved:

That the application be approved subject to the conditions outlined in the report, and to the completion of a Section 106 Legal Agreement to secure a contribution of £12,000 towards the provision/maintenance of social, community and/or recreational facilities within the locality.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2014/0008
FULL APPLICATION DESCRIPTION:	ERECTION OF 9 DWELLINGS
NAME OF APPLICANT:	DURHAM DIOCESE BOARD OF FINANCE
ADDRESS:	LAND EAST OF FAIRFIELD COTTAGES, STANHOPE, BISHOP AUCKLAND,
ELECTORAL DIVISION:	WEARDALE
CASE OFFICER:	Adrian Caines Principal Planning Officer adrian.caines@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site extends to approximately 0.52 hectares and is located to the east of Fairfield Cottages and Fairfield House with an existing access off East Lane. It is currently used for agricultural grazing and surrounded by development including both residential dwellings and (commercially run) holiday accommodation to the south, south east and west, and the remnants of a limestone quarry to the north. East Lane bounds the site to the south and east. There are no trees within the site, and the only notable trees adjacent to the site are towards the north west corner. The roadside trees along East Lane are poor quality. Site levels fall quite steeply from north to south.
2. The site is excluded from the development limits of Stanhope as defined in the Wear Valley Local Plan, which skirts immediately around the site to the west, south and east, but it falls within the conservation area and the Area of High Landscape Value (AHLV) designations.

The proposal

3. Planning permission is sought for the erection of 9 dwellings with a slightly altered vehicular access off East Lane. The dwellings would all be 2 storey up to 9.5m high comprising of 6 linked properties located at the front of the site along the road, and 3 detached dwellings behind the terraced properties at the top end of the site. Each property would have its own attached garage with additional driveway parking space to ensure a minimum of at least 2 parking spaces per dwelling. Proposed building materials would be stone and slate to reflect the character of surrounding development, apart from the less prominent rear elevation of the detached dwellings,

which would be painted render. The access road would be a mix of coloured asphalt and tegular block paving. The existing stone walls surrounding the site would be retained, apart from a small section where the new access would be shifted. It is also proposed to bury the power lines currently crossing the site.

4. The application has been called to Committee because of an objection by Stanhope Parish Council. Members will recall that this application was due to be heard at Committee in March 2014, but it was withdrawn from the agenda to allow a noise assessment to be carried out in response to objections received. Amendments have also since been made to the layout of plots 7, 8 & 9 which have been moved further east.

PLANNING HISTORY

5. There is no relevant planning history on the site.

PLANNING POLICY

NATIONAL POLICY

6. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework establishes a presumption in favour of sustainable development. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
7. Relevant aspects of the NPPF include paragraph 6, which indicates that the purpose of the planning system is to contribute to the achievement of sustainable development, while paragraph 7 describes the three dimensions to sustainable development: the interrelated economic, social and environmental roles. The presumption in favour of sustainable development is set out in paragraph 14 and a number of Core Planning Principles are set out in paragraph 17.
8. Other relevant parts of the NPPF include:
9. *NPPF Part 1 – Building a strong, competitive economy* says significant weight should be placed on the need to support economic growth through the planning system.
10. *NPPF Part 3 – Supporting a prosperous rural economy* gives support for economic growth in rural areas by among other things supporting rural tourism.
11. *NPPF Part 4 – Promoting sustainable transport*. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Permission should only be refused on highways grounds where the residual cumulative impact would be severe.

12. *NPPF Part 6 - Delivering a wide choice of high quality homes* states housing applications should be considered in the context of the presumption in favour of sustainable development. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
13. *NPPF Part 11 - Conserving and enhancing the natural environment* states that the planning system should contribute to and enhance the natural and local environment. It also recognises that both new and existing development should not be put at unacceptable risk from, or be adversely affected by unacceptable levels of soil, air, water or noise pollution with the need to mitigate and reduce impacts.
14. *NPPF Part 12 - Conserving and Enhancing the Historic Environment* states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; and significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

NATIONAL PLANNING PRACTICE GUIDANCE:

15. The recently introduced National Planning Practice Guidance (NPPG) supports the core government guidance set out in the NPPF and provides detailed technical and procedural advice having material weight in its own right. It is set out in a number of topic headings and is subject to change to reflect the up to date position of Ministers and Government and is referenced where necessary within the report.

LOCAL PLAN POLICY:

16. The Statutory Development Plan in this case comprises the policies of the Wear Valley District Local Plan (1997) as saved by Direction on 27th September 2007.
17. Paragraph 215 of the NPPF states that following the 12 month period after the date of publication (of the NPPF), due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
18. The saved policies considered relevant to the proposal and to which due weight can be given having regards to NPPF paragraph 215 are:
19. *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.
20. *Policy ENV1 (Protection of the Countryside):* The District Council will seek to protect and enhance the countryside of Wear Valley.
21. *Policy ENV3 (Area of Landscape Value):* Development will not be allowed which adversely affects the special landscape character, nature conservation interests and appearance of the Area of Landscape Value.
22. *Policy BE1 (Protection of Historic Heritage):* The District Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.

23. *Policy BE5/BE6 (Conservation Areas)*: New Development in Conservation Areas will only be permitted if they preserve or enhance the character of the area in terms of scale, bulk, height, materials, colour and design; have appropriate materials; and satisfy the objectives of Policy GD1 of the plan.
24. *Policy H3 (Distribution of Development)*: New development will be redirected 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 other policies within the plan.
25. *Policy H24 (Residential Design Criteria)*: New residential development should reflect the density and character of the locality, provide suitable access, have suitable private amenity space and have acceptable window relationships with existing dwellings.
26. *Policy T1 (General Highways Policy)*: All developments which generate additional traffic will be required to fulfil Policy GD1 and provide adequate access to the development; not exceed the capacity of the local road network; and be capable of access by public transport works.

RELEVANT EMERGING POLICY:

27. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, this amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.
28. In light of the above it is considered appropriate to draw attention to the relevant components of the emerging Plan in this report to which a degree of weight can be attached. However, the weight that can be attributed to these emerging policies is of such a limited level that it should not be the overriding decisive factor in the decision making process.
29. *Policy 1 – Sustainable Development*, sets out a presumption in favour of such through 18 subsections including protecting agricultural land, promoting inclusive and healthy communities, achieving well designed accessible places, making the most effective use of land, and conserving the quality diversity and distinctiveness of the County including the conservation and enhancement of designated and non-designated heritage assets.

30. *Policy 18 – Local Amenity* states that permission will only be granted for proposals providing it can be shown that a significant adverse impact on amenity would not occur including, for example, loss of light and privacy, visual intrusion, overlooking, noise and odour. In addition to this, permission will not be granted for sensitive land uses where suitable mitigation measures cannot be put in place to rectify the adverse impact on amenity.
31. *Policy 19 – Air Quality, Light and Noise Pollution.* In respect of noise pollution all development will be expected to prevent unacceptable levels of noise pollution to both existing and new development by good design. Where adverse effects are identified development will only be approved where suitable mitigation can be achieved which would bring emissions within acceptable levels associated with the affected receptor.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

1. *Stanhope Parish Council* submitted two separate comments; one objecting to the proposal because it is a greenfield site, outside the settlement boundary and the land is not designated for housing; the other stating they would like to see the houses built from random rubble.
2. *The Highway Authority* has no objection. It is acknowledged that the site does not have good highway linkages, but the low density of development proposed and external footway link improvement means a highways refusal cannot be sustained. Comments made previously on minor design matters have been taken on board to amend the scheme and a condition is requested for approval of full engineering details.
3. *Northumbrian Water* has requested a condition for a scheme of surface and foul water drainage to be approved and advised that the Surface Water Drainage solution takes into account the hierarchy of Preference within Part H of the Building Regulations 2010.

INTERNAL CONSULTEE RESPONSES:

4. *Planning Policy* has no objection noting that whilst the site is located beyond the existing limit to development, it is considered that from a visual perspective the site is well contained on three sides (the west, south and east) and falls within the built up area consolidating the settlement. As such, and in accordance with guidance in the NPPF, it comprises an acceptable departure from the Wear Valley Local Plan Limits to Development policy. No objection has been raised by DCC Highways, DCC Ecology or DCC Heritage and Design suggesting that this particular proposal would not have a significant adverse impact and as such would conform to policies GD1, BE6 & BE8 of the WVLP. The proposal is considered accessible in that there is access to services and facilities in Stanhope. Further, the proposal will provide a greater choice in the housing market as required by the NPPF. Given that there are no unacceptable environmental, social or economic impediments to the scheme it is considered to represent sustainable development.
5. *Design & Conservation* initially made comments on shortcomings in the applicant's Heritage Statement, but nevertheless considered the scheme to be well thought out,

taking advantage of the levels and constraints of the site, relating well to the character of the conservation area and making good reference to local vernacular. Comments about footpath treatment, traffic calming and enclosures have since been addressed in the amended scheme and conditions are suggested for further approval of detailed design matters to control specification of materials and removal of permitted development rights from the elevations facing East Lane.

6. *Environmental Health* have considered the revised noise assessment (report No 22555.02v2) following initial comments on an earlier noise assessment and agree with the methodology used and the conclusions reached in the revised report. Provided the noise mitigation measures are implemented as stated within the report the occupiers of the proposed housing should not be affected by the existing activities that occur at Fairfield House. In relation to noise from the development affecting existing residential properties it is advised that conditions are applied to any approval granted to control construction noise. Light, smoke and dust impacts, as well as the working hours should also be controlled by conditions to minimise the impacts on existing residential properties, particularly during the construction period.
7. *Ecology* have visited the site in response to representations made and do not consider the site has the qualifying features of a BAP habitat because of its agricultural use. There is a lack of suitable cover and habitat preferred by Adders and therefore the risk of Adders being present is very low. There is a small risk that Adders may use the northern dry stone boundary wall, however as long as the wall is retained this would reduce any residual risk of impact on the species.
8. *Sustainability* initially raised concerns about the sustainability credentials of the site's location because of distances to major retail, secondary education and employment, as well as the need to seek advice from Ecology because of the proximity to important wildlife sites. However, those comments have since been clarified and it is appreciated that due to the rural nature of the Wear Valley and North Pennines the matters raised previously could be said of most sites within a rural area and is therefore not seen as a significant issue and should not be used as a reason to refuse the application. It is noted that advice from Ecology has screened out impacts of the development on wildlife sites and there are no further ecological issues associated with the site. The impact on the Conservation Area should be gauged by Design and Conservation.
9. *Business Durham* was consulted but did not submit any comments.

PUBLIC RESPONSES:

10. The application has been publicised by press notice, site notice and neighbour letters and further neighbour consultation was carried out on the amended plans and noise assessments. Objections have been received from 11 nearby properties, including representations from two adjacent holiday accommodation businesses at Fairfield House and Stanhope Morningside Holiday Cottages.
11. The main points raised in the objections are summarised below:
 - The need for further housing in Stanhope is questioned, especially with the housing development currently taking place at East End Stanhope.
 - The site is outside the current development boundaries and is therefore against policy and should not be allowed.

- The site is too far away from major supermarkets, large employers and good transport links and is therefore not sustainable.
- The site is not unattractive as described by the applicant and it is considered that the development would spoil an attractive greenfield area.
- The narrow roads surrounding the site are considered to be unsuitable to cope with the additional traffic from the new houses and are dangerous in winter when icy.
- The drains won't be able to cope with additional storm water off the development and this will add to problems with icy roads in winter.
- It is unclear what will happen to the overhead electric lines crossing the site.
- The dwellings will be too high and the application does not properly demonstrate the impact of the development against existing development and on the conservation area.
- There would be overshadowing and loss of privacy to 11 Union Lane and Newfield Farm.
- A historic landform on the site will be lost.
- The construction period will cause disruption to water and electricity supply and obstruct the road.
- The lack of an ecology survey is questioned because the site is nearby to the AONB, Muggleswick SSSI, North Pennines SPA and SAC, and 6 ponds. There are records of Great Crested Newts within 2km and Adders on the adjacent road and in the Quarry. The dry stone walls have potential as hibernation sites for Adders and Great Crested Newts, while bats forage along the northern boundary and may roost in the trees to the north and west.
- New residents will be commuters who will be no benefit to the community.
- Numerous points have been made on the potential damaging effect of the development on the adjacent self-catering holiday businesses and the conflict this would have with the Council's core aims to support the tourism industry and rural economy:

Stanhope Morningside Holiday Cottages

- The tourist business has been in operation for 10 years and one of the main selling points is the open views and access to the properties which will be severely affected, particularly the ones directly opposite the holiday unit windows.

Fairfield House

- Fairfield House has been developed to 5 star standards with significant investment. It opened for business in 2013 as a luxurious venue for large group holidays, corporate events, fitness retreat and outdoor adventures. The addition of new suites in the annex will see investment in the site exceed £1million. The main selling points are the high standard of accommodation and facilities, in particular the hot tub and outdoor entertainment area, the privacy and the views.
- The development will bring residents of the new housing into direct conflict with the business because of the proximity of the outdoor entertainment area and tennis court to the new properties. It is considered likely that the residents of the new houses would be disturbed by the normal use of those facilities, which will include evening, early morning and weekend use, and in summer use could be nightly use. There have been previous complaints from residents of Fairfield Cottages who are much further away so bringing houses closer could lead to a greater number of complaints and possibly even lead to conflict between guests and new residents.
- The development will remove privacy for several rooms and outdoor areas. House no.9 will overlook the outdoor entertainment area, hot

tub, tennis court, east side of the house including views into the bedrooms and front garden.

- Houses 7, 8 & 9 as well as the interim presence of a building site will affect the enjoyment and countryside outlook from the east of the house and outdoor area, and potentially impact on bookings.
- The uncertainty over the current application and potential construction period makes it difficult to run the business and plan for the future with further investment having been put on hold.
- In the event of approval suggestions are made to remove houses 8 & 9 from the scheme; restrict construction hours to 9-5 Monday to Friday (no weekend working); and control the timing of the development and landscaping.
- The amendments to house 9 and movement of the houses further east does not make any difference to the concerns expressed.
- There are still concerns with the noise level figures and assumptions in the revised noise assessment.

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

APPLICANT'S STATEMENT:

12. The application seeks the development of nine high quality attractive residential dwellings on land to the east of Fairfield Cottages, Stanhope.
13. The detailed application for the development has been comprehensively assessed against national and local policy and fully accords with the framework. In addition, the application has been supported by the submission of a detailed Planning Statement, Design & Access Statement and Heritage Statement.
14. The proposed development aims to enhance the village through the transformation of grazing land into high quality and sustainable residential development that makes a positive contribution to the surrounding area.
15. Situated within Stanhope Conservation Area, it is considered that the development will have a positive impact on the surrounding area. The high quality design has incorporated features of neighbouring properties to ensure that the dwellings remain true to their historic setting. The design has had regard to the adjacent dwellings in the immediate locality. As such, the terraced properties that will overlook High Street and East Lane respectively are located a minimum of 19 meters from the adjacent properties on these streets. This distance was agreed in discussion with the local planning authority and considers the natural topography and local urban grain. As a result, there will be no overlooking or significant adverse overshadowing of any residential development along East Lane.
16. Since the application was originally submitted, the site layout has been amended in order to reflect comments made by the owners of the adjoining Fairfield House. As a result, the detached properties to the north of the proposed internal road have been moved to the east in order to increase the separation distance between these properties and Fairfield House. In addition, a Noise Assessment was requested by the Local Planning Authority post submission of the application. This report has been prepared by Hepworth Acoustics and concluded that, subject to the incorporation of appropriate sound insulation measures (to be secured by planning condition), the impact of noise can be controlled such that the amenity of future residents will be

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protected. The recommendations within the report took into account the need to fully safeguard the business interests of the adjoining Fairfield House in order to ensure compliance with the requirements of the NPPF.

17. The site is well contained by East Lane and existing residential development and its central location within the village ensure key services and facilities are within walking distance. The addition of nine new family sized dwellings within the village has the potential to strengthen the existing settlement and integrate with the existing residential community in Stanhope.
18. The proposal seek to deliver larger detached houses which were identified in the Strategic Housing Market Assessment (2013) as being in high demand within the local housing market area. Furthermore the Strategic Housing Land Availability Assessment (2013) identifies few suitable and deliverable housing sites in Stanhope despite the emerging County Durham identifying a need for twenty dwellings over the next plan period. The proposed development therefore offers the opportunity to meet some of this need and assist in meeting the identified housing targets within Stanhope
19. A full Highways Assessment has been undertaken which has confirmed that East Lane is capable of serving the proposed development, and the Local Highways Authority has submitted no objection to the scheme.
20. The development is situated within a sustainable location, contained within the existing settlement lines, and will significantly enhance the village and its surroundings. There are no significant reasons that would prevent the delivery of the site and the development would make a positive contribution to meeting the identified housing need in Stanhope and West Durham.

PLANNING CONSIDERATIONS AND ASSESSMENT

21. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, development plan policies and relevant guidance, and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development; impact on the conservation area; impact on adjacent businesses; impact on residential amenity of neighbouring properties; highway safety; and ecology.

Principle of development

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and NPPF paragraph 12 confirms the development plan remains the starting point for decision making. The Statutory Development Plan in this case comprises the policies of the Wear Valley District Local Plan. The policies of the emerging County Durham Plan carry very little weight at this stage.
23. The application site lies outside the development limits of Stanhope and therefore the development would be a departure from Wear Valley Local Plan policies H3 and ENV1. The site also falls within the Area of High Landscape Value designation, set out in policy ENV3 of the Wear Valley Local Plan.

24. It is however noted that although the site is excluded from the development limits it immediately abuts the development limits and is tightly bordered by a road and existing development to the west, south and east, while the rising land also provides containment to the north. Housing also continues north up East Lane beyond the application site. The site is therefore considered to be well related to the form and physical confines of the settlement. It adjoins the settlement, not the expanses of countryside that surround Stanhope. Taking this into account it is considered that from a visual perspective, the site falls within the built up area.
25. Therefore while it is acknowledged that the site lies outside the development limits of the Wear Valley Local Plan, the contained nature of the site means it is viewed in the context of the town rather than the surrounding countryside and as a result the new dwellings would not represent an encroachment into the countryside. Accordingly, Wear Valley Local Plan policies ENV1 and ENV3, which relate primarily to development in the open countryside and impact on landscape character of the AHLV, have little relevance in this case and there would be no wider landscape implications requiring detailed analysis in that respect.
26. The proposal remains contrary to Wear Valley Local Plan policy H3, however the primary aim of this policy is to direct new development to the towns and villages best able to support it (i.e. those with services and facilities). It is therefore principally focused on encouraging sustainable patterns of development. Encouraging sustainable patterns of development is a key objective of the NPPF and the NPPF is an important material consideration which carries significant weight. Local Planning Authorities are expected to create sustainable, inclusive mixed communities in all areas both urban and rural, and housing applications have to be considered in the context of the presumption in favour of sustainable development.
27. It is noted that the Council's Sustainability Section initially raised concerns about the sustainability credentials of the site's location because of distances to major retail, secondary education and employment and it was on that basis that the site was given an amber classification in the Strategic housing Land Availability Assessment (SHLAA). That however, could be said of any town or village in the rural west of the County, particularly in Weardale and did not fully recognise the advice in NPPF paragraph 29 that different (transport) policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The Sustainability Section have since clarified that distance to major services is not seen as a significant issue in this case and should not be used as a reason to refuse the application because of the rural nature of the Wear Valley and North Pennines.
28. In this respect the role of Stanhope in the settlement hierarchy of the County has to be recognised. The County Durham Settlement Study identifies Stanhope as a tier 2 Secondary Settlement, which indicates it has a wide range of local services and facilities and therefore it plays an important role as a local service centre within rural Weardale. It is a town capable of accepting new development and is one of the towns listed in Wear Valley Policy H3. Although the site would be situated on the periphery of the town, the services and facilities in the town, as well as access to the main bus service through Weardale, would be within short walking/cycling distance of the site (300m).
29. While objections have questioned the need for housing in Stanhope, a development of 9 dwellings represents a small scale of development that would be entirely commensurate with the role of Stanhope in the settlement hierarchy and the

development would help to support the vitality and viability of its local services, which also play an important role in supporting the wider rural area. The larger, high quality, dwellings proposed would cater for a distinctly different housing market compared to the affordable scheme under construction at East End, as well as the market housing scheme still under consideration at Shittlehopeburn Farm, and notwithstanding the Council's ability to demonstrate a 5 year housing supply, there are few identified deliverable housing sites in Weardale to secure the type and quality of housing proposed. This scheme, together with those other developments would have a complimentary role in meeting the NPPF objectives of providing a wide choice of high quality homes and creating sustainable mixed communities. The range of local services in Stanhope makes it a preferable location to support housing delivery and need in the wider Weardale area. It is therefore a location that is sufficiently sustainable to support the small scale of additional houses proposed and a development of 9 dwellings, even in combination with those other schemes in the town would not undermine the Councils housing delivery strategy. The Council's Planning Policy Section has no objection to the proposal on this basis.

30. The principle of development is therefore wholly in accordance with the up to date guidance in the NPPF and its aims of promoting sustainable patterns of development and housing delivery. It is also generally in accordance with the aims of Wear valley Local Plan Policy H3 in respect of directing development to the named towns and villages, which includes Stanhope. The proposal therefore represents an acceptable departure to Wear Valley Local Plan Policies H3 and ENV1. There is also no conflict with Wear Valley Local Plan Policy ENV3 in respect of adverse impacts on the AHLV designation.
31. It is noted that under policy 31 of the emerging County Durham Plan the development would have been subject to affordable housing provision as a site of more than 5 dwellings and is referred to in the Planning Policy comments. However policy 31 was subject to significant objections during the consultation and Examination process and therefore having regards to paragraph 216 of the NPPF, the policy currently carries very little weight and cannot be a decisive factor in the decision making process. Wear Valley Local Plan policy H15 is not consistent with the NPPF and therefore carries no weight. The development plan is therefore silent on this matter and accordingly regard must be given to national planning guidance, and it is notable that recent changes in the NPPG removes the requirement for affordable housing in developments of 10 dwellings or less. It is also worthy to note that 23 affordable dwellings have very recently been built at East End Stanhope. Taking the above into account it is considered that the proposal does not have to deliver affordable housing.

Impact on the character and appearance of the conservation area

32. The site lies within the Stanhope Conservation Area and therefore regard has to be paid to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Stanhope Conservation Area. This is reflected in Wear Valley Local Plan Policies BE1, BE5 and BE6, as well as Section 12 of the NPPF.
33. The significance of the site relates to its contribution to the character and appearance of the conservation area, rather than its relationship to surrounding countryside. The most significant features of the Stanhope Conservation Area are the Castle, the Castle Park and Market Place which are the focal point in the centre

of the town. In addition to the Market Place, Front Street also contains an attractive range of buildings and shops, varying in period and style though built of traditional materials of stone and slate. Lying behind the main frontage north of Front Street the area becomes predominantly residential in character. Graham Street, Martin Street and Union Lane contain rows of smaller scale traditional terraced housing rising up the hill. High Street (north side) which runs parallel to Front Street becomes much less dense and comprises an assortment of dwellings large and small, old and new. There is a mixture of linked and detached buildings, some of which front the road and some are set back. Among those buildings are some of a substantial size like Fairfield House and 12-15 High Street. High Street merges into East Lane which travels northwards out of the town and contains a scattering of low density development on either side of the road. The predominant character is of properties that typify the vernacular architecture of the Wear Valley Dales and together with more modern houses, provide a largely linear and occasionally clustered street pattern.

34. The applicant's Heritage Statement describes the site as unattractive; however that is not the case. Apart from the overhead lines and electricity equipment there is nothing fundamentally unattractive about the site and it makes a contribution to the rural character of the town. However, because of its sense of containment, the site is viewed more as part of the town, rather than having any strong interrelationship with the surrounding landscape and the development would not therefore be seen as an intrusion beyond the existing settlement form into the countryside. The main views into the site are close-up from East Lane immediately to the east and the top of Union Lane and Martin Street to the south. The only longer distance views of any significance are from the B6278 on the opposite side of the valley at about 1.2km where site is seen as a very small element in the context of the rest of the town. As a result it is not a highly visible site from the wider surrounding area. Accordingly, while the applicant's Heritage Statement might not make an adequate assessment of the impact of the development on views into the conservation area, it is considered that having regard to the above the development would not have a harmful effect in this respect.
35. The application site, as a small open field, still provides a sense of openness to this part of Stanhope from close up and any form of development would inevitably alter the character of the site. However, the proposed development is approximately 18 dwellings per hectare in density. This is in keeping with the less dense character of development along the north side of High Street and up East Lane, and would afford generous space within the curtilage of each property with plenty opportunity for soft landscaping. The dwellings would be set back a short distance from the front of the site in keeping with the character of Fairfield Cottages and Stone Houses along High Street, while existing dry stone boundary walls would be retained and new enclosures to the front would be limited to 1.1m height. The low density and pattern of development, along with sensitive boundary treatment would be an appropriate response to the character of this edge of town site and would retain a sense of openness.
36. Further to the above, the development would establish a strong frontage onto East Lane reflecting the existing pattern and terraced form of housing in the area, with the detached dwellings located to the rear of the site where they would be less visible, in a similar way to the new houses at the rear of Newfield Farm. Great care has been taken in the design, detailing and use of materials in the proposal to reflect the local distinctiveness and vernacular to a high standard appropriate for the conservation area. In terms of height, the adjacent Fairfield House is a considerable size and

opposite the site Newfield Farm, as well as the new dwellings behind it are all substantial heights and comparable to the proposed dwellings. Further west along High Street are other dwellings of comparable height also addressing the road in similar fashion to the proposed. The height of the proposed dwellings would therefore relate acceptably to surrounding development in this context and would not appear overly prominent in the wider setting.

37. In response to requests by the Design and Conservation Section amendments have been made to the treatment of the highway surface and footpaths to give the development more of a rural feel by reducing the dominance of the highway and width of footpaths. To help achieve this it is proposed to use a mix of subdued coloured asphalt and tegular block paving in the highway, the specific details of which can be conditioned for approval. The overhead electrical lines and infrastructure would be buried representing a significant visual improvement.
38. There is a terracing in the landform which may be evidence of past agricultural ploughing practice, but it is not considered to be of significance and has not been highlighted as such by Design and Conservation. The development would also largely retain the terraced landform by using the plateau for the access road so interpretation would not be completely lost.
39. The small cluster of 9 well designed dwellings would therefore be wholly in keeping with the character and appearance of the conservation area and due to the site's contained nature and the extensive countryside around the town, would not destroy the town's rural atmosphere.
40. Accordingly and notwithstanding the concerns raised in a number of the objections received, it is considered that the design and materials of the proposed dwellings, including the proposed height and scale of the dwellings, would all combine to result in buildings of high quality that would be wholly in keeping with local character and surrounding development. This is a view shared by the Design and Conservation Section and it would be appropriate to condition approval of design details as suggested to ensure a high standard of development is achieved. In addition, given the great care that has been taken to produce a quality scheme that relates well to its surroundings in the conservation area, and because it is the back of the dwellings that would front onto East Lane, the removal of permitted development rights on those dwellings would be justified in order to prevent any inappropriate alterations that would detract from the appearance of the development from East Lane.
41. Taking all of the above into account and having regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the high standard of development proposed would preserve the character and appearance of the Stanhope Conservation Area. The proposal therefore accords with Wear Valley Local Plan Policies GD1, BE1, BE5, BE6 and ENV3, as well as the relevant provisions in Part 12 of the NPPF.

Impact on the adjacent holiday accommodation businesses

42. Within the existing development adjacent to the application site are two properties that are run commercially for holiday accommodation. These are Fairfield House which borders the site to the west and Stanhope Morningside Holiday Cottages which lie across East Lane to the south east of the site at Newfield Farm. Both have expressed serious concerns over the effect the proposed development would have on their tourism businesses during construction and after.

Physical relationship and impact on views and privacy

43. Among their concerns is the impact the development would have on views over the site. Loss of views is not normally a material planning consideration however these businesses clearly place a high value on their views as selling points and therefore it is a matter that can be given some weight in the consideration of the planning application.
44. In this respect, it has already been acknowledged above that any form of development would inevitably alter the character of the site, but it is also considered that the proposed development would represent a high quality and attractive development that would be wholly in keeping with character and appearance of the area. These holiday businesses are located within the town and are already bordered by other dwellings. Views of dwellings should not therefore be generally unexpected in the context within which they sit, and in this case, while acknowledging there will be an inevitable construction period, in the longer term the views would be of a development that would be typical of the positive aspects of the local built character of Stanhope.
45. The buildings at Newfield Farm (and the Stanhope Morningside Holiday Cottages themselves) already feature in the foreground views to the east from Fairfield House. Similarly the views west from Stanhope Morningside Holiday Cottages are towards a utilities building, Fairfield House and Fairfield Cottages, rather than open countryside. The dwellings along East Lane would be approximately 19m from the western outlook of the Stanhope Morningside Holiday Cottages which is generous compared to existing front-to-front relationships of development in the surrounding street pattern (typically 10m-14m) and is considered acceptable in respect of concerns expressed about privacy and loss of light. Plots 7, 8 & 9 to the rear of the site have all been moved east to provide further separation from Fairfield House in response to their concerns. This will also allow better planting to be achieved along the boundary with Fairfield House and details of landscaping can be conditioned. In addition the attached single storey garage on plot 9 has been switched to the west elevation to provide as much separation as can be achieved between the two storey part of the proposed dwelling and boundary with Fairfield House. As a result, the two storey part of the dwelling on plot 9 would now be approximately 30m from the east facing windows of Fairfield House, 20m from the edge of the outdoor entertainment area and 9m off the boundary. The impact would be further reduced because Fairfield House and the outdoor entertainment area already sit at a higher level than the application site and the proposed dwellings would be excavated into the hillside at the top end of the site. It is considered that the combination of level differences, separation distances and the absence of any windows in the west facing gable of the dwelling on plot 9 would preserve to an acceptable extent the privacy of Fairfield House's windows and the outdoor entertainment area, and ensure the new dwellings would not appear overbearing. The tennis court and front garden are already overlooked by existing properties. It is noted that Fairfield House have maintained their objection despite the changes made to the plans, however, having regard to the above it is considered that the built relationship between the development and Fairfield House would be acceptable.
46. Accordingly, it is accepted that the quality of the surroundings is an important factor for the attraction of the two holiday accommodation businesses, however it is considered that the proposed development by reason of its design and acceptable physical relationship to the two adjacent businesses would not detract to an

unacceptable extent from that quality. This is in accordance with Wear Valley Local Plan policy GD1.

47. The concerns expressed by Fairfield House about the potential length of the construction works or time of year they take place is noted but unfortunately is not something the local planning authority can control or use as a reason to withhold planning permission. Some construction impacts can however be minimised by conditions. In this respect there would be sufficient grounds to restrict construction working times to 08.00-18.00 Monday to Friday as suggested by Environmental Health. Environmental Health have suggested 08.00-13.00 working on Saturdays, however given weekends are likely to be the busiest times for the holiday businesses there should not be any construction activity on weekends and Bank Holidays. There are also sufficient grounds to prevent burning on site and to request a Construction Management Plan to detail among other things measures for dust suppression, as smoke and dust could have unpleasant effects on neighbouring businesses and properties. To ensure a reasonable appearance of the site, the Construction Management Plan should also detail arrangements for storage of plant and materials and the type and maintenance of any security hoardings or fencing. A condition for the approval of external lighting on the dwellings once constructed would minimise light spillage and glare outside the site.

Noise

48. Another major concern of Fairfield House is potential for conflict with residents of the new dwellings because of noise from the normal activities of Fairfield House, which includes outside activities within the grounds and particularly use of the outdoor entertainment area and hot tub. The fear is that noise complaints from residents of the new dwellings could be prohibitive on the current and future running of the business. These are entirely legitimate concerns, as reflected in the policies outlined below, and are understandable given the significant investment that has taken place in the business and it is clear that the business is regarded highly for the quality of its accommodation and its management. The business plays an important role in the Councils tourism and rural economy objectives. It employs 7 people and supports other local businesses. The proposed dwellings must therefore be designed to suitably mitigate against adverse noise so as not to impact on the current and future operation of the adjacent business at Fairfield House.
49. Part 11 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to or being put at risk from unacceptable levels of noise pollution. Paragraph 123 indicates that planning decisions should aim to avoid noise giving rise to significant adverse impact on health and quality of life. It also states that existing businesses should not have unreasonable restrictions put on them because of changes in nearby land uses and it is expected that measures will be taken where necessary to mitigate and reduce any adverse noise related impacts to a minimum. Wear Valley Local Plan policy GD1(vi) contains a general provision that new development should not disturb or conflict with adjoining uses and while policies 18 and 19 of the emerging County Durham Plan can only be given little weight they do reflect the guidance in the NPPF. More detailed guidance contained within the NPPG states that consideration should be given to whether or not a significant adverse noise effect would occur in association with new development. This is defined within the NPPG as above a level where the noise is categorised as noticeable and disruptive and causes a material change in behaviour and/or attitude.

For example this could include having to keep windows closed most of the time and the potential for regular sleep disturbance.

50. Because of the concerns raised the Applicant has undertaken a detailed noise assessment to determine whether the normal activities at Fairfield House would have an adverse noise impact on the residents of the new dwellings and to suggest any mitigation required. The noise assessment was revised in response to further comments from Fairfield House and Environmental Health, as well as to take into account the ground levels and the amendments which moved the houses further away from Fairfield House.
51. The noise assessment explains that it included a noise measurement survey of the ambient noise climate of the area and as there are no British Standards or guidance that deals specifically with noise from outdoor leisure activities at hotels or residential accommodation, source noise levels for the various activities that may occur at Fairfield House have been adopted based on the requirements of BS8233:2014 *Guidance on sound insulation and noise reduction for buildings*.
52. The calculations summarised in Table 8 of the noise report show that required noise levels will be met within the private gardens and ground floor living rooms of the nearest proposed dwellings for all activity scenarios at Fairfield House. However, noise levels outside the upper floor bedroom windows would be higher with the highest calculated average noise levels being for a scenario of up to 150 wedding guests and the highest calculated peaks of noise coming from the hot tub area, both requiring mitigation.
53. The mitigation recommended in the report is installation of upgraded acoustic double glazing and ventilation to all bedroom windows in plots 6, 7, 8 & 9. It is also recommended that appropriate sound proofing materials are applied to ceilings of rooms in the roof space of these plots.
54. The report concludes that subject to the incorporation of the recommended mitigation measures into the construction of the dwellings, the impact of noise can be controlled such that the amenity of future residents will be protected from noise associated with the normal activities at Fairfield House.
55. Environmental Health are the relevant consultee on noise issues and notwithstanding concerns still held by Fairfield House on matters within the revised report, are now satisfied with the methodology used within the revised report and the conclusions reached. Environmental Health are of the opinion that provided the noise mitigation measures are implemented as stated within the noise report the occupiers of the proposed housing should not be affected by the existing activities that occur at Fairfield House and recommends these measures are secured by a condition. The use of a condition to do so would be entirely appropriate and necessary.
56. In addition to the findings and recommendations of the noise report it is also noted in correspondence provided from Fairfield House that while there have been previous instances of complaints from existing residents, they appear to be an exception rather than a regular occurrence. In dealing with the incident highlighted in the correspondence all bookings were sent an email highlighting that there can be no noise outside after 11pm and inside noise after 11pm must be kept to a minimum. Fairfield House clearly take the management of any potential disturbance extremely

seriously to ensure the business is run in a responsible way and as a good neighbour in acknowledgement that it lies within a predominantly residential area.

57. Having regard to all of the above, it is considered that subject to implementing the suggested mitigation measures, occupiers of the proposed housing should not be affected to an unreasonable extent by the noise from normal activities that occur at Fairfield House. While some mitigation is required and there may be occasions when residents will feel the need to keep windows closed it is considered unlikely that this would be most of the time and to the extent that it would make the proposed dwellings an entirely unattractive place to live because of noise. Accordingly, the proposal would not be contrary to the NPPF or to Wear Valley Local Plan policy GD1 and the emerging policies. Neither would it be contrary to other national policy and local aims supporting the rural economy and tourism.

Impact on other neighbouring properties

58. There are other residential properties that border or look onto the application site from which objections have been received.

59. 11 Union Lane is a 2 storey detached dwelling located across East Lane immediately to the south of the application site. Because of orientation there would be no overshadowing from the proposed development. The main outlook from 11 Union Lane and its garden is south (the other side to the application site), but it does have a single window in the ground floor extension and single first floor bedroom window in the main house facing north onto the application site. There would be just less than 20m between the ground floor window and dwellings opposite, but the application site is raised a few meters above street level and the direct outlook from that window is into the existing boundary wall. The first floor bedroom window is set further back in the main dwelling and there would be just less than 22m between that window and the dwellings opposite. This represents an acceptable window relationship and would ensure there was no unreasonable loss of privacy to 11 Union Street.

60. Newfield Farm lies to the south east of the application site on the corner of East Lane and again there would be no overshadowing from the proposed development because the site lies to the north. The front of the dwelling faces directly down East Lane, but it does have views across the application site. At its closest there would be approximately 26m between the windows in the main dwelling and proposed dwellings, which represents an acceptable relationship.

61. No.1 Fairfield Cottages is the closest to the application site, but it does not have any windows in its east facing gable elevation and there would be nearly 38m between windows to the rear. No.20 Martin Street has 2 windows in its north gable looking over the application site, but the nearest of the proposed dwellings would be approximately 25m away. No.12 Martin Street is located next to Newfield Farm, but it only has 1 window looking directly up East Lane and the nearest of the proposed dwellings would be approximately 28m away.

62. It is therefore considered that the proposed development would not have any unacceptable impacts on the residential amenity of surrounding properties and accords with Wear Valley Local Plan Policies GD1 and H24.

Highway Safety

63. There have been a number of objections received in respect of the suitability of the highway network to accommodate the additional vehicle movements generated by the proposed development, as well as the safety of the access and road conditions during winter.
64. On-street parking significantly reduces the width of the approach roads in Union Street, Martin Street, Graham Street and to a lesser extent High Street. This was identified as a constraint early on in pre application discussions with the Highway Authority and was a fundamental factor in limiting the number of houses proposed to just 9.
65. Notwithstanding the narrow approach roads, the vehicle movements associated with 9 dwellings would not exceed the capacity of the surrounding roads, particularly as there are four possible routes to the site and the length of restriction in Union Street, Martin Street and Graham Street is just 100m from the A689, which is the main road through Weardale.
66. The proposal includes improvements to the pedestrian footpath along East Lane and the Highway Authority is satisfied with the safety of the new site access, internal highway and parking provision, which provides garaging as well as two driveway spaces per dwelling.
67. The condition of the roads in winter is an issue already experienced by all existing properties and is managed by the County Council. An appropriate surface water drainage scheme can be conditioned for approval in consultation with Northumbrian Water and it is considered unlikely that the development would lead to significant discharge of surface water onto East Lane.
68. The NPPF advises that development should only be refused on highway grounds where the cumulative residual impact on highway safety would be severe. That would not be the case in this proposal and therefore it is considered that the proposal accords with Wear Valley Local Plan Policies GD1 and T1, as well as paragraph 32 of the NPPF.
69. It is however recommended that a Construction Management Plan is conditioned including details for the parking of construction workers to avoid unsuitable obstruction of the highway by parking during the construction period.

Ecology

70. The application site does not fall within a designated wildlife site, but it is noted that it is relatively nearby to the AONB, Muggleswick SSSI, North Pennines SPA and SAC, and there are some ponds within 500m of the site. There are apparent sightings of Adders on East Lane and in the former quarry to the north, as well as records of Great Crested Newts within 2km of the site. Representations received have also noted foraging bats to the north of the site.
71. Bats and Great Crested newts are a European protected species. Adders are protected in the UK under the Wildlife and Countryside Act 1981 and are also a Priority Species in the UK Biodiversity Action Plan (BAP).
72. In response to concerns expressed about the lack of any ecology survey submitted with the application, the Council's Ecologists visited the site. They found that as a result of agricultural use of the site it was not species rich or typical of an upland

meadow site. They have therefore advised that it would not fit the qualifying features of a BAP habitat and despite representations of Adder sightings nearby, the site itself was not considered to be a suitable habitat preferred by Adders.

73. It was identified that there is a small risk of Adders utilising the dry stone boundary walls, particularly the northern wall, however as long as the northern boundary wall is retained, which it is in the proposal, this would reduce any residual risk of impact on the species.
74. In respect of Great Crested Newts, the presence of ponds within 500m is noted, most notably in the quarry to the north, however the site is well contained by boundary walls and has been subject to agricultural activity with animals present. It is also surrounded to the south and east by a road. It is considered unlikely that Great Crested Newts would consider the site a favourable and accessible habitat in comparison to the land surrounding the ponds. The risk of the presence and impact on Great Crested Newts is therefore considered very low.
75. In respect of bats, the trees to the north may provide suitable roosting opportunities but they lie outside the development site and are not affected by the proposed development. It is also possible that they forage to the north and along the northern boundary, but the northern boundary is to be retained and the dwellings would be set well off the boundary with gardens to the rear. The risk of impact on bats is considered very low.
76. The proposal would not therefore kill, injure or directly disturb any protected or priority species or their habitat. A Natural England license will not therefore be required and accordingly the local planning authority does not have to apply the derogation tests of the Habitats Regulations 2010.
77. The proposal accords with the NPPF and policy GD1 of the Wear Valley Local Plan.

CONCLUSION

78. Although the application site lies outside the development limits of Stanhope, the development would not be seen as an intrusion into the countryside and would be wholly in accordance with the NPPF aims of promoting sustainable patterns of development and supporting housing delivery.
79. The proposed dwellings would relate well to the surrounding area, and neighbouring properties, and would deliver a high quality of development that would preserve the character of the conservation area, while also not prejudicing residential amenity, highway safety or ecology.
80. The proposal has responded to the concerns of the adjacent holiday accommodation business, particularly Fairfield House by moving the dwellings further away from the boundary and carrying out a detailed noise assessment. The noise assessment concludes that the impact of noise on occupiers of the new dwellings can be appropriately mitigated. Subject to conditions securing the recommended noise mitigation measures and restrictions on construction working times, burning and dust management, it is considered that the proposal would safeguard to an acceptable extent the amenity of future residents and the business interests of the adjacent holiday businesses.

81. The proposal therefore accords with Wear Valley Local Plan Policies GD1, BE1, BE5, BE6, H24 and T1, as well as NPPF Sections 1, 3, 4, 6, 11 and 12. In the balance, these factors override the general in-principle conflict with Wear Valley Local Plan Policies H3 and ENV1.
82. All representations have been considered and the comments made have been treated as material considerations. In particular, the fears and concerns expressed by Fairfield House are understandable. However, on balance and taking all matters into account, it is felt that the proposal is acceptable in planning terms subject to the suggested conditions.

RECOMMENDATION

That the application be **APPROVED** subject to the following **conditions and reasons**.

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.

Plan Reference Number:	Date received:
Site Location Plan	8 January 2014
Proposed Site Plan AL(0)03 Rev C	5 February 2015
House Layouts Type A AL(0)10	8 January 2014
House Layouts Type B AL(0)11	8 January 2014
House Layouts Type C AL(0)12	8 January 2014
Detached House Layouts AL(0)13	4 June 2015
East Lane Elevations AL(0)20	8 January 2014
Street Elevations AL(0)21	8 January 2014
Street Elevations AL(0)22	5 February 2015
Site Section AL(0)23	5 February 2015

Reason: To define the permission.

3. No development shall take place until longitudinal and cross section engineering drawings of the proposed internal road and East Lane footway link have been submitted to and approved in writing by the Local planning authority. The development shall be completed in accordance with the approved details.

Reason: In order to ensure new roads and footways are of the standard required to serve the approved dwellings. In the interests of highway safety and to comply with policy GD1 of the Wear Valley District Local Plan.

4. Before the occupation of any dwelling hereby approved the estate road, footways, turning space and driveways shall be properly consolidated and surfaced.

Reason: In the interests of highway safety and the amenity of the area and to comply with policy GD1 of the Wear Valley District Local Plan.

EXPIRES ON 05/03/2014

5. Notwithstanding any details of materials submitted with the application no development shall take place until details of the make, colour and texture of all road surface and driveway materials have been submitted to and approved in writing by the Local planning authority. The development shall be completed in accordance with the approved details.

Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, BE5 and BE6 of the Wear Valley District Local Plan.

6. No development shall take place until full details of both hard and soft landscape works, including specifications of new planting and hard surface materials, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved within the first available planting season following the first occupation of each individual plot to which they relate. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development of each individual plot shall be replaced in the first available planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, H24, BE5 and BE6 of the Wear Valley District Local Plan.

7. Notwithstanding any details of materials submitted with the application no development shall take place until samples of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. This shall include the erection of a sample stone panel on the site for written approval from the Local planning authority. The approved sample panel shall remain in place throughout construction and the development shall be constructed in accordance with the approved walling and roofing details.

Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, H24, BE5 and BE6 of the Wear Valley District Local Plan.

8. No development shall take place until joinery and section details at a scale of no less than 1:20 of all windows and doors have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details and thereafter retained as such.

Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, H24, BE5 and BE6 of the Wear Valley District Local Plan.

9. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details and completed prior to occupation of the first dwelling.

Reason: To ensure the site is properly drained and does not increase surface water runoff from the site in accordance with policy GD1 of the Wear Valley District Local Plan.

10. The following design requirements shall be incorporated into the development and thereafter retained:

- a) All windows and doors shall be timber.
- b) All windows and doors shall be recessed at least 100mm from the face of the building.
- c) All lintels and cills shall be natural stone.
- d) All rooflights shall be flush fitting conservation style.
- e) All rainwater goods shall be black and hung on traditional brackets.
- f) The roof coverings shall be natural slate.
- g) All driveways shall be constructed with a porous material.

Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, H24, BE5 and BE6 of the Wear Valley District Local Plan.

10. Notwithstanding the provisions of Classes A and E of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (or any Statutory Instrument revoking or re-enacting that Order with or without modification) no enlargement, improvement or other alteration shall be carried out to the rear of units 1-6 and no buildings, including sheds, garages and glass houses shall be erected to the rear of units 1-6 without the prior written approval of the Local planning authority upon an application submitted to it.

Reason: To maintain the character of the development and preserve the character of the conservation area, and to comply with policies GD1, H24, BE5 and BE6 of the Wear Valley District Local Plan.

11. No dwelling on plots 6, 7, 8 and 9 hereby approved shall be occupied until the noise mitigation measures detailed in the Recommendations of the Noise Assessment by Hepworth Acoustics ref 22555.02v2 March 2015 have been fully implemented. The mitigation measures shall thereafter be retained in perpetuity.

Reason: To protect the residential amenity of future residents from the adjacent noise sources to comply with Policy GD1 of the Wear Valley Local Plan.

12. No construction activities, including the use of plant, equipment and deliveries, shall take place before 0800 hours and continue after 1800 hours Monday to Friday. No construction activities, including the use of plant, equipment and deliveries shall be carried out on a weekend and Bank Holidays.

Reason: To prevent undue noise disturbance to adjacent residential properties and businesses to comply with Policy GD1 of the Wear Valley Local Plan.

13. No materials shall be burned on site during the construction period.

Reason: In the interests of the amenity adjacent residential properties and businesses to comply with Policy GD1 of the Wear Valley Local Plan.

14. No development shall take place until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period. The Construction Management Plan shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. measures to control the emission of dust and dirt during construction

Reason: In the interests of residential amenity, visual amenity and highway safety to comply with Policies GD1, BE6 and T1 of the Wear Valley Local Plan

15. Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the installation on any dwelling hereby approved. The external lighting shall be installed and maintained in accordance with the approved details.

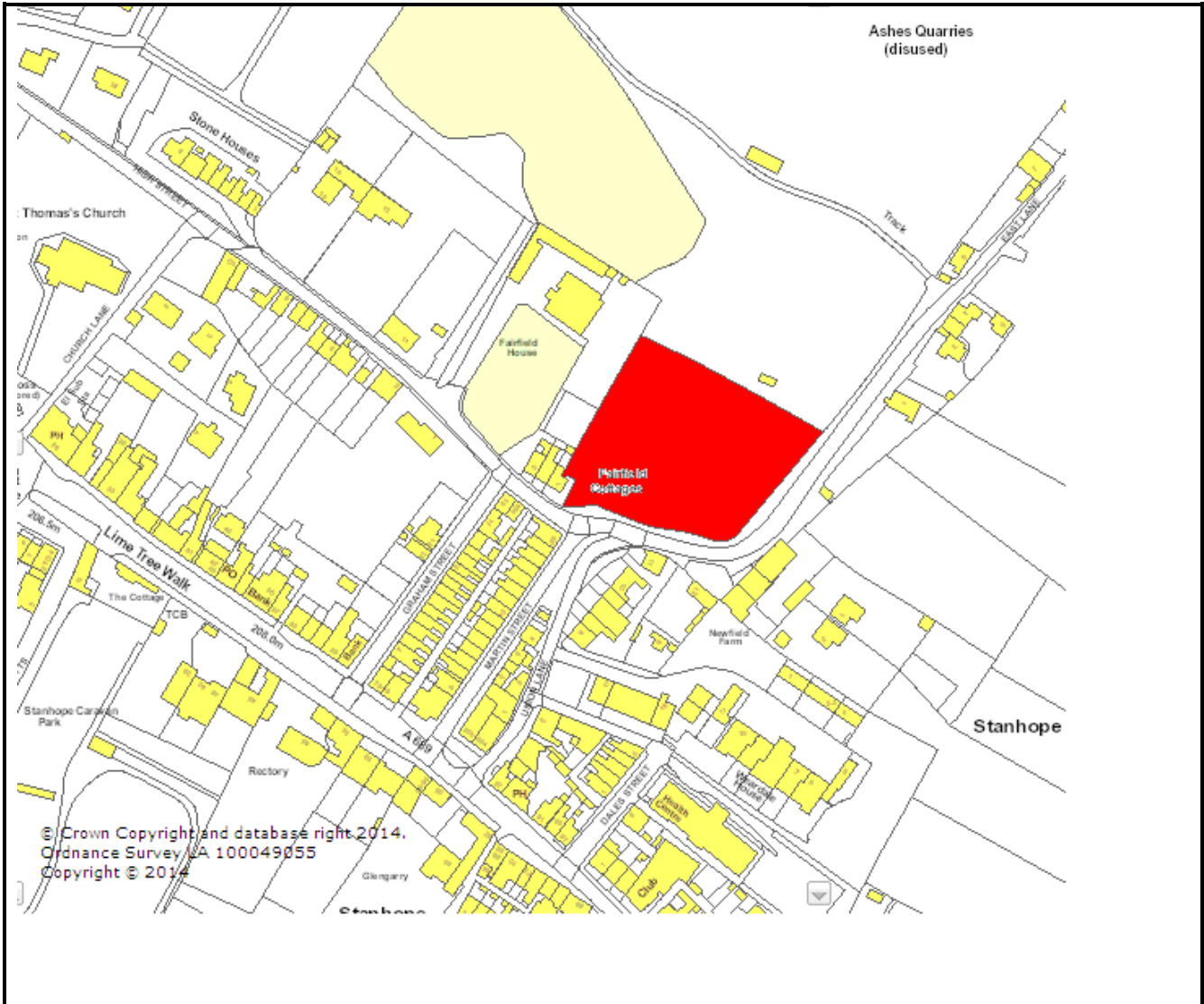
Reason: To minimise light spillage and glare outside the site in the interests of residential amenity to comply with Policies GD1, BE6 and T1 of the Wear Valley Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

83. The Local Planning Authority in arriving at its recommendation to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development in accordance with the development plan and NPPF.

BACKGROUND PAPERS

Submitted Application Forms, Plans and Statements
Noise Assessment
National Planning Policy Framework
National Planning Practice Guidance
Wear Valley Local Plan
Emerging County Durham Plan
Consultee comments
Public Consultation Responses



Planning Services

Land East of Fairfield Cottages,
Stanhope

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9 dwellings

Date 20/03/2014