



Area Planning Committee (South and West)

Date Thursday 21 April 2016
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 17 March 2016 (Pages 1 - 12)
5. Applications to be determined
 - a) DM/16/00516/OUT - Glencrest Kennels And Cattery, Glencrest, Copley Lane, Butterknowle (Pages 13 - 22)
Outline 1no. dwelling all matters reserved except access
 - b) DM/16/00517/OUT - Glencrest Kennels And Cattery, Glencrest, Copley Lane, Butterknowle (Pages 23 - 34)
Outline 4 no. dwellings with access considered (all other matters reserved)
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
13 April 2016

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

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

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

Contact: Kirsty Gray

Tel: 03000 269705

DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 17 March 2016 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, C Kay, S Morrison, G Richardson, L Taylor, C Wilson and A Turner

Also Present:

S Pilkington – Senior Planning Officer
T Burnham – Senior Planning Officer
M O’Sullivan – Planning Officer
C Cuskin – Solicitor – Planning and Development

1 Apologies for Absence

Apologies for absence were received from Councillors B Armstrong, E Huntington, A Patterson and S Zair.

2 Substitute Members

Councillor Turner substituted for Councillor A Patterson.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 18 February 2016 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

5a DM/15/03900/FPA and DM/15/03901/LB - Auckland Castle, Market Place, Bishop Auckland

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of a restaurant and new greenhouses within the walled garden at Auckland Castle, Market Place, Bishop Auckland (for copy see file of Minutes).

The Senior Planning Officer gave a detailed presentation on the application which included photographs of the site. He advised that since the report had been submitted, local Member Councillor Zair had verbally offered his support to the proposals which recognised the historic nature of the site and were appropriate.

Councillor Kay, in acknowledging that he could not vote on the application as he had entered the meeting during the Officer presentation, commented on construction access arrangements and was informed that a condition was proposed which would protect the integrity of listed structures, recognising that a separate planning application would be required for an alternative access route to the rear of the park.

Councillor Richardson made the point that the images shown in the Officer presentation did not properly show the steep incline of the gardens which could present difficulties for wheelchair users. Although he supported the scheme, on a personal level he did not like the 'bubble' design of the restaurant.

Councillor Nicholson considered that the proposal was part of the ongoing plans for Auckland Castle and Eleven Arches, and the proposed development would serve to enhance these. Although he shared Councillor Richardson's views about design, he appreciated that it had been designed by a well-known Japanese architect.

The Chairman noted that there had been some concerns expressed about noise but that these had been addressed in the report.

Councillors Clare and Davidson felt that any impact on heritage would be outweighed by the quality of the design and the benefits the proposed development would bring to the area.

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

That the application be approved subject to the conditions outlined in the report.

6 DM/16/00117/FPA - Land to the south of St John's Presbytery, Sedgfield

Consideration was given to the report of the Planning Officer regarding an application for a two storey dwelling on land to the south of St John's Presbytery, Sedgfield (for copy see file of Minutes).

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

Councillor G Wills addressed the Committee on behalf of Sedgefield Town Council. The Councillor advised that this was a very sensitive development and the Town Council's primary consideration was the need to conserve the historic environment and protect it from inappropriate development. The site was one of the remaining garths in Sedgefield which was still intact. Local Plan Policy E18 which sought to preserve or enhance the character or appearance of the Conservation Area had been applied when an application for development on a garth to the south of the site had been dismissed on appeal in 2006.

With regard to the boundary wall the Inspector at appeal had said that there was a lack of compelling evidence of previous alterations to refuse the application on that basis, nevertheless such alterations would add harm to the Conservation Area. 100m to the north of the development was a site where the applicant had retained the wall and had therefore reduced the impact on the street scene and the Conservation Area. That applicant had ensured that there were no windows overlooking the houses to the east. This development however would overlook properties to the east, would be overbearing and would reduce light. Councillor Wills was concerned that the impact on privacy had been dismissed as the proposals satisfied the minimum distance required between opposing windows (SPG Note 3). However she believed that the distance had been incorrectly measured from the back door of 2 Church View. The report suggested a slight change in ground levels but this would not be the case; the development would tower over the property to the east as it was a 2.5 storey dwelling, and would be overbearing and intrusive. The application was contrary to Local Plan Policies D5 and H17.

Addressing the applicant's statement which stated that the loss of the elevated historic space had occurred many years ago as there was a structure already on the site, Councillor Wills advised that this was a temporary building which occupied a small part of the area. The building proposed was permanent and more than four times the size of the existing structure, occupying two thirds of the site.

In conclusion Councillor Wills stated that the proposed development was in the historic heart of Sedgefield village and she requested that the Committee consider visiting this site, in particular to look at the impact on 2 Church View. The site was of historic value and should be protected. The proposed development was overbearing, was overdevelopment and constituted an invasion of privacy for the occupiers of 2 Church View. The application was contrary to Planning Policies D1, D5, E18, H17 and SPG Note 3.

Councillor D Brown of Sedgefield Town Council also addressed the Committee against the proposal. He advised that there was an agricultural field to the west of the site, through which crossed a public right of way. He had farmed the land for many years which had acted as a buffer between East Park and West Park. Hardwick Park was not located to the west of the site as stated in the report.

Turning to the Officer's presentation he believed that the photographs had been extracted from a recent publication about the Conservation Area. He noted that the Highways Authority had not objected to the proposals but he was aware of a previous application for development further along the lane which had been refused because of the increased volume of traffic the scheme would generate. West Park Lane was used as a mini rat-run to avoid congestion in the local area.

The Councillor was also concerned with the potential for flooding to properties on the lane which would be compounded by the development of an additional dwelling. He also pointed out that the stone wall belonged to the field. The Ecology Section had offered no objections but it was well-known that there was a colony of bats in the location. He had submitted an application for a barn conversion and had been required to submit a detailed bat report, yet here the comments of the Ecology Consultant had been deemed to be sufficient. He urged Members to refuse the application.

Councillor John Robinson, local Member was invited to address the Committee and advised that he had been a Member of the former Sedgefield Borough Council's Development Control Committee which had refused the application referred to by Councillor Wills. There should be consistency in the application of the policy for long gardens and if this planning application was approved that policy should be reviewed.

With regard to the boundary wall which was neglected, Councillor Robinson questioned the need to grant planning permission for works when the wall should be protected by the Authority by enforcing its repair. He asked Members to consider the detrimental impact the proposed development would have on the residents of 2 Church View who would have a view of a 2.5 storey property towering above them. The Councillor urged the Committee to consider the planning history for the area and was of the view that had pre-planning consultation been carried out with 2 Church View this may have resulted in a development that was more sympathetic and which was viewed more favourably by residents.

Mr Elliott of 2 Church View addressed the Committee. He was concerned with regard to the impact of the proposed development on existing properties, the Conservation Area and the setting.

There had been a number of refusals for planning permission in recent years, including the application in 2006 which had been dismissed at appeal, as referred to by the Town Councillors. Areas of open space were important to the fabric of the village; the proposed development would result in the further loss of open space, and was contrary to Policy E18.

The report stated that the garth had been divided and this was incorrect, as early maps showed this, and was at odds with the Planning Inspector's decision. It was also wrong to state that their amenity was already compromised simply because the existing structure on the site was in poor condition.

The Planning Officer had argued that the proposed development would help to promote the openness of the Conservation Area, including Manor House which was also at odds with the decision of the Planning Inspector. Policy E18 was still relevant today. The boundary wall was one of the few parts remaining, and despite other developments being required to retain sections, it was said to be in poor repair. The proposals for the wall were unacceptable in a Conservation Area. The assertion that views would be opened up was contradictory when a single storey structure was to be replaced with an 8m high dwelling.

In terms of separation distances, whilst on paper these were deemed to be acceptable, in reality the shadowing created by the new property would impact on 2 Church View and the openness of the Conservation Area. There were significant policy reasons to refuse the application in accordance with Part 12 of the NPPF and Local Plan Policy, including E18. Approval of the application would result in the direct loss of an important asset.

The applicant was in attendance but indicated that he did not wish to address the Committee.

The Chairman referred to the planning history in the local area which had been raised by objectors and advised that planning policy had changed significantly in recent years which affected how local plan policy could be applied. With regard to the comments made about bats and the views of the Ecology Section as set out in the report, he explained that the Committee had to be guided by the expertise of Officers. Hardwick Park, although not directly adjacent to the site was located to the west, and therefore the references to the Park were relevant.

The Planning Officer responded to the matters raised. He advised that he had visited the site on a number of occasions and that he had taken the photographs which were included in his presentation. As had been stated Hardwick Park was located to the west of the application site. The proposed dwelling was 2 storey with a living area in the roof space and was in line with the presbytery to the north. Loss of a view was not a material planning consideration, and the separation distance was 25m, exceeding the 21m requirement. As there was a property to the north, the garth had been sub-divided, and as the amenity of 2 Church View was already compromised by a poor quality building on the site, albeit temporary, the application was deemed to be acceptable.

With regard to the concerns expressed about the boundary wall, the Planning Officer advised that the report explained why it was considered acceptable to rebuild the wall using reclaimed materials and which would comply with highway safety requirements. Councillor Brown had argued that the lane was used as a rat-run but the proposed development of one house and the expected traffic flow it would generate was considered to be acceptable by the Highways Authority.

Councillor Davidson referred to the comment made by Councillor Wills that the separation distances had been measured from the wrong points and was informed that measurements had been taken from the primary elevations. The rear elevation of the proposed development to the rear elevation of 2 Church View was 25m.

Where houses were positioned back to back there was usually an element of overlooking.

Councillor Boyes asked if the existing structure on the site had ever been used as a dwelling and was informed that it was an annex to the presbytery and formed part of the curtilage of the building to the north, which was a residential property. It had never been occupied as a dwelling.

Following a further question from the Member the Committee was informed that the application would be acceptable in planning terms if the structure was not already on the site. This was not a form of garden-grabbing; there was already a building on the site and the proposed development constituted infill of a vacant plot.

Councillor Richardson stated that having heard the representations made he had sympathy with the objectors, particularly with the residents of 2 Church View. However he would listen to the views of other Members of the Committee before he reached a decision on the application.

Having listened to the detailed representations made Councillor Davidson did not feel that sufficient planning reasons had been furnished to justify refusal of the application, and that the Committee had to be guided by the NPPF. He appreciated that the residents of 2 Church View may lose some views but he was satisfied that the proposed dwelling met the required separation distances.

Councillor Nicholson considered that the objections raised had been fully addressed in the report and whilst he sympathised with the residents he was in support of the Officer's recommendation.

Councillor Clare advised that he had listened to the comments made that this was the only intact garth remaining and he appreciated why earlier planning permission had been refused to the south; as a medieval burgage used for allotments/workshop/pens for animals he could appreciate the reasons for preserving that site. However this garth had clearly been split and when this had occurred was irrelevant. The site had also been built upon. Whilst the loss of an ancient wall was regrettable the Planning Inspector had said that the loss of the wall would not be enough in itself to refuse an application. To state that the wall was being demolished simply because it was in poor repair was incorrect as visibility splays were required. The Committee had been told that the field to the west was not Hardwick Park, and he was of the view that as an agricultural field this gave greater weight to supporting the application, not less. Planning permission had been refused at another site because of the volume of traffic that would be generated but the Highways Authority had offered no objections following their examination of this application. Councillor Brown had raised concern that the existence of bats had not been taken into account, yet on examination it had been found that there were none.

Objectors had referred to the proposed development being overbearing but Councillor Clare was convinced by Planning Officers that minimum separation distances had been met. With regard to the comment that the scheme would constitute overdevelopment of the site he was concerned that the development

would cover a large part of the plot but understood that the original scheme had been larger. Officers had worked with the applicant to produce a more suitable scheme and the proposed garden space would not be unacceptable.

Councillor Boyes asked if the applicant intended to use the property as a family home and if this could be secured by condition as he was concerned that the site would be developed and then sold on the open market. The Solicitor – Planning and Development advised that conditions had to meet certain tests, one of which was that they must be necessary to make the development acceptable in planning terms. It would therefore be difficult to sustain a condition restricting the use of the house as a family home.

The applicant confirmed that the property would be their family home.

Councillor Kay was of the view that the objectors' arguments were based on an outdated Local Plan but asked why it had been felt that a site visit was not necessary.

Members considered that the photographs and images presented by the Officer in his presentation, which included the proposed design and layout, clearly showed the proposals and that there was sufficient information for the Committee to make a decision on the application without visiting the site.

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

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

That the application be approved subject to the conditions outlined in the report.

6a DM/15/03923/FPA - Nursery Garage, Stangarth Lane, Staindrop

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of a garage building and erection of dwelling with car port and garage at Nursery Garage, Stangarth Lane, Staindrop (for copy see file of Minutes).

The 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.

T Bolton addressed the Committee on behalf of Staindrop Parish Council. He explained that the Parish Council had always aimed to be constructive and supportive of applications in the village however the two proposed schemes on the Agenda were of concern. Over a long period the Parish Council had sought to protect the land to the south of the village. The integrity of the linear form of the village should be maintained and this was recognised in Staindrop Conservation Area Character Appraisal.

When planning permission had been granted for the bungalow adjacent to the garage its occupation had been linked to the garage and the Parish Council felt that this had offered protection. A previous application successfully sought to have this link removed. The Parish Council considered this to be an area of open countryside and of high landscape value, and of great concern was that it would create a spur southwards and open up the floodgates for further development, of which the following application on the Agenda was one.

The Parish Council also had misgivings in relation to the application of planning policy. The report referred to the land as being a brownfield site and the comments that it was already occupied by a very large and unattractive building were overstated. The garage was a low lying white coloured single storey building which sat comfortably in its surroundings and could be mistaken for an agricultural building. The adjacent dwelling was also single storey. The proposed building would be a 2 storey dwelling at 8.5m high which would not look like a barn conversion, nor could be adequately screened.

There had been an apparent lack of appreciation and weight given to conservation issues. The site was identified as one of the key sight lines from the village. He asked why designate as Conservation Area, identify key sight lines, classify as an Area of High Landscape Value and then minimise these classifications by allowing a development of that which was proposed. He strongly urged Members to refuse the application; insufficient weight had been given to development in the open countryside and the impact on the Conservation Area, or to what was in essence cumulative impact along the lane. However if the Committee was minded to approve the application he asked for the size of the building and eaves height to be reduced.

Mr Mills, the applicant stated that he only wished to develop the land by demolishing an eyesore and replacing it with a stone-built dwelling, and bed and breakfast business combined. With the exception of the Parish Council there had been little public objection to the proposals. It was not uncommon in the village for a typical design to be 7-8m to ridge and there was a proliferation of in excess of 20 dwellings around the village that were 3 storeys high and 9m to ridge. As there were 2 other well-established garages in Staindrop, and 4 located within 1-4 miles, there would be no impact on the local economy.

The garage business generated approximately 20 cars per day along the length of the lane. The proposals would result in a 75% reduction in traffic flow, with a commensurate effect on pedestrian risk.

The Parish Council had argued that the lane was in poor condition and he accepted that it could benefit from resurfacing but he made the point that there was no clear responsibility for its upkeep, and there were other properties which also had frontages onto the lane, including that of the Chairman of the Parish Council.

In conclusion he asked the Committee to support the development of a brownfield site which constituted sustainable development and which did not conflict with the policies in the Local Plan or the NPPF.

The Chairman advised that a key policy of DCC was to develop and promote tourism in County Durham and this application presented an opportunity for this in a Conservation Area and in an area of high landscape value.

In response to the comments made the Senior Planning Officer referred to the views expressed that the proposed building would be worse than the existing structure, but this was subjective. The impact on the Conservation Area had been assessed and was not considered to be negative as the site was located further to the north. He acknowledged that the building would be slightly more prominent from the footpath to the south but the impact was not deemed to be significant or excessively negative.

Councillor Davidson was of the view that the argument that there should be no housing development on the site had been weakened when planning permission was granted for the garage and the bungalow. He understood the reservations about opening up a southern spur but Highways Officers were of the view that the lane could not serve any development which would lead to an increase in vehicular movements. On the site visit he had observed 13 cars, a horse box and 2 MOT bays and therefore the garage had the ability to generate a lot more traffic than the proposed scheme. Members had to consider the application before them; it would not be possible to ask the applicant to reduce the height of the building as this would require the submission of a revised application. The Member added that he would not take into account the comment made by Mr Mills with regard to the Chairman of the Parish Council.

The Chairman referred to the comments made by the Parish Council about opening up a southern spur and emphasised that this application had to be considered on its own merits; the impact this scheme might have on future developments could not be taken into account.

In agreeing with Councillor Davidson, Councillor Nicholson was of the view that this proposal would bring more people into the village and would benefit the local economy.

Councillor Richardson advised that this development was within his electoral division. He attended meetings of the Parish Council who cared greatly about the village. He shared some of their concerns, particularly in relation to the access. He could have supported the views of Councillors Davidson and Nicholson had he not known that those who had objected had genuine concern for the village. He was unable to support the application.

In concurring with the views of Councillor Davidson, Councillor Clare commended the comments of the Parish Council which he considered to be pertinent but were not sufficient to justify refusal of the application. The Committee could not take into account what might occur in the future as a result of this application, and although this was a bigger building, it had been reduced in size. The land was already built upon and if it had been a greenfield site he would have agreed with the views of the Parish Council. The linear integrity of the village had already been breached at this location and whilst he agreed with the Parish Council that this was the identified

sight line for the Conservation Area it was not a sufficient reason in itself to warrant refusal of the application.

Councillor Davidson moved and Councillor Nicholson seconded that the application be approved.

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

That the application be approved subject to the conditions outlined in the report.

6b DM/16/00020/FPA - Gorst Hall Gardens, Stangarth Lane, Staindrop

Consideration was given to the report of the Senior Planning Officer regarding an application for the demolition of existing buildings and the erection of 2no. detached dwellings with garages (for copy see file of Minutes).

The 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.

T Bolton addressed the Committee on behalf of Staindrop Parish Council and explained that although a separate application, the proposals raised similar concerns to the previous application as the Parish Council sought to protect the village from development southwards.

This application was for 2 large detached 4 bed houses with separate garages and although the earlier application had been approved, Officers and Members had stated that each application was considered on its own merits. This application reinforced the argument that the approval of one development may encourage additional schemes in the area.

The Parish Council endorsed the comments of Design and Conservation who opposed the principle of developing the site on the grounds that it would erode the definite east-west layout of the village. In relation to the existing buildings the Parish Council considered these to be single storey structures and how the site could be considered brownfield was beyond their comprehension. The development was referred to as Gorst Hall Gardens which the residents of Gorst Hall were unhappy about. During consideration of the previous application Members had been informed of the limited existing highway arrangements. In summary the objections of the Parish Council were similar to those in respect of the earlier application and related to scale and massing, and development to the south of the village.

Mr Thompson the applicant advised that he had undergone a formal process with Planning Officers to reach an acceptable scheme. It was coincidence that both applications had been submitted to Committee at the same time.

The site was located to the south of the Conservation Area and outside the previous Local Plan settlement limits. It could be accessed via Stangarth Lane which had served the builders yard in the past. There had been no objections from the Highways Authority to the existing number of units served by the lane. The

former workshop at 4.5 to 4.8m was in excess of single storey and there was a store and garage to the west. The proposed design was low-key, with well-proportioned apertures and low pitched roofs to minimise the impact of the buildings. The adjacent plots to the north were 2 storey. Natural materials would be used, red pantiles and locally sourced stone, which would be sympathetic to the character of the village.

There were 3 storey properties on the Front Street in the village and building heights reduced proceeding along the lane. Amenity value of the site was low at present and the proposed development would be enhanced visually and ecologically through natural planting. With regard to the argument about sight lines the walled gardens of the Raby Estate offices could be seen when looking towards the development.

The Chairman stated that the Highways Authority would have offered objections to the application if either proposal would cause additional traffic so the issue was not whether the lane was up to capacity. Had Highways Officers been concerned about the lane and traffic generated he would have taken a different view on the application.

Councillor Boyes made the point that although the site was outside the Conservation Area the impact of the proposals on the setting should be considered, and noted the objections in principle from Design and Conservation.

The Senior Planning Officer advised that because the dwellings were sympathetically designed this should not compromise the setting of the Conservation Area. The east-west layout was a key aspect of the village and if there had not already been development on the site a different view may have been formed. On balance it was not considered that the scheme would cause harm to the setting of the Conservation Area.

Councillor Nicholson stated that this site was classed as brownfield land and noted that these were two different applications that happened to be submitted to the same meeting. He considered that on balance the proposals would enhance the village and he welcomed the development of a brownfield site.

Following a question from Councillor Clare, the Member was informed of the proposed on-site parking provision. The Member noted that there was no on-street parking but was satisfied that adequate parking would be provided within the development for families and visitors, and was in support of the proposals. The argument surrounding sight lines was not a sufficient reason to reject the application.

Councillor Richardson supported the Parish Council's comments about the naming of the site, and asked if it could be re-named.

Although the name of the development was not a material planning consideration the applicant, at the request of the Chairman, explained that the title of Gorst Hall Gardens had been inherited through title deeds but he was seeking to re-name the development.

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

That the application be approved subject to the conditions outlined in the report.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/16/00516/OUT
FULL APPLICATION DESCRIPTION: Outline 1no. dwelling all matters reserved except access
NAME OF APPLICANT: Mr D Fox

ADDRESS: Glencrest Kennels And Cattery
Glencrest
Copley Lane
Butterknowle
Bishop Auckland
County Durham
DL13 5LW

ELECTORAL DIVISION: Evenwood

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

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises approximately 0.1 hectares of land which sits in a countryside location within the rear garden curtilage of Glencrest Bungalow. Grewburn Lane runs to the west of the site, with trees and hedgerow in between the road and the site. Existing kennel buildings sit immediately to the east. Residential properties at 6 & 7 Grewburn Lane sit across the road to the north west.
2. The application proposes the erection of 1no. dwelling on the site. The application is in outline form, only seeking to agree details of access. All other matters such as appearance, landscaping, layout and scale are reserved for consideration at reserved matters stage; however, plans showing how the development could be accommodated on the site show a single dormer bungalow with vehicular access from Grewburn Lane.
3. The application is reported to the Planning Committee at the request of Cllrs Smith and Turner who consider the proposed dwellings comply with the provisions of the NPPF and are similar to permissions recently granted in Low Etherley.

PLANNING HISTORY

4. There is various planning history related to development of the wider site to establish the Kennel and Cattery buildings.
5. The Camphill bungalow was granted permission in 2010 and 2011 subject to a condition that it remained as a manager's dwelling for the Kennels and Cattery. (6/2010/0083/DM & 6/2011/0164/DM/RM).

6. An application to remove the manager's restriction condition on the Camphill Bungalow was refused in 2015 (DM/14/03652/VOC).

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
8. *NPPF Part 4 – Promoting sustainable Transport.* The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
11. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
12. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from

contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

LOCAL PLAN POLICY:

13. The following policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
14. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
15. *Policy ENV1: Protection of the Countryside.* This policy restricts the type of development that would be permitted in the Countryside. Tourism and recreation developments would be considered acceptable where compliant with other policy and where they do not unreasonably harm the landscape and wildlife resources of the area.
16. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
17. *ENV10 Development Affecting Trees Or Hedgerows:* development will only be permitted where it avoids unreasonable harm to or loss of any hedgerows which do, or will when mature, contribute significantly to any of the following: Landscape diversity, the setting of nearby existing or proposed buildings, a protected species habitat or visual amenity.
18. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.

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

RELEVANT EMERGING POLICY:

The County Durham Plan -

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

County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. *Highways Authority*: Copley is a small rural settlement with modest facilities; it is likely residents place a relatively high reliance on the private motor car. The 83 bus service runs between Copley and Barnard Castle however the first service arrives at Galgate, Barnard Castle, at 0925 with the last return leaving Galgate at 1425. There is no Sunday service. The proposed access is located within a 60mph section of C42 highway. Southbound C42 vehicle speeds are naturally greater than those northbound. A planning condition must be attached requiring the securing of a 2.4m by 90m visibility splay to the north and 43m to the south.

21. *Northumbrian Water*: No objection.

INTERNAL CONSULTEE RESPONSES:

22. *Environmental Health (Noise)*: The application relates to the introduction of noise sensitive receptors in close proximity to a potential significant noise source, namely the dog kennels and cattery. The applicant does not appear to have considered or quantified the potential noise in relation to the impact on possible future occupiers and in turn the future viability of the business. The Environmental Health section has record of two complaints in relation to noise from this site. For the reasons stated above the section have significant concerns regarding the potential for the development to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and object to this application.

Landscape Section (Trees): The proposed development will retain the majority of the trees however it will result in a break in the roadside vegetation, the extent of which is unclear until the exact visibility splay requirement is mapped. It is recommended that should this develop into full planning permission, the tree protection locations and methods should be included in a method statement and tree protection plan.

23. *Landscape Section*: No objection.

PUBLIC RESPONSES:

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

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/>

APPLICANTS STATEMENT:

25. The old settlement boundaries in the outdated Teesdale District Local plan excludes the land and buildings around the property known as Glencrest on the eastern edge of the village of Copley. However, the reality on the ground is that Glencrest, as well as 17 properties (some of which have been built in recent years) opposite Glencrest, are clearly part of the structure of Copley, and is land within this already defined structure which is being proposed for the development of the new proposed dwelling. The proposal does not seek to introduce new development into the countryside, particularly given that the dwelling proposed would lie within the existing, extensive garden of Glencrest itself.
26. Copley is a village which has unfortunately lost many of the facilities which it once enjoyed, and as a village it can reasonably expect to have the opportunity to sustain itself rather than being seen as a settlement in decline. Paragraph 55 of the National Planning Policy Framework made the clear statement that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.'
27. This is precisely the case in this instance, and where the villages of Copley, Woodland and Butterknowle all require the mutual support which can be given to ensure their sustainability. In planning policy terms, it is suggested that the proposed development is entirely acceptable and members of the Committee are requested to support this application for appropriate new residential development.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of development

29. The site lies in the garden to the north of Glencrest bungalow, outside of the development limits of Copley as identified in the Teesdale Local Plan. Despite the presence of other dwellings located intermittently along Grewburn Lane and the B6282 the site is not within or closely associated with an existing settlement. Development of the site for market housing, as proposed, therefore represents a departure to saved Policy ENV1 of the Teesdale Local Plan.
30. However, in accordance with paragraph 215 of the NPPF, the weight to be attached to relevant Teesdale Local Plan policies depends upon the degree of consistency with the NPPF. In this respect the settlement boundary policies of the Teesdale Local Plan are housing policies dating back to 2002 so they cannot be considered as being up to date and accordingly can no longer be given any significant weight. In addition, following the withdrawal of the County Durham Plan (CDP) after the recent High Court decision to quash the Inspector's Interim Report, the policies of the CDP can no longer be given any weight either.

31. In these circumstances and regardless of 5 year land supply, the NPPF in Para 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The main purpose of the NPPF is to achieve sustainable development.
32. In relation to housing, Section 6 of the NPPF seeks to significantly boost the supply of housing and states housing applications should be considered in the context of the presumption in favour of sustainable development. Local Planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised; key facilities such as primary schools and local shops should be located within walking distance of most properties. Section 7 requires development to improve the character and quality of an area and the way it functions.
33. The nearest settlement to the site is Copley, the edge of which lies approximately 240mtrs to the west. The County Durham Settlement Study scores the sustainability of each settlement based upon the range and number of services within the settlement. Copley is identified as a tier 6 Hamlet (the lowest tier), which offers very few or no facilities and services. The 83 bus service to Barnard Castle is extremely limited, effectively a half day service with no Sunday service. The nearest primary schools are in the villages of Woodland and Butterknowle, both beyond acceptable walking distance and not on safe walking routes.
34. It is likely therefore that residents of the proposed dwelling would be heavily reliant on private car use to access any services and facilities. The proposal does not therefore support sustainability objectives of the NPPF in respect minimising the need to travel.
35. It is acknowledged that NPPF paragraph 55 identifies that where there are groups of smaller settlements, development in one village may support the services in a village nearby, but it goes on to state that new isolated homes in the countryside should be avoided. As this site is not within any village and there would be a need to travel by private car to access almost all services and facilities, the proposal represents isolated housing development in the countryside.
36. It is accepted that the dwelling would make a small contribution to housing supply and there would be some economic benefits from the building works. However, the proposal does not find full support from paragraph 55 of the NPPF and overall, the site does not represent a sustainable location for new housing development. The principle of the development is not therefore supported.
37. In calling the application to committee Councillors Cllrs Smith and Turner expressed a view that the proposed dwelling did comply with the provisions of the NPPF. However, for the reasons set out above it has been shown that this is not the case. In addition, comparisons cannot be drawn with permissions granted in Low Etherley as those sites were judged to be within the confines of the village of Low Etherley, which itself forms part of a larger conjoined settlement of High Etherley and Toft Hill containing a better range of services and facilities, as well as being close to the major town of Bishop Auckland. Regardless, each application has to be considered on its own merits. There are also other detailed matters to consider, which will be considered in the sections below, but the principle of development is not supported.

Residential Amenity

38. The site lies immediately adjacent to animal housing buildings associated with the Kennels and Cattery.
39. The existing Kennels and Cattery business is a noise generating use with the potential to cause disturbance to neighbouring residential properties. The Environmental Health Noise Action Team has stated that there is a record of two complaints relating to noise from the Kennels and Cattery. As the two nearest dwellings are occupied in conjunction with the running of the business, the complaints were from properties further away than the proposed dwellings.
40. The application has not considered noise impact and there has not been any assessment undertaken to establish potential noise levels at the proposed property. The Environmental Health Noise Action team therefore has significant concerns and objects to the proposal.
41. The effects of not adequately assessing the noise levels from the adjoining Cattery and Kennels, would be likely to lead to a poor living environment for future residents of the proposed dwellings. This could also lead to complaints from future occupiers of the properties, which could curtail operations of the Kennels and Cattery.
42. The NPPF seeks to avoid circumstances where established businesses have unreasonable restrictions placed on them because of changes in nearby land uses. In addition the Planning Practice Guidance states that noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment.
43. Because of the potential conflict between the uses which would harm the living conditions of future residents and lead to potential constraints on the existing business, the proposal is in conflict with the above aims of the NPPF and PPG. It also conflicts with Teesdale Local Plan Policy GD1 in this respect.

Impact on the character and appearance of the area

44. Visually the site is well screened by boundary vegetation. A new access would be formed onto Grewburn Lane, but the majority of the existing vegetation could still be retained. Detailed matters of the appearance and scale of the dwelling would be considered at a later stage, but it's likely that a single bungalow form of development would relate appropriately to the scale and type of existing development it would sit alongside and would not appear unduly prominent or intrusive on the site.
45. Accordingly, there is no conflict with Teesdale Local Plan Policy GD1 in respect of the impact on the character and appearance of the area.

Highways

46. Access is a matter for consideration and the dwelling would have its own vehicular access onto Grewburn Lane.

47. Although the access would be located within a 60mph section of the highway, the Highway Authority is not opposed to the provision of this access, providing it is served by a 2.4m by 90m visibility splay to the north and 43m to the south.
48. It would be possible to secure this by a condition and therefore the proposal does not conflict with Teesdale Local Plan Policy GD1 and the guidance in NPPF Section 4 in respect of requirements for safe and suitable access.

CONCLUSION

49. NPPF Para 14 advises that where relevant policies are considered out of date developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
50. In its favour, the proposal would make a small contribution to housing supply and bring economic benefit from the construction. This would contribute to the social and economic aspects of sustainability.
51. However in environmental terms the site has poor access to services and facilities and does not therefore represent a sustainable location for new development. The potential for conflict between occupants of the proposed dwelling and the Kennels and Cattery business represents negative impacts in environmental, social and economic terms. Consequently the proposal would result in disbenefits in environmental, economic and social terms.
52. Having regard to the NPPF as a whole, it is considered that these factors lead to a conclusion that the development should not be considered to be sustainable development. Furthermore, these adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, and conflict with the relevant policies of the Teesdale Local Plan.

RECOMMENDATION

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

- 1) The application site has poor access to services and facilities and as a result future residents would be reliant on private car travel. This conflicts with Section 4 of the NPPF, which seeks to minimize the need to travel, and NPPF paragraph 55 which seeks to avoid isolated housing development in the countryside.
- 2) The proposal has not assessed the existing noise climate in order to demonstrate that future residents would not be adversely affected by the activities at the adjacent Kennels and Cattery. Because of the proximity of the proposed dwellings to a number of operational buildings, the failure to do so is likely to cause significant harm to the living conditions of future residents, as well as hampering the operations of the adjacent business. This conflicts with Teesdale Local Plan Policy GD1(D), as well as paragraph 123 of the NPPF.
-

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

Outline 1 no. dwelling all matters reserved except access

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

21st April 2016

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00517/OUT
FULL APPLICATION DESCRIPTION:	Outline 4 no. dwellings with access considered (all other matters reserved)
NAME OF APPLICANT:	Mr D Fox
ADDRESS:	Glencrest Kennels And Cattery Glencrest Copley Lane Butterknowle Bishop Auckland County Durham DL13 5LW
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises approximately 0.9 hectares of land at the Glencrest Kennels and Cattery, which sits in a countryside location to the east of the small hamlet of Copley. The site lies on the B6282 between the two bungalows associated with the Kennels and Cattery, with Glencrest to the west and the recently constructed additional manager's accommodation Camphill to the east. The kennel buildings lie to the north. Linear groups of dwellings appear intermittently along the B6282 to the east.
2. The site is currently part gravelled and part grassed with the gravelled section appearing to form a parking area associated with the Kennels and Cattery business. There is a hedgerow along the roadside boundary.
3. The application is in outline and proposes the erection of 4 dwellings on the site with consideration also given to access. All other matters such as appearance, landscaping, layout and scale are reserved for consideration at reserved matters stage; however, plans showing how the development could be accommodated on the site show 4 individually-accessed two storey detached dwellings, separated by driveways with garaging to the rear.
4. The application is reported to the Planning Committee at the request of Cllrs Smith and Turner who consider the proposed dwellings comply with the provisions of the NPPF and are similar to permissions recently granted in Low Etherley.

PLANNING HISTORY

5. There is various planning history related to development of the wider site to establish the Kennel and Cattery buildings.
6. The Camphill bungalow was granted permission in 2010 and 2011 subject to a condition that it remained as a manager's dwelling for the Kennels and Cattery. (6/2010/0083/DM & 6/2011/0164/DM/RM)
7. An application to remove the manager's restriction condition on the Camphill Bungalow was refused in 2015 (DM/14/03652/VOC).

PLANNING POLICY

NATIONAL POLICY

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). 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.
9. *NPPF Part 4 – Promoting sustainable Transport.* Seeks to ensure the location of new development minimises the need to travel and maximises opportunities for use of sustainable transport modes. Safe and suitable access to the site should be achieved for all people.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
11. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
12. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability

and remediating contaminated or other degraded land where appropriate. Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life.

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

LOCAL PLAN POLICY:

13. The following policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
14. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
15. *Policy ENV1: Protection of the Countryside.* This policy restricts the type of development that would be permitted in the Countryside. Tourism and recreation developments would be considered acceptable where compliant with other policy and where they do not unreasonably harm the landscape and wildlife resources of the area.
16. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
17. *ENV10 Development Affecting Trees Or Hedgerows:* development will only be permitted where it avoids unreasonable harm to or loss of any hedgerows which do, or will when mature, contribute significantly to any of the following: Landscape diversity, the setting of nearby existing or proposed buildings, a protected species habitat or visual amenity.
18. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.

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

RELEVANT EMERGING POLICY:

The County Durham Plan -

19. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court

Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP cannot be given any weight at this time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. *Highways Authority*: Copley is a small rural settlement with modest facilities; it is likely residents place a relatively high reliance on the private motor car. The 83 bus service runs between Copley and Barnard Castle however the first service arrives at Galgate, Barnard Castle, at 0925 with the last return leaving Galgate at 1425. There is no Sunday service. The site is located within a 40mph section of highway, but measured (eighty fifth percentile) traffic speeds are greater than the speed limit. Sight visibilities from the proposed accesses would be acceptable, however, after having sought clarification of use of the gravel area and customer parking provision for the cattery, considers that the proposal would permanently remove an in curtilage parking area for customers and staff, approved as part of the expansion in 1983. In doing so it would further encourage business related parking directly on the B6282 public highway; prejudicing road user amenity and sight visibility of B6282 traffic from the C42 Grewburn Lane junction, and from the driveway which serves Glencrest.
21. *Northumbrian Water*: No objection.

INTERNAL CONSULTEE RESPONSES:

22. *Environmental Health (Noise)*: The application relates to the introduction of noise sensitive receptors in close proximity to a potential significant noise source, namely the dog kennels and cattery. The applicant does not appear to have considered or quantified the potential noise in relation to the impact on possible future occupiers and in turn the future viability of the business. The Environmental Health section has record of two complaints in relation to noise from this site. For the reasons stated above the section have significant concerns regarding the potential for the development to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and object to this application.
23. *Landscape (Trees)*: It is recommended that the removal of the hedge and the impact it will have on the landscape is considered should the application progress. In addition it may be prudent for the applicant to alter the proposal to allow the retention of the hedge.
24. *Landscape*: Although the design of the dwellings is primarily for others to comments on, they do not appear to reflect any one of the various local styles and seem likely to have a somewhat negative effect on the local landscape.

PUBLIC RESPONSES:

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

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/>

APPLICANTS STATEMENT:

26. The old settlement boundaries in the outdated Teesdale District Local plan excludes the land and buildings around the property known as Glencrest on the eastern edge of the village of Copley. However, the reality on the ground is that Glencrest, as well as 17 properties (some of which have been built in recent years) opposite Glencrest, are clearly part of the structure of Copley, and is land within this already defined structure which is being proposed for the development of the four new proposed dwellings. The proposal does not seek to introduce new development into the countryside, particularly given that the dwellings proposed would lie between existing dwellings filling in a gap in the road frontage.
27. Copley is a village which has unfortunately lost many of the facilities which it once enjoyed, and as a village it can reasonably expect to have the opportunity to sustain itself rather than being seen as a settlement in decline. Paragraph 55 of the National Planning Policy Framework made the clear statement that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
28. This is precisely the case in this instance, and where the villages of Copley, Woodland and Butterknowle all require the mutual support which can be given to ensure their sustainability. In planning policy terms, it is suggested that the proposed development is entirely acceptable and members of the Committee are requested to support this application for appropriate new residential development.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of development

30. The site lies between two existing dwellings along the B6282, but outside of the development limits of Copley as identified in the Teesdale Local Plan. There are other intermittent groups of dwellings along the B6282, but despite the presence of these existing dwellings the site is not within or closely associated with an existing settlement. Development of the site for market housing, as proposed, therefore represents a departure to saved Policy ENV1 of the Teesdale Local Plan.
31. However, in accordance with paragraph 215 of the NPPF, the weight to be attached to relevant Teesdale Local Plan policies depends upon the degree of consistency with the NPPF. In this respect the settlement boundary policies of the Teesdale Local Plan are housing policies dating back to 2002 so they cannot be considered as being up to date and accordingly can no longer be given any significant weight. In addition, following the withdrawal of the County Durham Plan (CDP) after the recent High Court decision to quash the Inspector's Interim Report, the policies of the CDP can no longer be given any weight either.

32. In these circumstances and regardless of 5 year land supply, the NPPF in Para 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The main purpose of the NPPF is to achieve sustainable development.
33. In relation to housing, Section 6 of the NPPF seeks to significantly boost the supply of housing and states housing applications should be considered in the context of the presumption in favour of sustainable development. Local Planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised; key facilities such as primary schools and local shops should be located within walking distance of most properties. Section 7 requires development to improve the character and quality of an area and the way it functions.
34. The nearest settlement to the site is Copley, the edge of which lies approximately 240mtrs to the west. The County Durham Settlement Study scores the sustainability of each settlement based upon the range and number of services within the settlement. Copley is identified as a tier 6 Hamlet (the lowest tier), which offers very few or no facilities and services. The 83 bus service to Barnard Castle is extremely limited, effectively a half day service with no Sunday service. The nearest primary schools are in the villages of Woodland and Butterknowle, both beyond acceptable walking distance and not on safe walking routes.
35. As suggested by the Highway Authority, it is likely therefore that residents of the proposed dwellings would be heavily reliant on private car use to access any services and facilities. The proposal does not therefore support sustainability objectives of the NPPF in respect minimising the need to travel.
36. It is acknowledged that NPPF paragraph 55 identifies that where there are groups of smaller settlements, development in one village may support the services in a village nearby, but it goes on to state that new isolated homes in the countryside should be avoided. As this site is not within any village and there would be a need to travel by private car to access almost all services and facilities, the proposal represents isolated housing development in the countryside.
37. It is accepted that the 4 dwellings would make a small contribution to housing supply and there would be some economic benefits from the building works. However, the proposal does not find full support from paragraph 55 of the NPPF and overall, the site does not represent a sustainable location for new housing development. The principle of the development is not therefore supported.
38. In calling the application to committee Councillors Cllrs Smith and Turner expressed a view that the proposed dwellings did comply with the provisions of the NPPF. However, for the reasons set out above it has been shown that this is not the case. In addition, comparisons cannot be drawn with permissions granted in Low Etherley as those sites were judged to be within the confines of the village of Low Etherley, which itself forms part of a larger conjoined settlement of High Etherley and Toft Hill containing a better range of services and facilities, as well as being close to the major town of Bishop Auckland. Regardless, each application has to be considered on its own merits. There are also other detailed matters to consider, which will be considered in the sections below.

Impact on the character and appearance of the area

39. The B6282 in this location is characterised by some small sporadic groups of dwellings along the roadside, but also a pleasant pastoral landscape with field patterns defined largely by hedgerows. The application site is bounded by a well maintained hedgerow along the roadside between Camphill and the outbuildings belonging to the Kennels and Cattery.
40. The provision of dwellings on the site would not be entirely out of character with the pattern of development along this part of the B6282, particularly lying between existing dwellings. However, it would result in removal of the roadside hedgerow, which is an important remaining landscape feature on the site and contributes to the rural character of the area. It also has biodiversity value. Because of the 4 individual accesses and associated visibility requirements it would not be possible for a detailed scheme to retain the hedgerow, which was a concern expressed by the Council's Tree Section. The hedgerow has already been impacted on to accommodate Camphill and this proposal would lead to almost complete removal of the hedgerow between Glencrest and Camphill. The 4 separate accesses would also result in 4 regularly spaced hard surfaced vehicle crossings onto the highway where at present there is only 1, which would further urbanise the character of the development site and the northern section of this part of the B6282. It is therefore considered that the proposed access arrangements would have a negative impact on the general amenity and character and appearance of the area. This conflicts with Teesdale Local Plan Policies GD1 and ENV10.
41. Although matters of layout, scale and appearance are reserved, the access arrangements dictate that the dwellings would have to be two-storey detached to accommodate the proposed development. There are two storey dwellings along the B6282, but the two dwellings to either side of the site are bungalows, as is Engine Inn House to the other side (west) of Glencrest. The bungalows reduce the density and prominence of development north of the B6282. The proposed two storey detached dwellings would not relate appropriately to the bungalows either side and would not sit comfortably in this context. This too would have a negative impact on the general amenity and character and appearance of the area in conflict with Teesdale Local Plan Policy GD1.
42. Accordingly, it is considered that the proposal would fail to integrate well with its surroundings and therefore does not represent an appropriately designed scheme for the site. There would be conflict with the design related aims of Teesdale Local Plan Policies GD1 and ENV10, as well as with NPPF paragraph 56, which requires the design of development to contribute positively to making places better for people.

Residential Amenity

43. The site falls within land associated with the Kennels and Cattery business. Operational buildings and the yard lie immediately to the west, while the animal boarding buildings lie just to the north.
44. The existing Kennels and Cattery business is a noise generating use with the potential to cause disturbance to neighbouring residential properties. The Environmental Health Noise Action Team have stated that there is a record of two complaints relating to noise from the Kennels and Cattery. As the two nearest dwellings are occupied in conjunction with the running of the business, the complaints were from properties further away than the proposed dwellings.

45. The application states that the proposed dwellings would be separated by bunding and an acoustic fence, but there are no details of this and there has not been any assessment of noise levels undertaken to establish potential noise levels at the proposed properties and suitability of mitigation. The Environmental Health Noise Action team therefore has significant concerns and objects to the proposal.
46. The effects of not adequately assessing the noise levels from the adjoining Cattery and Kennels, and therefore potentially underestimating the level of mitigation required, would be likely to lead to a poor living environment for future residents of the proposed dwellings. This could also lead to complaints from future occupiers of the properties, which could curtail operations of the Kennels and Cattery.
47. The NPPF seeks to avoid circumstances where established businesses have unreasonable restrictions placed on them because of changes in nearby land uses. In addition the Planning Practice Guidance states that noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment.
48. Because of the potential conflict between the uses which would harm the living conditions of future residents and lead to potential constraints on the existing business, the proposal is in conflict with the above aims of the NPPF and PPG. It also conflicts with Teesdale Local Plan Policy GD1 in this respect.

Highways

49. Access is a matter for consideration and each dwelling would have its own vehicular access onto the B6282. The Highway Authority advises that although measured (eighty fifth percentile) traffic speeds past the site are greater than the 40mph speed limit, the proposed access arrangements could in theory achieve suitable visibility.
50. However, part of the application site would occupy a gravelled area and secondary access to the Kennels and Cattery. This area was provided as part of the expansion of the business in 1983 to accommodate staff and customer vehicles to avoid parking taking place on the highway apron outside the business. This area appears to be underused because parking has often been observed on the highway apron. However, the purpose of its existence is so that parking would not have to occur on the highway apron. The Highway Authority advises that any parking that takes place on the highway apron obstructs sight visibility of B6282 traffic from the C42 Grewburn Lane junction and the Glencrest entrance making them unsafe. Parking associated with the Kennels and Cattery should not be taking place outside the site for this reason.
51. Regardless of whether it is used by the current operator, this proposal would permanently remove an in-curtilage parking area which is available for use by the business. This would further encourage parking associated with the Kennels and Cattery to take place on the B6282 public highway, which would permanently prejudice existing highway conditions and obstruct western sight visibility from the application site. It would also curtail any future expansion of the business because of a lack of adequate in curtilage parking. The Highway Authority therefore objects to the proposal.
52. Taking all the above into account, it is considered that the proposal would lead to conditions prejudicial to highway safety and road user amenity that would in turn also affect the ability to achieve suitable western sight visibility from the proposed development. The proposal therefore conflicts with Teesdale Local Plan Policy

CONCLUSION

53. NPPF Para 14 advises that where relevant policies are considered out of date developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
54. In its favour, the proposal would make a small contribution to housing supply and bring economic benefit from the construction. This would contribute to the social and economic aspects of sustainability.
55. However in environmental terms the site has poor access to services and facilities and does not therefore represent a sustainable location for new development. The loss of the roadside hedgerow, along with the visual impact of the 4 individual access points and poor integration the development would have with adjacent development, would all have negative environmental impacts. Further, the potential for conflict between occupants of the proposed dwellings and the Kennels and Cattery business represents negative impacts in environmental, social and economic terms. The scheme would also lead to conditions that would be permanently prejudicial to highway safety. Consequently the proposal would result in disbenefits in environmental, economic and social terms.
56. Having regard to the NPPF as a whole, it is considered that these factors lead to a conclusion that the development should not be considered to be sustainable development. Furthermore, these adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, and conflict with the relevant policies of the Teesdale Local Plan.

RECOMMENDATION

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

- 1) The application site has poor access to services and facilities and as a result future residents would be reliant on private car travel. This conflicts with Section 4 of the NPPF, which seeks to minimize the need to travel, and NPPF paragraph 55 which seeks to avoid isolated housing development in the countryside.
- 2) The combination of the visual impact from the number of vehicular access points and resultant removal of the majority of the roadside hedgerow, along with the poor integration the form of development would have with its immediate surroundings, would be detrimental to the character and appearance of the surrounding area. This conflicts with Teesdale Local Plan Policies GD1(A,B) and ENV10(D), as well as NPPF paragraph 56.
- 3) The proposal would result in the permanent loss of availability of an area of in curtilage parking designed to serve the Kennels and Cattery. This would further encourage parking on the B6282 highway to the detriment of highways visibility of B6282 traffic from the C42 Grewburn Lane junction, the Glencrest entrance and proposed access arrangement and

therefore potentially give rise to conditions prejudicial to highway safety and road user amenity. This conflicts with Teesdale Local Plan Policy GD1(Q) and NPPF Section 4.

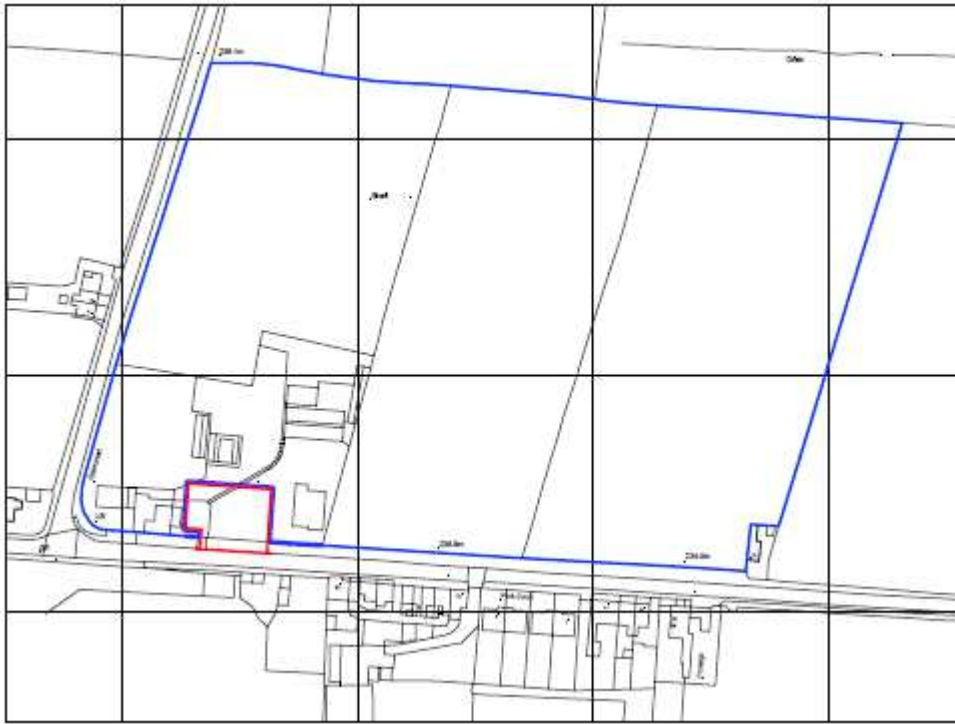
4) The proposal has not assessed the existing noise climate in order to demonstrate that future residents would not be adversely affected by the activities at the adjacent Kennels and Cattery. Because of the proximity of the proposed dwellings to a number of operational buildings, the failure to do so is likely to cause significant harm to the living conditions of future residents, as well as hampering the operations of the adjacent business. This conflicts with Teesdale Local Plan Policy GD1(D), as well as paragraph 123 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

Outline 4 no. dwellings all matters reserved except access

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

21st April 2016

This page is intentionally left blank