



Area Planning Committee (South and West)

Date Thursday 20 April 2017
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. Minutes of the Meeting held on 23 March 2017 (Pages 3 - 12)
5. Applications to be determined
 - a) DM/16/03214/FPA - 33 Cockton Hill Road, Bishop Auckland
(Pages 13 - 24)
Change of use of first floor from office (B1) to House in Multiple Occupation (C4) (Retrospective).
 - b) DM/17/00517/FPA - Field To The East Of Victoria Cottages, Garden House, Cockfield (Pages 25 - 38)
Demolition of dwelling known as 1 Victoria Cottage and erection of dwelling, with associated access and garaging on land between Victoria House and Pine Tops
 - c) DM/17/00463/FPA - Land To The East Of Cobweb Cottage, Loop Lane, Butterknowle (Pages 39 - 50)
Demolition of existing outbuildings and erection of 1 no. dwelling (revised scheme to refusal DM/15/03005/FPA).
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Clare Pattinson

Interim Head of Legal and Democratic Services

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

Councillor H Nicholson (Chairman)
Councillor M Dixon (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

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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 23 March 2017 at 2.00 pm**

Present:

Councillor H Nicholson (Chairman)

Members of the Committee:

Councillors M Dixon (Vice-Chairman), B Armstrong, J Clare, P Conway, E Huntington, C Kay, S Morrison, A Patterson, G Richardson, L Taylor and C Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors D Bell, K Davidson and S Zair.

2 Substitute Members

Councillor P Conway as substitute Member for Councillor K Davidson.

3 Declarations of Interest

Councillor C Wilson declared an interest in agenda item 5 (c) as a Board Member of County Durham Housing Group and informed the Committee she would leave the meeting during discussion of this item.

4 Minutes

The Minutes of the meeting held on 16 February 2017 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/16/00528/FPA - Dovecot Hill, South Church, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 56 dwellings with associated infrastructure works and access (resubmission) at Dovecot Hill, South Church, Bishop Auckland (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, photographic views across the site, proposed site layout and proposed house-type elevations.

Mr J Lavender addressed the Committee to object to the application. He informed the Committee that the proposed development was too near to the well-established South Church Enterprise Park and agreed with the officer's view in the report that the future of the Enterprise Park could be prejudiced by this development. The nearest dwelling on the proposed development would be only 15 metres from industrial premises and the potential impact of the development on businesses could not be minimalised. South Church Enterprise Park businesses had already been prejudiced because of new houses and although there was a demand for new housing, job retention and expansion should be a priority.

Mr C Dodds of Gleeson Homes addressed the Committee in support of the application. Since an application for development on this site was dismissed on appeal in 2016 the applicant had worked hard on mitigation issues to address noise from the Enterprise Park. Noise assessment and noise monitoring had been carried out. Environmental Health had raised no objection to the proposed development and considered that the proposed mitigation works would address the issue of industrial noise. The applicant had proven through the work carried out that this was an appropriate location for residential development.

Councillor Wilson informed the Committee that she had attended a site visit to the site when the application for development was first submitted in 2015. Noise from the Enterprise Park was horrendous and traffic problems at the location meant that this was not a good site for residential development. Additionally, some premises on the Enterprise Park worked night shifts and it would be unfair to potentially prevent this because of noise caused to this development. Councillor Wilson **moved** refusal of the application.

Councillor Dixon informed the Committee that he too had attended the previous site visit. The previous application was refused on appeal because the Inspector considered that existing businesses would be likely to be hampered in their ability to carry out their day to day activities and unable to expand without additional burdens in the form of noise controls being placed on them. Additionally, development of this site could reduce or prevent the potential for businesses to move on to the Enterprise Park. Councillor Dixon **seconded** refusal of the application.

Councillor Clare informed the Committee that he considered there was little difference between this application and the one which was refused on appeal in 2016 because there would still be housing next to factories. There was therefore still the potential for future noise complaints should dwellings be built.

Councillor Kay informed the Committee that if an application for an industrial development was made near to a housing development there would be string objection from the housing development. This was economic industrial land and the site was unsuitable for residential development.

Upon a vote being taken it was

Resolved:

That the application be refused for the reason contained in the report.

b DM/16/02643/OUT - Land To The North And East Of Startforth Morritt Memorial School, Startforth, Barnard Castle

The Committee considered a report of the Senior Planning Officer regarding an outline application for 40 dwellings with access (all other matters reserved) on land to the north and east of Startforth Morritt Memorial School, Startforth (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph and photographs of the site from various locations. Members of the Committee had visited the site in the morning and were familiar with its location and setting.

The Senior Planning Officer informed the Committee that if the recommendation for refusal as contained in the report was approved there would be a need to remove refusal reason 3 because ecology issues had now been addressed.

Mrs S Boaden, local resident, addressed the Committee on behalf of Startforth residents to object to the application.

In 1984 three planning applications for this site were refused on the grounds of highways safety because the roads at the site location were narrow and junction onto Church Bank was difficult with poor sight lines. Nothing had changed since the refusal of those applications other than farm traffic which used the roads had increased in size, which made the highway safety issue more hazardous. Footpaths along the road leading to Church Bank were either very narrow or non-existent with very poor lighting.

A further application for the development of 35 houses on the site was refused in 1990 on the grounds of landscape impact. This application was for 40 houses and therefore the negative landscape impact would be increased. The application site was in an area of high landscape value and the field provided a visual amenity and spectacular views.

The application site provided rural separation between the developments of Low and High Startforth and listed buildings on the north side of the site would be overlooked.

The nearby Gill Beck was prone to flooding and any increased surface water drain off from this proposed development would increase this flood risk.

Startforth had no amenities and it was a steep walk or cycle ride to the nearest amenities in Barnard Castle. There were already plans for housing in Startforth at the Young Offenders Institute and if approved this application would increase housing in Startforth by 62%.

Councillor T Henderson, local Member, read the following statement from Councillor R Bell, local Member:

I would ask members to note the previous planning history of the site under Teesdale District Council, which refused permission in 1984 and 1990 and note that most of the legacy plans and policies from the District Council are still operative today, in the absence of the County Durham Plan.

I note the strong reservations of the highways department regarding both vehicular and pedestrian access, and note that 40 dwellings would mean car ownership of 60 to 80 and considerable traffic.

I note the Conservation Officer opinion that the development would have significant harmful effects on the character and appearance of the area, and the setting of designated heritage assets.

I regret to say that following the closure of the primary school there are no local services to support, no school, pub or shop.

I can find no planning reasons to depart from the officer's recommendation that permission be refused.

Councillor Henderson informed the Committee that he endorsed the statement from Councillor Bell.

Mr Alex Cowing, agent for the applicant, addressed the Committee in support of the application.

The County Durham Plan was currently on hold and Durham County Council was unable to demonstrate a five-year supply of deliverable housing land. As such, in accordance with paragraph 49 of the NPPF the application should be considered in the context of the presumption in favour of sustainable development.

The site was located immediately adjacent to the south-western development limits of Barnard Castle and Startforth and as such, was sustainably located with regards to access to core services including; shops, schools and employment opportunities within Barnard Castle.

The proposed development would provide 15% affordable housing which would contribute to the delivery of objectively assessed affordable housing need within the district and would improve the housing tenure mix of the area.

An indicative layout of the site illustrated that more publicly available views to Barnard Castle and the Church of St, Mary's would be opened up as well as creating a new view to the Bowes Museum.

An indicative layout had been submitted that illustrated how the site could respond to the important landscape features of the site, including the retention boundary trees and key views, and the separation of Startforth and High Startforth through utilising public open space and additional planting and landscaping. The application was supported by a number of technical assessments, all of which outlined the acceptability of the site for residential development.

The proposed development would not result in any significant adverse impacts that demonstrably outweighed the benefits which arose from the scheme.

The Senior Planning Officer informed the Committee that sustainable development was supported and the balance to be considered was whether the benefits of the development would outweigh the adverse impacts of the development. The proposed development would have a significant harmful effect on the character and appearance of the area which was of high landscape value and framed the setting of part of the Barnard Castle Conservation Area.

Councillor Richardson informed the committee that he knew the area of the proposed development, which was a greenfield site and agricultural land. There were strong reasons in the report for refusal of the application and Councillor Richardson **moved** that the application be refused.

Councillor Kay informed the Committee that applications for this site had been refused three times in 1984 and once in 1990 for the same reasons as refusal was now recommended. This was a greenfield site and development would be taking place elsewhere in Startforth. Councillor Kay **seconded** refusal of the application.

Councillor Clare informed the Committee that the issue of coalescence between Low and High Startforth was a relevant one and that this proposed development site served as a buffer between the two settlements.

Councillor Dixon informed the Committee that he agreed with the comments made by Members. The failure to demonstrate a 5 year housing land supply did not automatically result in planning permission being approved, and any development on this site would have a negative impact on the character and landscape of the area.

Upon a vote being taken it was

Resolved:

That the application be refused for reasons 1, 2 and 4 contained in the report.

Councillor C Wilson left the meeting.

c DM/16/04017/FPA - Land At West End Villas, Crook

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 40 dwellings on land at West End Villas, Crook (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation on the application which included a site location plan, aerial photograph, photographs of the site from various locations and elevations.

The Senior Planning Officer informed the Committee that it was proposed to amend Condition 6 of the application which related to contaminated land if the application

was approved, with any modifications to be undertaken in consultation with the Chairman of the Committee.

Councillor Patterson informed the Committee that she was delighted that this scheme, which would provide much needed bungalows and affordable accommodation, had been submitted. The highways concerns which were raised had been addressed by the provision of additional parking spaces. While she would have liked to have seen alternative s106 schemes, she accepted that this may have affected the viability of the development. Councillor Patterson **moved** approval of the application.

Councillor Dixon sought clarity on the letter of concern which had been received for the application. The Senior Planning Officer replied that the concern related to a property whose landing and hall window would overlook the proposed scheme. These windows were classed as non-habitable windows and therefore separation distances which would normally apply to habitable room windows would not apply.

Councillor Richardson **seconded** approval of the application.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the completion of a section 106 agreement to secure a minimum of 10% affordable housing and the conditions contained in the report, and the amendment to Condition 6 as necessary following consultation with the Chairman of the Committee.

Councillor C Wilson re-joined the meeting

d DM/17/00041/FPA - The Forresters Arms, 35 Collingwood Street, Coundon

The Committee considered a report of the Planning Officer regarding an application for the conversion of a building to provide 6 self-contained flats at The Forresters Arms, 35 Collingwood Street, Coundon (for copy see file of Minutes).

A Harkness, Planning Officer gave a detailed presentation on the application which included a site location plan, photographs of the building, the proposed access/parking area, proposed site plan and proposed internal layout of the flats.

Councillor Kay informed the Committee that the application was within his electoral division. The building had been a public house which closed in 2013/14 and since then various proposals for the building had not been completed. The proposal for consideration was for conversion into six one-bedroomed flats, which would do nothing for the local housing supply because there was a glut of one=bedroomed flats and houses in the area.

The proposed flats would not cater for young families and Councillor Kay was unsure where demand for the flats would come from. The proposed development

was contrary to Policy H3 in the Wear Valley District Local Plan which stated that development would be directed to those towns and villages best able to support it and also Policy GD1 which stated all new development and redevelopment should be designed and built to a high standard. Policy H18 of the Local Plan which referred to the subdivision of premises stated that developments should have suitable access, parking and amenity space and although the proposed development provided 5 car parking spaces Councillor Kay considered that these would not be used because this would necessitate reversing from them onto the main road. Cars would therefore park on B6287 to the front of the development, which was used as a short cut by vehicles, including HGVs.

Paragraph 50 of the report referred to Coundon having a frequent bus service, yet this was not the case. Bus services were not frequent and there was no service on a Sunday.

Paragraph 59 of the report referred to the proximity of the Durham Ox Public House to this proposed development. This was the most popular pub in Coundon and staged live music every weekend, and this noise could impact on the amenity of owners and tenants of the proposed flats.

While the proposed development would be an improvement to the current state of the building, improvement should not come at any price. Councillor Kay informed the Committee he could not support approval of the application in its current form.

D Stewart, Principal DM Engineer informed the Committee that the Manual for Streets carried a great weight when determining planning applications. There was a decent bus service from Coundon and a bus stop was 40 metres from the location of the proposed development. This proposal was not a new build but was a conversion, and other possible uses it could be converted for, for example a restaurant, would result in greater parking problems. Refusal of the application on highways grounds would be unlikely to be sustained on appeal.

Councillor Dixon informed the Committee that the current building was a problem and a blight. Future parking problems were speculation and the application could not be refused on the basis of who might live there. Although there may be other premises in the area which were empty, this was a risk for the developer and was not a relevant planning consideration. Indeed, changes to the benefits system could lead to a future need for this type of accommodation. The development would be an improvement on the current blight, there were no highways objections and Councillor Dixon **moved** approval of the application.

Councillor Clare informed the Committee that it could not foretell whether this development would be of a benefit to the community, and this was not a planning issue. The application was not being made by the person who would be carrying out the conversion and who might purchase the building in the future, again, was not a planning consideration. Councillor Clare, while accepting the issues raised by Councillor Kay, agreed with Councillor Dixon that there were no planning reasons to refuse the application. Councillor Clare **seconded** approval of the application.

Councillor Armstrong asked whether the internal floor area of the proposed flats was known. The Planning Officer, following a discussion with the agent, replied that each flat would have a floor area of 50m². Councillor Armstrong considered that the flats were not going to be homes and that 6 flats was too many for the building.

Councillor Conway informed the Committee that Councillor Armstrong had illustrated his concerns about the number of units proposed for the building and asked whether any discussion had taken place with the applicant regarding the number of units. More substantial flats would be more marketable.

The Planning Officer informed the Committee that no discussion had taken place with the applicant regarding alternatives and that the application had been considered under NPPF 14, whether the adverse impacts of the development were outweighed by the benefits of it. C Cuskin, Planning and Development Solicitor referred to the discussion about the number of flats and advised the Committee it must consider the application as presented in planning terms.

Councillor Conway informed the Committee that while he was keen for the streetscape to be improved he had concerns about the application. However, it was difficult to express these in planning terms. He asked whether consideration of the application could be deferred pending further discussion with the applicant.

In response to a question from Councillor Dixon it was confirmed that a requirement to join the registered landlord scheme could not be a condition of the planning permission.

The Planning and Development Solicitor advised the Committee against any form of amended application and to consider the application as presented to it. Residential amenity and noise matters were relevant planning issues.

The Planning Officer informed the Committee that the Environmental Health Officer had advised there had been no statutory complaints regarding noise from existing residences in the proximity of the Durham Ox pub. The application building formerly had residential use on the first floor and therefore residential use had been established.

The Planning and Development Solicitor asked the Planning Officer to clarify the situation in respect of residential amenity versus statutory nuisance. The Planning Officer replied that the application had been considered in accordance with NPPF123 and the Environmental Health Officer considered amenity impacts to be acceptable.

Councillor Kay informed the Committee that it was unknown whether the proposed flats were to be rented or sold and whether they were to have different landlords. Councillor Kay **moved** refusal of the application.

Councillor Nicholson reminded the Committee it could not take ownership into account when determining the application.

Councillor Armstrong asked where bin storage would be for the proposed flats, and this was indicated by the Planning Officer. Councillor Armstrong informed the Committee that she considered there to be too many flats being proposed for the building.

Councillor Clare informed the Committee that a possible reason for refusal of the application was noise nuisance, although there was no evidence of this. The size of the flats had been discussed and Councillor Clare asked whether there was any minimum size for a flat. The Planning and Development Solicitor replied that relevant levels of residential amenity were a planning judgement.

The agent for the applicant informed the Committee of the history of the premises which had led to it being repossessed. To convert the building into only four flats would result in the conversion being unviable. Flats of 50m² were not out of the ordinary, particularly on new developments.

Councillor Richardson informed the Committee that he considered the proposed flats to be too small for people to live in.

Moved by Councillor Dixon, **Seconded** by Councillor Clare that the planning permission be approved.

Upon a vote being taken the motion was defeated.

Moved by Councillor Kay, **Seconded** by Councillor Patterson that the application be refused on the grounds that the number of flats proposed would result in substandard amenity space provision, and this together with the proximity to nearby public houses would fail to secure an acceptable level of residential amenity for new occupiers contrary to saved policies GD1(vi) and H24(v)(b) of the Wear Valley District Local Plan.

Upon a vote being taken it was

Resolved:

That the application be refused on the grounds that the number of flats proposed would result in substandard amenity space provision, and this together with the proximity to nearby public houses would fail to secure an acceptable level of residential amenity for new occupiers contrary to saved policies GD1(vi) and H24(v)(b) of the Wear Valley District Local Plan.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03214/FPA
FULL APPLICATION DESCRIPTION:	Change of use of first floor from office (B1) to House in Multiple Occupation (C4) (Retrospective)
NAME OF APPLICANT:	Mr Ian Wardman
ADDRESS:	33 Cockton Hill Road, Bishop Auckland
ELECTORAL DIVISION:	Woodhouse Close
CASE OFFICER:	Amy Harkness, Planning Officer, 03000 261391, amy.harkness@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site forms part of a two storey building situated in an end terrace position on Cockton Hill Road, Bishop Auckland and relates to the first floor of the property.
2. The entire building was formerly used as an office but the first floor has been in residential use since April 2016. The ground floor is currently used as a letting agents.
3. The surrounding area comprises residential terraced dwellings behind Cockton Hill Road on the east and west sides, with a mixture of residential and commercial uses in adjacent properties on Cockton Hill Road itself. Bishop Auckland Baptist Church and a small park lie directly opposite the site on the west side of Cockton Hill Road. The site is situated within the Cockton Hill Conservation Area.
4. The upper floor contains three rooms currently used as bedrooms, together with a kitchen and bathroom. The internal layout remains the same as that of the previous use, with the only change being the manner in which the rooms are used. No external alterations have been made to facilitate the new residential use. The upper floor is accessed via the front door of the property on Cockton Hill Road. A small yard is situated at the rear of the property providing outdoor amenity space for the occupants.
5. At present the residential use is managed by a charity, Cornerstone Supported Housing and Counselling, who provide accommodation to those being rehabilitated into the community. Up to three unrelated individuals live together in the property, forming up to three separate households, sharing kitchen and bathroom facilities, which constitutes use as a house in multiple occupation (Use Class C4). No care facilities are provided to the occupants in the property.
6. The application is being reported to the Planning Committee at the request of Cllr John Lethbridge to consider whether the use is appropriate for this area.

PLANNING HISTORY

7. Planning permission was granted in December 2004 (3/2004/0735) to change the use of both floors of the property from residential use to offices.
8. A separate planning application (DM/16/03212/FPA) is currently under consideration to change the use of the ground floor of the building to a letting agents and to create a new entrance door.

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal;
11. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
12. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. 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.
13. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
14. *Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which

promote safe and accessible environments. This includes the development and modernisation of facilities and services.

16. *Part 12 - Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY:

The development plan is the Wear Valley District Local Plan saved policies:

17. Policy GD1 - General Development Criteria - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
18. Policy H3 - Distribution of Development - New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.
19. Policy H18 – Subdivision of Premises – Planning permission will be approved for conversion of premises to flats where they are located in the limits of towns and villages defined by Policy H3, will not be detrimental to the amenity of adjoining residents, suitable access, parking and amenity space is provided, alterations relate to the character of the surrounding area and the criteria of Policy GD1 is met.
20. Policy H24 - Residential Design Criteria - New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
21. Policy T1 – Highways - Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

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

RELEVANT EMERGING POLICY:

The County Durham Plan

22. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In

the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. Bishop Auckland Town Council – No comments received
24. Police Architectural Liaison Officer – The use has raised no policing issues and no objections are made, however clarification is sought over the use class and whether it is C3 (dwelling house) or C4 (House of Multiple Occupation). Some concern is also expressed regarding the lack of transparency and detail about the use in the description of the application. There has only been one recorded police incident at the property in the last 2 years which involved a suicide.
25. Highways Officer – No objections

INTERNAL CONSULTEE RESPONSES:

26. Design and Conservation Officer – No objections
27. Environmental Health (Noise Action Team) – No objections, unlikely to cause a statutory nuisance issue

PUBLIC RESPONSES:

28. A site notice was posted, the application advertised in the Northern Echo and neighbouring properties notified in writing, one letter of objection has been received from a neighbouring resident raising the following points:
 - The building has been used for this purpose for over 10 months without planning permission and the Council has taken no action
 - It is being used by Cornerstone as a 'halfway house' and constitutes up to 3 recently released prisoners using the accommodation
 - Since the use began there has been a suicide, drug use, drug dealing, loud music till the early hours of the morning, noisy visitors, occupants attempting to access neighbouring properties in error, broken windows due to a fight between 2 occupants and a police raid, together with other incidents

APPLICANTS STATEMENT:

29. In 2004 I B N Holdings a local residential landlord purchased 33 Cockton hill Road to use as its own commercial offices alongside its accountants North East Tax Consultants. In December 2004 a change of use from residential of the whole building to planning use class B1 was granted. The property was then continually rented until May 2015 by North East Tax Consultants and IBN Holdings however in June 2015 North East Tax Consultants moved to a new office building in Newton Aycliffe. The property was far too big for IBN Holdings on their own so they offered the upstairs to Lease.

30. No Offers were received from anyone until they were approached in January 2016 by Cornerstone Supported Living a charity dealing with introducing people back to living in the community. IBN Holdings granted a commercial lease to the Cornerstone Supported Living in April 2015. As we had granted a commercial lease we were not aware that a change of use was required. The property has now been let to the charity for almost a year and things seem to be going well.
31. Once informed by the council that a change of use back to residential was required we applied as soon as possible.
32. As the building was originally residential and is still situated in a mixed business and residential area we feel this change of use application back to residential is in order and also provides a service to young people returning to community. We Fully Support the application for change of use back to residential and we also fully support the excellent charitable work done by Cornerstone Supported Living.
33. We understand this application is now to be renewed in the April planning meeting which IBN intends to attend and hopefully a member of the Charity.

PLANNING CONSIDERATIONS AND ASSESSMENT

34. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, impacts on the character and appearance of the Cockton Hill conservation Area, highway safety and local amenity.

The principle of the development:

35. The Town and Country Planning (Use Classes) Order defines a House in Multiple Occupation (HMO) (use class C4) as “use of a dwelling house by not more than 6 residents as a ‘house in multiple occupation’.” The term ‘house in multiple occupation’ is further defined in S254 of the Housing Act 2004. In this case the current use of the first floor of the property is considered to meet the necessary tests to be a house in multiple occupation as the occupants share amenities such as bathrooms and cooking facilities. In addition as the occupants of this property are not related or known to each other, therefore they collectively do not constitute a single household, but individually are considered to constitute a household each.
36. The applicant originally sought planning permission for a dwelling house (C3), however as the dwelling is occupied by a number of separate households sharing amenities, use class C4 HMO, more accurately describes the way the dwelling house is used. Permitted development rights allow a change of use both ways between a dwelling house (C3) and houses in multiple occupation (C4) without the need to apply for planning permission.
37. As the use relates to a residential property occupied as a HMO, it is appropriate to consider the change of use against relevant housing policies. Saved policy H3 of the Wear Valley District Local Plan (WVDLP) seeks to direct new housing development to those towns and villages best able to support it, balancing the requirement for new housing with the need to maintain the character of the surrounding countryside. The site falls within the development limits of Bishop Auckland and therefore accords with the policy.

38. However, in accordance with paragraph 215 of the NPPF, the weight to be attached to relevant Local Plan policies depends upon the degree of consistency with the NPPF. Para. 49 of the NPPF also states that Local Plan housing policies should not be considered up to date where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. In this respect the settlement boundary policies are housing policies and are not considered to be up to date or compliant with the NPPF, which adopts a more flexible approach and does not seek to restrict the development limits of settlements. The aims of saved policy H3 relating to siting of housing in sustainable locations within settlements best able to support it and the protection of the open countryside are consistent with the NPPF and these aspects of the policy carry some weight.
39. Where local housing policies are not up to date, para. 49 of the NPPF goes on to say that housing applications should be considered in the context of the presumption in favour of sustainable development, which is set out in para. 14. This 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 or specific policies within the NPPF indicate that development should be restricted. A planning balance test should be applied to assess the benefits and adverse impacts of the development and determine whether the proposal would accord with para. 14.
40. The site is situated close to the town centre and is well located in terms of access to local services and facilities. As such residents would not be wholly reliant on private car travel and the proposal is broadly in accordance with the aims of part 4 of the NPPF in respect to transport.
41. Part 6 of the NPPF seeks to achieve a wide choice of quality homes, Para. 17 supports the re-use and conversion of existing buildings and para. 51 applies this principle directly to residential uses. The proposed development involves reuse of a former office space for residential purposes in a sustainable location within Bishop Auckland close to local services and public transport. The property has been used for residential purposes in the past and the new residential use would be consistent with existing uses in the surrounding area.
42. Subject to the outcome of the planning balance test and an assessment of whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits, it is considered that the proposal is in broad accordance with the aims of the NPPF and the principle of development is acceptable in this instance.

Impact on the character and appearance of the Cockton Hill Conservation Area

43. The site is situated within the Cockton Hill conservation area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on Planning Authorities considering proposals in Conservation Areas to pay special attention to the desirability for development to preserve or enhance the character or appearance of that area.
44. The site is situated within an area of Bishop Auckland characterised by a mix of commercial and residential uses. The property was originally a dwelling and the new use as a HMO would reinstate a residential use, it would relate acceptably to existing land uses in the surrounding area in this respect.
45. No external alterations have been carried out or are proposed in association with the HMO use and therefore its appearance would not change. There would be no

adverse impacts on the character and appearance of the conservation area and the Conservation Officer raises no objections to the application.

46. Taking all the above into account and having regards to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the character and appearance of the conservation area would be preserved. There is no conflict with the design and heritage aims of the NPPF or Wear Valley District Local Plan Policies GD1 and H24.

Local Amenity

47. Para. 17 of the NPPF states that new development should maintain a good standard of amenity for all existing and future occupants of land and buildings. Para. 123 specifies that planning decisions should avoid, mitigate and reduce noise and other adverse impacts on health and quality of life as a result of new development and that existing businesses should not have unreasonable restrictions put on them due to changes in nearby land uses. Saved policy GD1 from the WVDLP advises that new development should not disturb or conflict with adjoining uses.
48. Saved policy H24 of the WVDLP defines the expected standards of design for new residential developments and states there should be a minimum distance of 21m between walls of dwellings containing windows to habitable rooms. The policy also states that flats should have at least 25 square meters of amenity space per unit of accommodation. This policy has is only partially consistent with the objectives of the NPPF which is more permissive and therefore does not carry full weight in decision making.
49. The front of the building would face towards a park on the opposite side of Cockton Hill Road. The windows to the southern gable of the property face towards the gable of the registry office across Waddington Street. To the rear of the property there is only a single window on the stair case, which is not a habitable room. Therefore it is considered that the change of use would not lead to any issues of overlooking or loss of privacy to neighbouring properties.
50. A small yard area is provided for the occupants providing outdoor amenity space. This measures 16 square meters and is smaller than the specified area set out in saved policy H24. The NPPF does not set limitations on what constitutes good amenity and the saved policy lacks consistency in this regard. However the yard is considered to provide suitable outdoor private amenity space for occupiers of the HMO. A small public park is situated directly opposite across Cockton Hill Road which is easily accessible and contributes to the amenity space available within the immediate surroundings.
51. Fear of increased crime and crime and disorder are capable of being a material planning considerations in determining the planning merits of a scheme. Paragraph 58 of the NPPF states that “planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion”.
52. Concern has been expressed by a neighbouring resident about a series of incidents, crime and anti-social behaviour that have occurred since the use began approximately one year ago.

53. The Police Architectural Liaison Officer has been consulted on the application and comments that the use has raised no policing issues and raises no objections. The potential for such incidences to occur in the future largely relates to the behaviour of individual occupants which is difficult to predict.
54. The charity, Cornerstone Supported Housing and Counselling, which runs the HMO have advised that occupants have to sign a licence agreement with them when moving into the property, which includes a series of terms and conditions that must be adhered to and have to pay rent to the charity from housing benefit or paid employment. Occupants can live there for up to 2 years. If any minor incidents occur in the property, a three tier warning system is in place, with occupants being given verbal and formal warnings before being evicted. If any more serious incidents occur, such as episodes of crime or anti social behaviour, occupants are evicted at 24 hours notice. Since the use began 2 occupants have been evicted with 24 hours notice. The terms and conditions also specify that the property is an abstinence house and no drugs or alcohol must be used in the property, in addition no visitors are allowed. Cornerstone staff carry out daily inspections of the property. Support is provided to occupants by the charity to rehabilitate themselves into society. This ranges from direct employment opportunities by Cornerstone who make furniture for sale to the public, employment training and life skills provision, ensuring attendance at job centre and associated appointments, together with access to appropriate forms of health care. Two of the current occupants are now in employment.
55. It is acknowledged that some incidents appear to have occurred since the use began and that crime, disorder and fear of this generated by the use are material planning considerations. Responsibility for the management of the premises lies with the owner and with Cornerstone, the charity to whom it is leased. It is considered by the owner of the building and Cornerstone that the use is going well and that minimal problems have been encountered. Other legislation is in place to control issues of anti-social behaviour and criminality, which would be enforced by the Police and other departments within the County Council. One letter of objection has been received in relation to the application expressing concern about activities at the property. The use is acceptable in principle and the level of crime, disorder and fear of this associated with the change of use is not considered to be to such an extent that would warrant refusal of the application.
56. Other residential properties are attached directly to the north and east of the building. The nature of surrounding housing in this area is predominantly terraced housing and it is therefore expected that occupiers would experience a limited amount of noise from properties directly attached to them. As the HMO is directly attached to other dwellings neighbouring occupiers may experience a limited amount of noise from the property, commensurate with terraced housing. However this is not expected to be more significant than that from any other attached terraced house and the amenity impacts in this regard are considered acceptable. The areas of the HMO which directly adjoin the neighbouring property on Cockton Hill Road are occupied by the stairs and landing, a storage cupboard and one of the three bedrooms, with other bedrooms and communal facilities being away from the adjoining wall.
57. The HMO is situated on Cockton Hill Road, a busy main road leading to Bishop Auckland town centre and bus route. The Environmental Health Officer notes that on this basis noise levels are likely to be above recognised thresholds. He comments that due to the scale of the development a noise assessment is not necessary but that the applicant should ensure appropriate mitigation is imposed to protect occupiers from excessive noise. The property has double glazed windows, it originally used to be a dwelling and is surrounded by a number of other residential

properties exposed to the same noise climate. The double glazed windows are considered to be an appropriate means of reducing noise to occupiers and noise levels would be similar to that the original dwelling would have experienced and to similar residential properties in the vicinity. It is considered that noise and disturbance experienced by occupiers is not at an excessive level and no further noise mitigation measures are necessary.

58. The use on the ground floor as a letting agents is a day time use and would not generate a significant amount of noise. This use would not cause any significant noise or disturbance to occupiers of the first floor HMO.
59. Having regard to the overall nature and scale of the development it is not considered that the proposal would be detrimental to the amenity of occupiers of the HMO and neighbouring residents and would accord with paras. 17 and 123 of the NPPF and saved policy GD1 from the WVDLP.

Highway safety

60. Para. 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. Saved Policy T1 from the WVDLP states that all developments which generate additional traffic should accord with GD1 and provide adequate access, not exceed the capacity of the local road network and be capable of access by public transport networks.
61. The property has a bus stop directly outside, with services to Bishop Auckland town centre and beyond. Services and facilities in the southern part of the town centre are around 500m away from the site, with direct footpath links along Cockton Hill Road and can be easily accessed on foot. The site is in a sustainable location within Bishop Auckland and occupiers would not be reliant on private car journeys to access local services.
62. No off street parking is proposed, however unrestricted on street parking is available in the area around the site and given the ease of access to local services on foot and by public transport in this location, the lack of car parking is considered acceptable. The Highways Officer raises no objections to the application and the HMO use would not result in such a severe adverse impact on highway safety to warrant refusal of the application on highway grounds, in accordance with para. 32 of the NPPF and would accord with saved policies T1 and GD1 from the WVDLP.

Planning Balance:

63. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.
64. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. As a result it is considered that weight should be afforded to the economic and social benefits the HMO would make to local housing supply, the support new residents would give to local services and the current use helping to rehabilitate vulnerable individuals back into society.
65. The HMO is in a sustainable location where residents would not be wholly reliant on private car journeys to access local facilities and services. The development would not be detrimental in terms of its impact on the character and appearance of the

Cockton Hill conservation area, local amenity or highway safety and the relevant internal and external consultees raise no objections to the application.

66. The concern expressed by a neighbouring resident in relation to crime, disorder and fear of this if the use continues are acknowledged and are a material consideration. However there have been no significant concerns raised by the police and these issues are capable of being addressed by good management of the HMO by the owner of the building and the charity and other legislation is in place to control criminality and anti social behaviour. It is therefore considered that the extent to which these issues have occurred and the fear of crime from the use within the local community is not to such a level that would warrant refusal of the application on these grounds.

67. Overall therefore the adverse impacts associated with the development, relating to crime, disorder and fear of this are not considered to significantly and demonstrably outweigh the benefits of the proposal.

CONCLUSION

68. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.

69. In this instance the development would provide public benefits, including a modest contribution to the local housing supply, support for local services and helping rehabilitate vulnerable individuals back into society.

70. On balance, it is considered that the benefits of the development significantly and demonstrably outweigh any adverse impacts. It is not considered that there are material planning considerations which indicate otherwise therefore the application is recommended for approval.

RECOMMENDATION

That the application be APPROVED subject to the following conditions;

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Site Location Plan – Received 6/10/16

Proposed Floor Plans (Dwg No. 33-DL14-6HS sht 2 Rev A) – Received 24/1/17

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

3. No more than three persons shall reside in the HMO at any one time.

Reason: To ensure the property is not occupied excessively and in the interests of maintaining a good standard of amenity for residents and surrounding neighbours, in accordance with saved policy GD1 of the Wear Valley District Local Plan and the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, 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. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

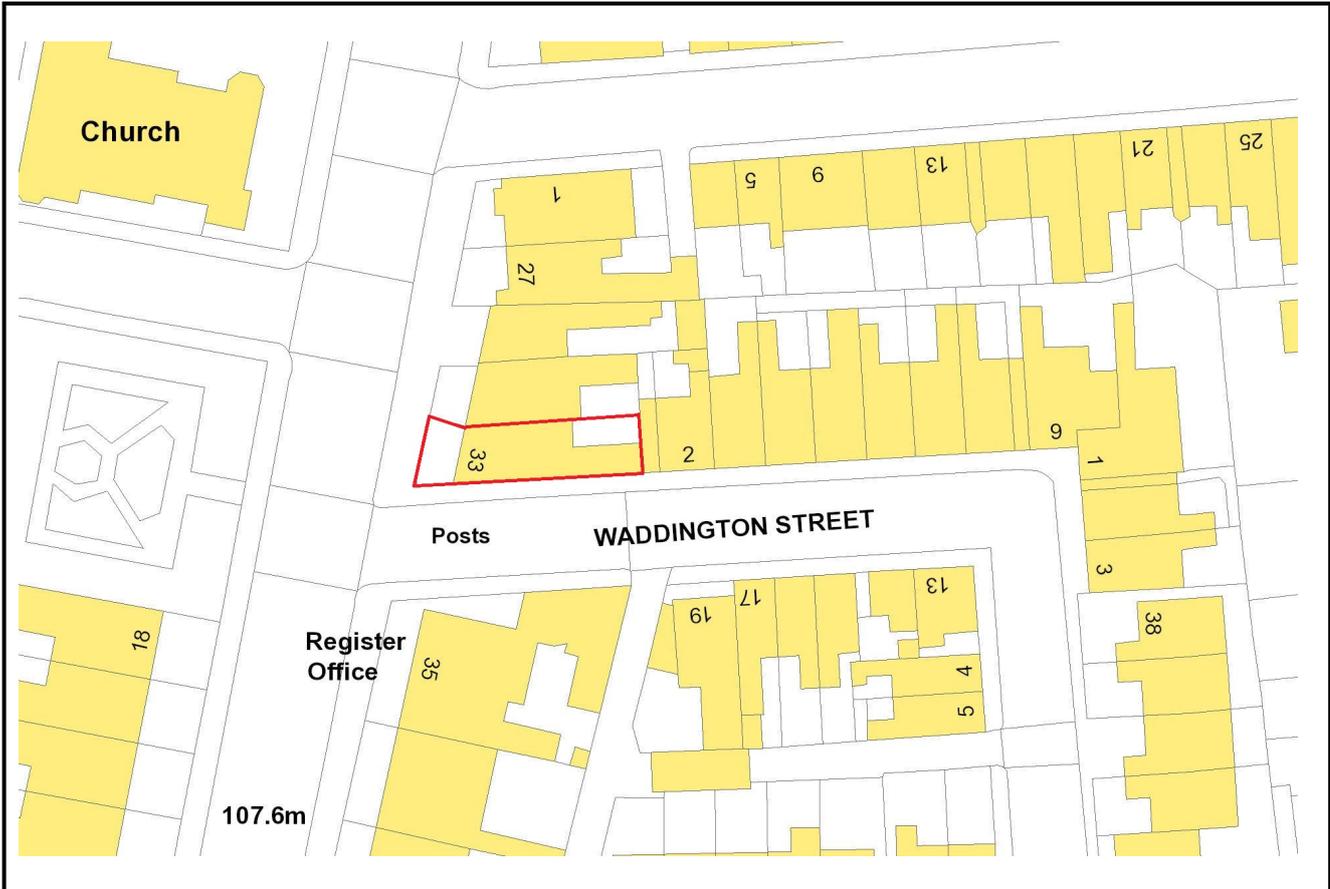
National Planning Policy Framework

Wear Valley District Local Plan

Statutory response from the Highway Authority

Internal responses from Environmental Health and Design and Conservation

External response from Police Architectural Liaison Officer



Planning Services

Change of use of first floor from office (B1) to House in Multiple Occupation (C4)

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Comments

Date 20 April 2017



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00517/FPA
FULL APPLICATION DESCRIPTION:	Demolition of dwelling known as 1 Victoria Cottage and erection of dwelling, with associated access and garaging on land between Victoria House and Pine Tops
NAME OF APPLICANT:	Mr A Bowman
ADDRESS:	Field To The East Of Victoria Cottages, Garden House, Cockfield
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Adam Williamson, Planning Officer, 03000 260826 Adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

1. The application comprises of two sites to either side of Victoria House on Garden House Lane within the Cockfield Conservation Area. There are two aspects to the proposal on these sites. The first aspect involves demolition of the dwelling 1 Victoria Cottages, which lies to the west of Victoria House. The second aspect involves erection of a dwelling and garage with associated curtilage and access in the field to the east of Victoria House.
2. The property to be demolished is a two up, two down detached dwelling, with a small porch on the south and a single storey kitchen extension on the western elevation. Externally, the property is cement rendered on the north and a west elevation, a stone skin is present on the eastern elevation. The south wall is dressed stone with a slate roof. The property has an enclosed garden to the south and a concrete hard standing and double garage to the west. The garage is to be retained.
3. The field to the east of Victoria House represents a gap of approximately 53m to the next dwelling Pine Tops. The full field extends south by approximately 175m, but the site for the new dwelling and its curtilage would not extend beyond the curtilages of the two flanking properties (Victoria House and Pine Tops) and represents a development site area of approximately 0.15 hectares. The properties forming Kensington Terrace lie to the north of the site and Garden House Lane.
4. The proposed dwelling would occupy a position to the western side of the site set back around 9 metres from Garden House Lane. The remainder of the site would accommodate a private garden and driveway and be delineated by a natural stone wall to the southern boundary to match those present to the north and west.

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5. The dwelling would effectively be a two storey dwelling but the first floor accommodation would be contained within the roof space thereby limiting the height of the dwelling to 6.4 metres at its highest points. The double garage would be located 10m to the east of the dwelling and would have a height of approximately 4.6m. The external surfaces would be finished in natural stone to the walls and blue slate roofs. An upgraded vehicular access would be taken via the existing field gate onto Garden House Lane which would also serve the remaining field to the south.
 6. The application has been called to the Planning Committee by the local Councilors Smith and Turner because of local highway concerns.

PLANNING HISTORY

7. This application is a revised scheme following refusal of application DM/15/03361/FPA by the Planning Committee on the 19.03.2015. The application did not include demolition of 1 Victoria Cottages and was refused for a single reason relating to highway safety:

“The Local Planning Authority considers that Garden House Lane, by reason of its restricted width, inadequate turning provision, limited pedestrian arrangements and substandard sight visibility from the proposed access and at points along its length, is wholly substandard and inadequate to serve the development proposed to the detriment of highway safety and contrary to Teesdale Local Plan Policy GD1(Q & R) and paragraph 32 of the NPPF.”

8. Planning permission (ref DM/16/03286/FPA) has since been granted (December 2016) for an agricultural building to the rear of this site, taking access through the existing field gate.

PLANNING POLICY

NATIONAL POLICY:

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements are considered most relevant to this proposal:
10. NPPF Part 6 Delivering a Wide Choice of High Quality Homes. To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

11. NPPF Part 7 Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
12. NPPF Part 12 Conserving and Enhancing the Historic Environment. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

LOCAL PLAN POLICY:

13. The development plan is the Teesdale District Local Plan saved policies.
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 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.
16. Policy H12: Design: The local planning authority will encourage high standards of design in new houses.
17. Policy BENV4: Development within and/or adjoining Conservation Areas. Development will be permitted provided it meets various design, landscape and amenity criteria.

EMERGING PLAN

The County Durham Plan

18. 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 18 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:

19. *Cockfield Parish Council*: Are neutral on this application, but comment that the 5 MPH signs erected by Cockfield Parish Council at both ends of the road leading past Coronation Terrace are courtesy signs erected by the Parish Council in answer to

requests from the residents of Coronation Terrace because of the traffic going down Coronation Terrace to the Pauline Charlton Sports Pavilion and back again.

20. *The Coal Authority*: No objection subject to conditions to secure site investigation works prior to commencement of development.

INTERNAL CONSULTEE RESPONSES:

21. *Design and Conservation*: No objections. This proposal is not deemed to have a detrimental impact on the character and appearance of the conservation area.

22. *Public Protection (Environmental Health)*: No objections.

23. *Landscape*: No objections. The landscape is neither nationally nor locally designated. The site is visible from Garden House Lane, but not generally in public viewpoints from outside the settlement.

24. *Drainage and Coastal Protection*: No objections.

25. *Ecology*: No objections. The existing building proposed for demolition is deemed to be low risk.

26. *Public Rights of Way*: Have commented that the Definitive Map which shows the existence of registered footpath 22 Cockfield which runs the length of Garden House Lane. Recommend a condition be included that all materials and contractors vehicles are to be contained within the site boundary and any damage to the footpath is made good. The Council's maintenance responsibility is to maintain the footpath to a standard appropriate for a pedestrian public right of way only and does not extend to private vehicular use.

PUBLIC RESPONSES:

27. The application has been advertised in accordance with statutory provisions by press notice and site notice. In addition to these statutory provisions, letters were also sent to neighbouring properties.

28. 11 letters of objection and 10 letters of support have been received. The representations raise a number of different issues and it is not possible to repeat every point made, but the main points are summarized as follows:

29. The letters of support accept the poor condition of 1 Victoria Cottages justifies its demolition, and as a result of the demolition, there would not be any net increase in dwellings and resultant traffic on the lane. They also consider the proposed dwelling would be of a high quality and will enhance the conservation area.

30. The letters of objection on the other hand, have questioned whether demolition of 1 Victoria Cottages is necessary and feel there would still be an increase in traffic because the proposed property is larger and the dwelling would still be accessed from a substandard lane, which led to refusal of the previous application. There are also concerns over the impact on the conservation area by development of this greenfield site and the effect on the views from the dwellings in Kensington Terrace. The impact of construction traffic on the lane and residential amenity of neighbours is also a

concern.

PLANNING CONSIDERATION AND ASSESSMENT

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

Principle of development

32. The proposal involves the erection of a new dwelling and garage within a field/paddock between existing dwellings on the southern side of Garden House Lane.
33. Objections have commented that the site is “greenbelt land”, and its development will result in a loss of countryside. However, the application site does not lie within the greenbelt. It is greenfield land, but it falls within the development limits of the village as defined by the Teesdale District Local Plan and is not therefore regarded as being within the countryside.
34. With development to either side and to the north, the site can be considered as infill; however, Policy H4 of the Teesdale Local Plan applies only to previously developed land within the development limits and is therefore not wholly applicable to this proposal. There are no other Teesdale Local Plan housing policies which are relevant.
35. In cases where there are no relevant up to date local housing policies, the proposal must be considered in the context of the presumption of sustainable development as set out in paragraph 14 of the NPPF. This presumption states that development should be approved unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole or specific policies in the NPPF indicate that development should be restricted.
36. The main purpose of the NPPF is to achieve sustainable development. Section 6 of the NPPF seeks to significantly boost the supply of housing. 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.
37. While the NPPF encourages reuse of previously developed land, it does not make any sequential preference of previously developed land over greenfield land. Instead it seeks to avoid isolated housing by locating new development in sustainable locations where residents are not wholly reliant on private car travel to access services and facilities. In this case, the application site lies within an established residential area in Cockfield, which is identified in the County Settlement Study as a village with reasonable access to facilities and public transport which links the village to a wider range of facilities, schools and employment. The application site for the new dwelling is located within the existing residential framework of the town and is therefore well located for access to these services and facilities without complete

reliance on private car travel.

38. The proposal does not therefore conflict with paragraphs 34 and 55 of the NPPF in respect of avoiding isolated housing and as such, represents a suitable location for housing development in principle subject to the planning balance test.

Impact on character and appearance of the conservation area

39. The application site(s) lies within the Cockfield Conservation Area. A conservation area is considered to be a designated heritage asset for the purposes of the NPPF, which advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. These national provisions are generally reflected in Policy BENV4 of the Teesdale District Local Plan and the general design provisions of policies GD1 and H12.
40. In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty to pay special attention to the desirability of any development within a Conservation Area to preserve or enhance the character or appearance of that area.
41. The building proposed for demolition, 1 Victoria Cottages, appears to be one of the older buildings on Garden House Lane and therefore has some historic interest. However, the dwelling previously adjoining this cottage was demolished as part of an application in 2006 to make way for the construction of Victoria House, which has led to some diminishment of the significance of this property. It has also been altered in the past in a manner that has not enhanced its appearance and appears to have fallen into disrepair with associated structural problems. While it may be possible to rectify any structural problems and bring the property back to a suitable standard of living accommodation, this would be likely to require significant investment which the current owner is not prepared to commit. It is likely that the condition of the property will continue to deteriorate to the detriment of the character and appearance of the conservation area. Therefore, subject to appropriate remediation of the site after demolition, the demolition of 1 Victoria Cottages is not opposed on conservation area impact grounds.
42. The site of the new dwelling does not have any special historic significance, other than lying within the conservation area. It does however make a small positive contribution to the character and appearance of the conservation area by allowing views to the countryside beyond the village. This is however limited to a short gap between properties along the lane and the landscape does not have any special designation. The site has not therefore been identified as having any landscape importance and its role as undeveloped land in the overall significance of the conservation area is very limited and therefore not sufficient to prevent it from being developed, subject to appropriate scale and design of development being achieved.
43. The form of the proposed dwelling has its own style being somewhere between a single and two storey dwelling, but there is a variety of development styles in the immediate area with a mix of traditional two storey and single storey terraced housing, as well as more modern two and single storey housing. In this area of mixed housing styles the use of materials to match the prevailing character would help assimilate the proposed dwelling into its surroundings. The overall size of the plot is large, but the dwelling and garage would occupy only a small proportion of the site and this together with the reduced height of the proposed dwelling would ensure it does not dominate

its surroundings and retains a spatial character to the site, thereby allowing visual linkages to be retained to the countryside beyond. Landscaping details should be secured by conditions and because of the size of the curtilage it will be necessary to remove permitted development rights for outbuildings to control the scale, number and design of such structures in the interests of preserving the character and appearance of the conservation area.

44. It is therefore considered that although there would be a fundamental change in the character of the site(s), it would not be to the significant detriment to the character and appearance of the conservation area as a whole. The overall impact of the proposed development would be neutral rather than harmful and therefore having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered that the character and appearance of Cockfield conservation area would be preserved. There would be no significant conflict with the design and conservation objectives outlined in the NPPF and policies GD1, BENV4 and H12 of the Teesdale Local Plan.

Highway Safety

45. Garden House Lane is a narrow, private, shared lane which serves a total of 12 dwellings and allotments leading west from Raby Terrace. It is also a public right of way which leads westwards and out of the village to the fells.

46. The previous application for a dwelling was refused on highway safety grounds because of the introduction of additional traffic onto a lane considered to be substandard in turning provision, pedestrian arrangements and visibility at points along its length.

47. The condition of the highway has not changed and local residents have again expressed serious concerns about the impact of the proposed development on highway safety for all users of the lane.

48. There is however, a significant material difference between this current proposal and the previously refused application, because it is now proposed to demolish one of the existing dwellings on the lane so that there would not be any net increase in the number of dwellings with access onto the lane. This same principle was previously accepted under permission reference 6/2006/0028, which allowed for the construction of Victoria House.

49. It may be the case that the proposed dwelling is larger than the one to be demolished, but that would not necessarily translate to a material intensification in vehicle movements onto the lane, particularly as the site already has unrestricted vehicular access for agricultural or equestrian use. The proposed dwelling would also have superior parking and turning arrangements to that associated with the dwelling to be demolished.

50. On the basis of the above, the Highway Authority is no longer objecting to the proposal, but it is essential that 1 Victoria Cottages is demolished prior to construction of the new dwelling and that the approved parking provision is installed and available for use prior to occupancy of the new dwelling. It will also be necessary to restrict use of the garage to incidental purposes.

51. It is inevitable that there will be some additional traffic on the lane during the

construction period, but because of the small scale of development involved it is unlikely to be to a significant extent or over a prolonged period. A construction management plan could be conditioned for further approval of arrangements for materials storage and parking during the construction period to minimize impact on the lane and PROW.

52. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe. Subject to securing the demolition of 1 Victoria Cottages that would not be the case and therefore there is no longer sufficient justification to refuse the application on highway safety grounds.

Residential amenity:

53. The residents opposite the site in Kensington Terrace have raised concerns about the effect of the development on views over the site, loss of value, and loss of privacy.
54. It is accepted that the outlook from the properties in Kensington Terrace would be significantly changed, but the dwelling and garage would be set well back from the lane, much deeper into the site than Victoria House. The height of the dwelling has been kept lower than full two storey height and the internal accommodation has been arranged so that the main living accommodation and bedrooms are to be positioned to the rear. As a result it is considered that while the development would lead to a change in view, the change would not be harmful to the residential amenity of the properties in Kensington Terrace. The loss of views and effect on property values is not therefore a matter which can be given any weight in the consideration of this planning application.
55. There will always be some effects and inconvenience from construction activity, but this is a temporary impact and the scale of development in this case would be small. The impacts could be reasonably controlled through a construction management plan specifying the working times, particularly for the demolition activity.
56. There is no conflict in these respects with policy GD1 of the Teesdale Local Plan.

Other issues

57. A bat risk assessment was carried out for the demolition of 1 Victoria Cottages, but did not find evidence of bats or potential roost sites. The Ecology Section is satisfied with the findings and recommendations of the survey and considers the bat risk to be low. The site for the dwelling is used for grazing and has minimal ecological value. The development would not have any direct impact on protected species or ecological features and therefore there is no conflict with policies GD1 and ENV8 of the Teesdale District Local Plan, or NPPF Part 11.
58. The site has been identified as falling within the Coal Authority High Risk Area. The Coal Authority concurs with the findings of the submitted Risk Assessment and recommends that the further intrusive site investigations to establish the exact situation regarding coal mining legacy issues on the site are secured by a condition.

Conclusion

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59. At the heart of the NPPF is a presumption in favour of sustainable development. This
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presumption states that development should be approved unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

60. The proposal is not an isolated form of housing and is acceptable in respects of its impact on the character and appearance conservation area and neighbouring properties. While the previous application was refused on highway safety grounds, the proposed demolition of 1 Victoria Cottages means the development would not lead to a cumulative intensification of the use of the lane and therefore a highway safety refusal is no longer justified under the terms of the NPPF. As such there is no conflict with Teesdale Local Plan Policies GD1, H12 and BENV14, as well as NPPF Parts 4, 6, 7 and 12.
61. The benefits of improved family housing stock, support for local services and economic benefits from construction would be minor in this case, but nevertheless, while all representations have been carefully considered there have not been any adverse impacts identified that would significantly and demonstrably outweigh the benefits.
62. It is therefore concluded, in the context of paragraph 14 of the NPPF, that the proposal benefits from the presumption in favour of sustainable development in that the benefits of the scheme are not significantly and demonstrably outweighed by any adverse impacts, nor are there any specific policies within the NPPF which indicate that development should be restricted.

RECOMMENDATION

Recommendation that the application is:

APPROVED subject to the following conditions

Conditions:

1. The development shall not be begun later than 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:

Description	Plan Ref No.	Date Received
Red line site plan		13.02.2017
Proposed site plan	14033- 3A	16.03.2017
Proposed elevations	14033- 1B	28.03.2017

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

3. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP
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shall include:

- Details of the operating hours during which demolition, construction and related deliveries are to be undertaken at the site.
- Confirmation of the location of parking for site operatives.
- Confirmation of the location for storage of construction materials and equipment.

The approved CMP shall be adhered to at all times during demolition and construction works.

Reason: In the interests of highway safety and residential amenity in accordance with Policy GD1 of the Teesdale Local Plan.

4. No development shall commence on the dwelling hereby approved until the dwelling known as 1 Victoria Cottages, Cockfield, has been demolished and the resultant materials from demolition have been removed from the site. Thereafter the approved dwelling shall not be occupied until the site of the demolished dwelling has been remediated in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority, and the approved parking provision for the new dwelling is available for use.

Reason: In interests of highway safety in accordance with policies GD1 of the Teesdale District Local Plan.

5. Other than demolition of 1 Victoria Cottages, no development shall commence until a scheme of intrusive investigation works to assess the risk to development from shallow coal mine workings and gases has been undertaken and the results of said investigation have been submitted to and approved in writing by the Local Planning Authority. Should the results of the investigative works confirm the need for remedial works and/or any other mitigation measures to ensure the safety and stability of the development, the proposed scheme of remedial/mitigation works must also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the development shall be implemented in accordance with the agreed remedial/mitigation scheme.

Reason: To ensure the safety and stability of the development in accordance with NPPF paragraphs 120-121.

6. Notwithstanding the details of materials submitted with the application the external walls shall be formed using random, coursed natural stone and the roofs from Blue Slate. Other than demolition and development to base course level there shall be no further development of the dwelling and garage hereby approved until a sample panel of the proposed stone and pointing to be used in the construction of the main walls of the buildings has been erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be retained for reference on site throughout construction and the development shall be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the conservation area and to comply with Policies GD1, H12 and BENV4 of the Teesdale District Local Plan.

7. Details of all new boundary walls and gates shall be submitted to and approved in
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writing by the local planning authority prior to their erection. Development shall be carried out and retained in accordance with the approved details.

Reason: In the interest of the character and appearance of the conservation area in accordance with policies GD1 and BENV4 of the Teesdale District Local Plan.

8. The dwelling hereby approved shall not be occupied until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, and numbers.

Reason: In the interest of the character and appearance of the conservation area in accordance with policies GD1 and BENV4 of the Teesdale District Local Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the occupation of the development and any trees or plants which within a period of 5 years from occupation of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. Any replacements shall be subject to the same conditions.

Reason: to ensure the landscaping is implemented in In the interest of the character and appearance of the conservation area in accordance with policies GD1 and BENV4 of the Teesdale District Local Plan.

10. The garage hereby approved shall be used for purposes incidental to the enjoyment of the approved dwelling house only.

Reason: In the interests of highway safety and to comply with policies GD1 of the Teesdale District Local Plan.

11. Notwithstanding the provisions of Class E of Part 1 of the Town and Country Planning (General Permitted Development) Order (or any Statutory Instrument revoking or re-enacting that Order) no buildings shall be erected within the curtilage of the dwellinghouse without the prior written approval of the local planning authority upon an application submitted to it.

Reason: In the interest of the character and appearance of the conservation area in accordance with policies GD1 and BENV4 of the Teesdale District Local Plan.

12. The development hereby approved shall be carried out in accordance within Precautionary Method Statement set out within the 'Bat Building Survey at 1 Victoria Cottages' by AllAboutTrees February 2017.

Reason: To conserve protected species and their habitat in accordance with the policy GD1 and ENV8 of the Teesdale District Local Plan.

INFORMATIVES

There must be no obstruction at any time by construction vehicles or materials of the Public Right of Way Footpath No. 22, and if any damage is caused to the footpath during the

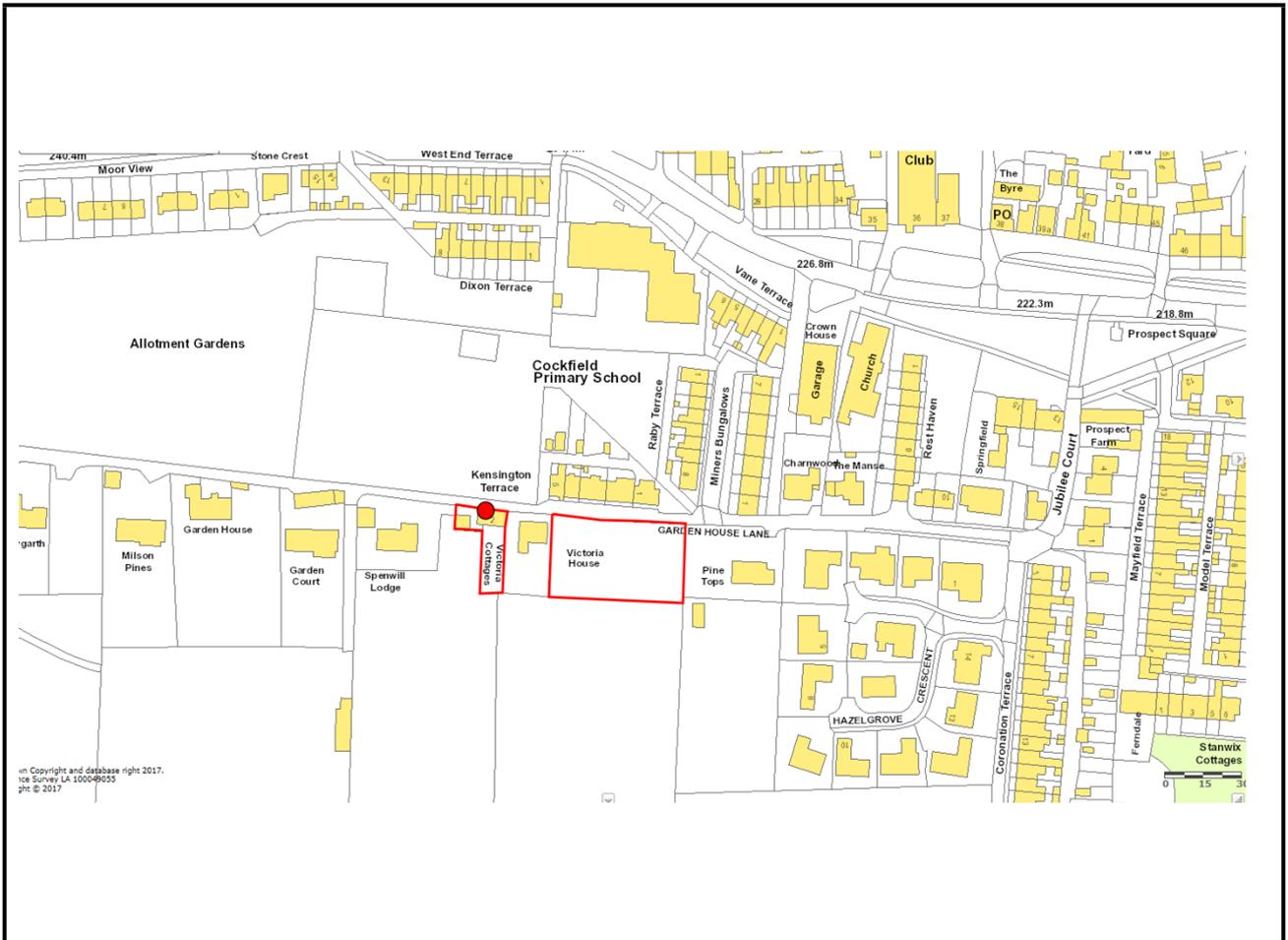
proposed works Durham County Council will require this to be rectified to their satisfaction.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, 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. The Local Planning Authority has sought to ensure that this application has been determined within the statutory determination period.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan
The County Durham Plan (Submission Draft)
County Durham Settlement Study 2012
All consultation responses and representations received



Planning Services

Demolition of dwelling known as 1 Victoria Cottage and erection of dwelling, with associated access and garaging

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20.04.2017

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00463/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing outbuildings and erection of 1no. dwelling (revised scheme to refusal DM/15/03005/FPA)
NAME OF APPLICANT:	Ms Josie Bell
ADDRESS:	Land To The East Of Cobweb Cottage Loop Lane Butterknowle DL13 5JY
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Cobweb Cottage lies in the countryside beyond the built up limits of Butterknowle. It comprises of a detached two storey dwelling with a range of adjacent outbuildings fronting directly onto Loop Lane. There is a sporadic scattering of properties and farms along this lane as it heads north from the western edge of Butterknowle.
2. The application is a revised scheme for the erection of a dwelling following refusal of application DM/15/03005/FPA and the subsequent appeal which was dismissed in August 2016. The scheme dismissed at appeal sought to locate the dwelling on the hard standing area adjacent to the roadside outbuildings. This revised scheme seeks to construct the dwelling on the site of the roadside outbuildings through their demolition. As before, the dwelling would be a single storey larch clad building, but some changes have been made to its design.
3. The application is reported to the Planning Committee at the request of Cllr Smith who supports the proposal.

PLANNING HISTORY

4. DM/15/03005/FPA Erection of 1no. dwelling – refused 19 January 2016 for the following reason:

“The application site sits within the countryside in a position clearly separate and distinct from the built up area of Butterknowle and would lead to an isolated form of development where occupiers of the dwelling would have a reliance on private car travel. The proposal therefore conflicts with NPPF paragraphs 14-17, 34-38 and 55 and does not represent a sustainable form of development.”

5. The appeal against the above refusal was dismissed 15 August 2016 with the Inspector upholding the refusal reason and concluding:

“..the proposal would be in direct conflict with the requirements of the Framework on the basis of being in an unsustainable location.”

PLANNING POLICY

NATIONAL POLICY

6. 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.
7. *NPPF Part 4 – Promoting sustainable Transport.* Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
8. *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. 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.
9. *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.
10. *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:

11. The following saved policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
12. *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.
13. *Policy ENV1: Protection of the Countryside:* Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
14. *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.

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

15. 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:

16. *Highway Authority:* No objections subject to the imposition of conditions requiring appropriate visibility splays to be provided and maintained and requiring the closure of redundant vehicular access.
17. *Coal Authority:* Object to the application as the site lies within the High Risk Area and no Coal Mining Risk Assessment has been submitted.

INTERNAL CONSULTEE RESPONSES:

18. *Landscape Section*: No objection.

19. *Environmental Health (Noise)*: No objection.

20. *Ecology*: No objection to the principle of the proposal. The demolition of the existing outbuildings may impact on breeding birds it is therefore recommended that an informative be added should planning approval be granted.

21. *Contaminated Land*: No objection, but contaminated land condition required.

PUBLIC RESPONSES:

22. The application has been publicised by way of press notice, site notice and neighbour notification letters. 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:

23. The Applicant was born in Butterknowle & has grown up in the area, she is qualifying to be a teacher & is applying for jobs locally. She & her sister inherited the family house & land but she will be unable to buy out her sister's share of the property on a teacher's salary. The sisters wish to sell the house & half of the land & the Applicant use her share of the sale to self-build a new low-energy house, she will use the remaining land to live in as environmentally-friendly way as possible.

24. Following the rejection of the previous Application the design of the house has been changed & is now to be located on land currently occupied by outbuildings adjacent to the existing property, it will form a cluster with the existing house & the extensive property across the road. Despite having received no objections the previous application was rejected because the residents of the proposed new house were deemed to be dependent on the use of the private vehicle. However, there is a serious inconsistency in that new houses within Butterknowle village itself are expected to have car-parking spaces but do receive Planning Approval. The very particular circumstances of this Application should mean that it will not create a precedent for developments elsewhere.

PLANNING CONSIDERATIONS AND ASSESSMENT

25. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issue is whether the proposed development would provide a suitable site for housing, having regards to the location of the site in relation to services and facilities.

26. The site is in a rural location outside of the settlement boundary of Butterknowle and as such is within the open countryside where saved policy ENV1 of the Teesdale Local Plan states that development will only be permitted for the purposes of agriculture, farm diversification, forestry or outdoor recreation or if it is related to existing compatible uses. The proposal for residential development is therefore in conflict with Policy ENV1.

27. However, because of the age of the Teesdale Local Plan, having regard to paragraph 215 of the NPPF, there are no up to date housing policies for the area and therefore only limited weight can be given to Policy ENV1 in respect of its guidance relating to housing location.
28. To that end, due consideration is to be given to the proposal in the context of the presumption of sustainable development as set out in paragraph 14 of the NPPF. This presumption states that development should be approved unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.
29. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas and indicates that housing should be located where it will enhance, or maintain, the vitality of rural communities. However, isolated homes in the countryside should be avoided unless there are special circumstances.
30. The site arrangement and design of the proposed dwelling have been altered from the previous application, but these were not matters which led to refusal and subsequent dismissal of the appeal, and once again, they do not raise any issues of concern in respect of impact on the appearance of the area and highway safety.
31. It is noted that as a result of changes to the scheme the proposed dwelling would now replace the roadside outbuildings on the site, but the dismissed appeal scheme was also on previously developed land immediately to the side of these buildings and therefore the proposed scheme is not different in that respect, nor does this change the situation with regards to the location of dwelling in relation to services and facilities, which is what the appeal was dismissed for.
32. The appeal decision is an important material consideration, particularly when it is so recent, and is therefore included as an appendix to this report. In the appeal decision the Inspector considered that although the site was within a small cluster of existing dwellings it did not form an integral part of South Side, as was being suggested by the applicant and representations made during the appeal from Cllr Smith. The Inspector also considered that despite the site lying around 100m from the village edge, the heart of the village is considerably further away, and even though it could be reached by walking, it has only basic services. Occupiers of the proposed dwelling would have to rely heavily on the private motor vehicle to access facilities and services of other larger settlements to meet their daily living needs and therefore the site is isolated in the context of NPPF paragraph 55, which states that new isolated homes in the countryside should be avoided unless there are special circumstances.
33. The applicant's personal circumstances, the low energy design of the dwelling and desire to live in a sustainable manner, as well as the reference to the approved housing scheme at West View Butterknowle (which is within the village envelope and a continuation of the established settlement pattern) were all matters presented to the Inspector by the applicant and Cllr Smith during the appeal and are not therefore new considerations. The Inspector did not regard them as special circumstances that would justify an exception to the principle set out in NPPF paragraph 55, and in the overall planning balance, considered that benefits of the proposal in respect of contribution to the local economy and local services would be very limited and would not outweigh the harm of development in an unsustainable location and the significant conflict with the NPPF.

34. Having regard to the above, notwithstanding changes to the siting of the dwelling within the site, the location of the dwelling in relation to services and facilities has not changed and there has been no change to circumstances, planning policy, or the limited benefits of the proposal since the appeal decision to justify reaching a different conclusion on the current application. It should be noted that recent appeals in Stanhope (DM/16/01460/FPA) and Gainford (DM/15/03195/FPA), which were both for single self build dwellings similarly outside but close to the edge of the settlement in the respective villages, have also been dismissed on a similar basis of conflict with NPPF paragraph 55 and are therefore also material considerations.

Other Issues

35. The Coal Authority has objected to the development as the site falls within the Coal Authority High Risk Area and a coal mining risk assessment has not been submitted. It is a requirement of the NPPF, paragraphs 120-121, that the applicant demonstrates the application site is safe, stable and suitable for development. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mine workings at shallow depth.

36. The application briefly suggests the dwelling would be supported on isolated pad foundations requiring minimal ground disturbance and that the flexible nature of the frame would avoid cracking associated with conventional masonry construction. It is not however clear if this would be sufficient to ensure the safety of the development, as this design has not been informed by any detailed investigation or risk assessment.

37. Further information has not been sought on this matter because the proposal is considered fundamentally unacceptable in principle for other reasons, as set out above, and would have led to further costs being needlessly incurred by the applicant. However, if Members are minded to approve this application it is recommended that a decision is not made until further information has been received as the National Planning Practice Guide in section 45 makes it clear that planning applications in the High Risk area must be accompanied by a Coal Mining Risk Assessment to properly assess any risks to the development by past coal mining activity.

CONCLUSION

38. In the absence of any up to date local housing policies the proposal must be considered in the context of the presumption of sustainable development as set out in paragraph 14 of the NPPF.

39. The application is a resubmission of a scheme that was recently refused and dismissed at appeal for being in direct conflict with the requirements of the NPPF on the basis of being in an unsustainable location. Notwithstanding changes made to the design and siting of the dwelling within the site, the proposal remains an isolated form of development, which the NPPF in paragraph 55 seeks to avoid. There has been no change in planning policy since the appeal decision to justify reaching a different conclusion on the current application. The harm identified significantly and demonstrably outweighs the minor benefits of the proposal when assessed against the policies in the NPPF taken as a whole. It is therefore concluded that the proposal would not constitute sustainable development.

RECOMMENDATION

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

1. The proposed dwelling, by reason of being in an unsustainable location, would result in an isolated form of development in direct conflict with NPPF paragraphs 34 and 55.
-

STATEMENT OF PROACTIVE ENGAGEMENT

40. 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. The applicant was advised of the outcome prior to the decision.

BACKGROUND PAPERS

Submitted application form, plans supporting documents

The National Planning Policy Framework (2012)

National Planning Practice Guidance

Teesdale Local Plan

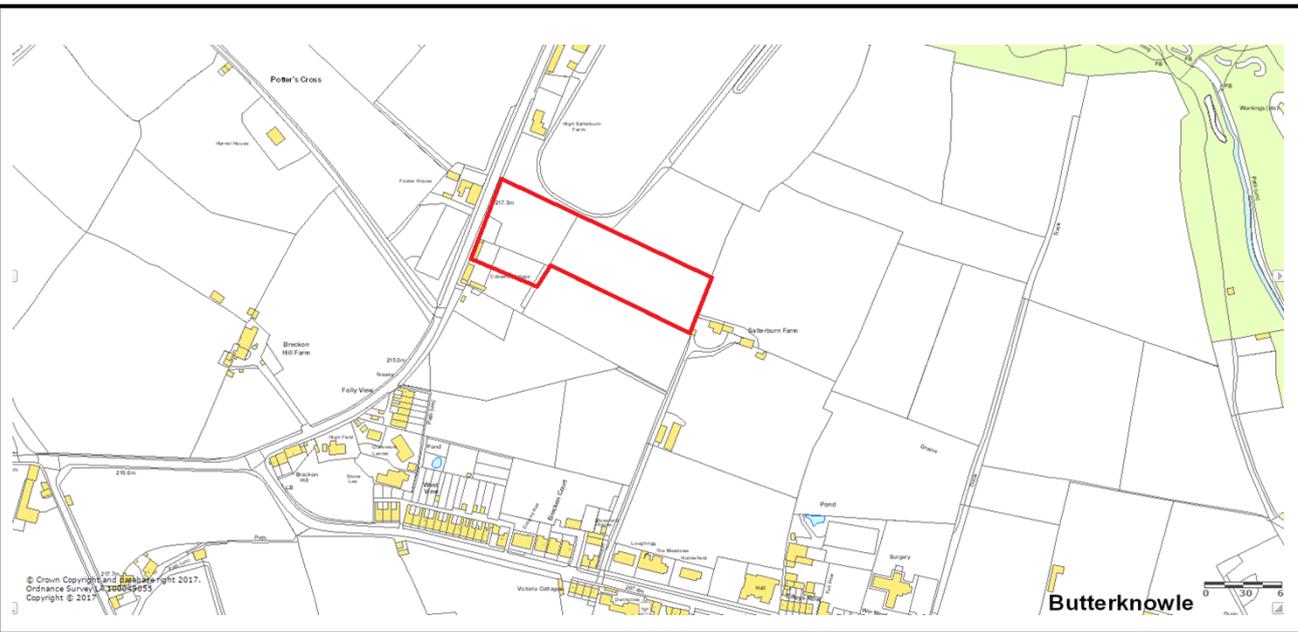
The County Durham Plan (Submission Draft)

All consultation responses received

Appeal decision APP/X1355/W/16/3148943 Cobweb Cottage, South Side Butterknowle (planning ref DM/15/03005/FPA)

Appeal decision APP/X1355/W/16/3144486 Land to the West of Forcett Cottages, Gainford (planning ref DM/15/03195/FPA)

Appeal decision APP/X1355/W/16/3162927 Crawley Edge, Stanhope (planning ref DM/16/01460/FPA)



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Erection of 1no. dwelling with demolition of existing outbuildings</p>
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Appeal Decision

Site visit made on 18 July 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th August 2016

Appeal Ref: APP/X1355/W/16/3148943

Cobweb Cottage, Southside, Butterknowle, Co. Durham DL13 5JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Josie Bell against the decision of Durham County Council.
 - The application Ref DM/15/03005/FPA, dated 25 September 2015, was refused by notice dated 19 January 2016.
 - The development proposed is a self build house.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would provide a suitable site for housing, having regard to the proximity of services and facilities in order to meet daily living needs.

Reasons

3. Paragraph 55 of the National Planning Policy Framework (the Framework) seeks to promote sustainable development in rural areas and indicates that housing should be located where it will enhance, or maintain, the vitality of rural communities. However, isolated homes in the countryside should be avoided unless there are special circumstances.
4. The Council state that the site is some 100m from the village edge, but I noted that the heart of the village is considerably further away, some 10 minutes' walk and although there is a narrow footway, only part of it is lit. I also note that a letter of support for the proposal was received from Councillor Smith and accept that the proposal would be sited within a small cluster of existing dwellings. However, a distinct physical separation from South Side was evident and therefore I do not concur with the view that the proposal would form an integral part of South Side.
5. The proposal is beyond the built up limits of Butterknowle and is therefore outside of the settlement boundary as identified within the Teesdale Local Plan 2002 (the LP). I therefore consider that the proposal would be located within the countryside. I acknowledge that within the Council's delegated report they advise that the housing policies of the LP are considered out of date and carry no weight. On that basis, the Council determined the application in line with the Framework and did not identify any specific Development Plan policies on

the decision notice relating to this proposal. I shall therefore also determine this appeal in accordance with the Framework.

6. From my site visit it is clear that Butterknowle has some basic services. Whilst it would be possible to walk to these services from the appeal site, Butterknowle is a very small settlement. As such, I consider that the occupiers of the proposed dwelling would have to rely heavily on the facilities and services of other larger settlements to fully meet their daily living needs.
7. There is no suggestion that public transport from the village would be adequate to allow a family's daily needs for access to be met. This therefore leads me to the conclusion that the occupiers would inevitably rely on the private motor vehicle, which is the least sustainable mode of transport. Whilst the proposal might not generate a large number of traffic movements, allowing the development in an isolated location would, nonetheless, increase the number of unsustainable journeys.
8. I acknowledge that the proposal would not be isolated in the sense of being a stand-alone building. It would however be located some distance from larger settlements that provide a full range of local services, employment and facilities and would therefore be an isolated dwelling in the context of paragraph 55 of the Framework.
9. In seeking to promote sustainable development in rural areas, paragraph 55 of the Framework states that housing should be located where it will enhance or maintain rural communities. It gives, as an example, that where there are groups of smaller settlements, development in one village may support services in a village nearby. I have no doubt that future occupiers of the dwelling would make use of the services within the village, thereby supporting the facilities and assisting in maintaining the vitality of the community. However, paragraph 55 further states that new isolated homes in the countryside should be avoided, unless there are special circumstances such as, inter alia, the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In this instance I have not been made aware of any other special circumstances that would justify an exception to the principle set out in Paragraph 55 and therefore the proposal would be a form of development which the Framework seeks to avoid.

Planning balance

10. The Framework sets out three dimensions to sustainable development, being economic, social and environmental which should be jointly and simultaneously sought. The appellant states that she is intending to carry out much of the build herself. Nevertheless, the build would contribute to the local economy both through its construction and once occupied, albeit to a very limited extent.
11. The social dimension seeks to support strong, vibrant and healthy communities. As the appeal proposal is for a three bedroom house it could in the future accommodate a family and thereby could create additional demands for various local services. However, regardless of the level of occupancy the level of contribution in support of local services by the occupants of one dwelling would be limited.
12. The appellant states that not only is the design of the proposal a low-energy timber dwelling, but she will also aim to live in a sustainable manner and hopes

to improve the poor biodiversity of the locality. However, there is no guarantee that future occupants of the house, which would be a family-size dwelling, would seek to maintain a similar lifestyle. In addition, the appellant has also experienced the difficulty of sustaining services such as school transport in isolated locations like Butterknowle. Furthermore, I note that the appellant accepts that she would rely on private car travel for work, at least for some time. In these circumstances, I have found that future occupiers of the proposal would be heavily reliant upon the private motor vehicle and the limited benefits of the proposal do not outweigh the harm I have identified. Accordingly, the proposal would therefore be contrary to the environmental dimension of sustainable development in terms of requiring development to mitigate and adapt to climate change by moving to a low carbon economy.

13. Given the current status of the housing policies, the fourth bullet point of paragraph 14 of the Framework comes into force. This makes it clear that where the development plan is out-of-date, permission should be granted unless the adverse impacts of doing so would outweigh the benefits, when assessed against the policies in the Framework as a whole.
14. Against this background, to my mind, the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework taken as a whole.

Other Matters

15. The appellant has drawn my attention to an appeal decision within Cornwall. I have limited information relating to the particular circumstances of this development. However, I note that the Inspector concluded that the proposed house would be seen as within the village, which would not be the case here. As such, a comparison is of limited relevance in this instance. Accordingly, I have considered the appeal before me on its individual planning merits.
16. Reference has also been made to a housing scheme within West View and some weight has been given to this. However, I have little information relating to the particular circumstances of this development, although note that it is considered that the location of this scheme is similar to that of the proposal before me. As such, I can understand why this is being presented to support the appellants' case. Nevertheless, the circumstances surrounding the grant of planning permission is not fully known to me and the presence of this scheme does not alter my view that the proposal is inappropriate to its context.

Conclusion

17. The Framework creates a presumption in favour of sustainable development. I have found that the proposal would be in direct conflict with the requirements of the Framework on the basis of being in an unsustainable location. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR

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