

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|--|
| APPLICATION NO: | DM/15/00361/FPA |
| FULL APPLICATION DESCRIPTION: | Erection of single detached dwelling and garage (resubmission) |
| NAME OF APPLICANT: | Mr Andrew Bowman |
| ADDRESS: | Land to the south of Garden House Lane, Cockfield |
| ELECTORAL DIVISION: | Evenwood |
| CASE OFFICER: | Paul Hopper Planning Officer 03000 263 946 |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site comprises an existing paddock approximately 0.14 hectares in area. The site is bounded by residential properties to the north, east and west and by a larger field to the south. A gated field access is present to the north and boundary treatment comprises a small natural stone wall to the north and west, with a post and rail fence to the east. The site lies within the Cockfield Conservation Area.
2. Full planning permission is sought for the erection of 1 No. detached dwelling and an associated double garage. The proposed dwelling would occupy a position to the northwest corner of the site set back some 5 metres from a private access road at 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.
3. The dwelling would have an overall height of 6.4 metres with the roof void accommodating the upper floors which would be served by roof lights to the southern elevation. External surfaces would be finished in natural stone to the walls, a blue slate roof with white UPVC windows and doors. An upgraded access would be taken via the existing field gate onto Garden House Lane which would also serve the remaining field to the south.
4. This application has been called to the South West Area Planning Committee at the request of Cllrs Smith and Turner who are ward members for the Cockfield area.

PLANNING HISTORY

5. This is a resubmission of withdrawn application DM/14/03257/FPA with changes made to the design of the house, position of the garage, access and highway arrangements.

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. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
8. *NPPF 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. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *NPPF Part 6 - Delivering a wide choice of high quality homes* states housing applications should be considered in the context of the presumption in favour of sustainable development. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
10. *NPPF Part 7 - Requiring good design* states that 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.
11. *NPPF Part 11 - Conserving and enhancing the natural environment* states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing values landscapes, geological conservation interests and soils; and recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible.
12. *NPPF Part 12 - Conserving and enhancing the built environment* states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

LOCAL PLAN POLICY:

13. The following saved policies of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in determination of this planning application;
14. Policy H4 - Small Scale Sites of Less than 0.4 Hectares: Presumes in favour of sites within the development limits of settlements, particularly where they have previously been developed.

15. Policy BENV4 – Development within or adjoining a conservation area: States that development will only be permitted within or adjoining conservation areas where; its location, design, layout and scale reflect the character of the area; the materials must be appropriate and sympathetic to the character of the area; and the proposal does not generate excessive traffic, parking, noise or other environmental problems which would be detrimental to the character and appearance of the conservation area.
16. Policy GD1 - General Development Criteria: Development will be permitted providing it complies with a number of criteria including among others that it is of a high standard of design; is in keeping with the character and appearance of the area; does not conflict with adjoining uses or harm amenity of neighbours; has adequate drainage; would not harm the landscape; would not have a detrimental impact on ecology; adequate and safe access is provided and it would not generate unacceptable levels of traffic on the local road network.
17. Policy H12 – Design: The Local Planning Authority will encourage high standards of design in new houses and housing estates.

EMERGING COUNTY DURHAM PLAN

18. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. 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. However, the Inspector's Interim Report following stage 1 of the Examination process, dated 18 February 2015 has raised issues in relation to the soundness of various elements of the plan. The Council is currently considering the options available and in light of this it is considered that no weight should be afforded to the CDP at the present time.

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:

19. *Cockfield Parish Council* has not commented on this present application but did raise a number of concerns in response to the original submission which mainly related to the impact of the proposal upon highway safety.
20. *Highway Authority* reaffirms the reasons for objection raised to the previously withdrawn application, noting that Garden House Lane does not meet current highway standards and is unsuitable to serve current development leading from it when considered against modern standards. DCC Policy Document Highway Design Guide for Residential Development limits the maximum number of dwellings served by a private drive to 5. In this regard it is noted that the private shared drive presently serves more than double this number. The lane is considered to be of sub-standard width for the majority of its 390m length, does not include adequate turning arrangements and does not include any footway with the closest adopted footway terminating 60 metres from the Jubilee Coronation Terrace Junction to the east. In addition, sight visibility from the Garden House Lane junction with Jubilee Court is

considered substandard in a northern direction and the proximity of built development is such that it prevents drivers/riders of traffic turning east from Raby Terrace from observing westbound Garden House Lane traffic that may be present in the single vehicle width section.

21. Whilst the application aims to draw support from a previous development elsewhere in the Cockfield area the Highway Authority notes that this scheme is fundamentally different to that cited in terms of access arrangements and is therefore of little comparative value. Similarly, arguments put forward by the applicant in relation to the perceived reduction in vehicle trips and the repositioning of an existing telegraph pole do not hold weight and fail to address the fundamental highway concerns raised above.
22. As such the Highway Authority considers that by reason of its limited width, inadequate turning and pedestrian arrangements and poor sight visibility, Garden House Lane is wholly substandard and inadequate to serve additional development and that any further development would prejudice highway safety, road user amenity, and increase further the number of dwellings served by a private shared drive.
23. *The Coal Authority* considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for planning purposes and as such offers no objection to the proposal subject to the imposition of relevant planning conditions requiring further intrusive site investigation works to be undertaken prior to the commencement of development.
24. *Environment Agency* has no objections to the application.
25. *Northumbrian Water Limited* has no objection to the application.
26. *Northern Electric Distribution Limited* has not commented on the application.

INTERNAL CONSULTEE RESPONSES:

27. *Design and Conservation*, having suggested alteration and amendment to the previously withdrawn application with regard to layout and design, now has no objection to the resubmitted scheme, subject to the inclusion of planning conditions requiring the submission and agreement of external materials prior to the commencement of development.
28. *Environmental Health* has no objection to the application.
29. *Landscape* has no objection to the application but notes that the section of road surface immediately beyond the northern boundary wall would need to be visually unified with the main road surface at Garden House Lane.
30. *Public Rights Of Way* whilst noting the presence of public footpath No 22 to the northern boundary along Garden House Lane has no objections the application subject to the inclusion of a condition which requires that all materials and contractors vehicles be stored within the site boundary.
31. *Drainage and Coastal Protection* has no objection to the application noting that a sustainable drainage solution for surface water is proposed which is acceptable.
32. *Sustainability* has no objection to the application subject to the inclusion of a condition requiring the submission, agreement and implementation of a scheme to ensure that sustainability is embedded into the construction.

PUBLIC RESPONSES:

33. The application has been advertised by press notice, site notice and notification letters were sent to surrounding properties. 7 letters of objection, 2 letters of support and 11 pro-former letters of support have been received.
34. The reasons for objection are summarised as;
- Impact upon the Conservation Area: The proposal represents over development of the site and is not in keeping with the character and appearance of the surrounding area. The widening of the lane would detract from its rural character.
 - Highway/Pedestrian Safety: The lane is not adopted, very narrow (particularly to the east of the application site), is in poor condition and has virtually no pedestrian walkways. Visibility from the access east is inadequate and the introduction of more traffic onto the lane would be a safety hazard. Future deterioration of the state of the lane through increased use.
 - Drainage: The proposal would add further strain to the existing drainage system in the area.
 - Loss of View: The proposed dwelling would result in the loss of what is an attractive and open view across the valley to the south of Kensington Terrace.
 - Loss of Greenfield Site: Unacceptable when other brownfield sites exist in the village.
 - The previous ridge and furrow field arrangement has been ploughed by the applicant.
 - The application has not been advertised in the appropriate manner and not all parties affected have been notified.
35. The reasons for support are summarised as;
- The proposal is of appropriate design and as such will enhance the area.
 - The access has previously been extended in width, is adequate and of benefit to all who use the lane. Its narrow nature across the remainder is part and parcel of living in a rural area.
36. The pro-former letters of support have been circulated in the surrounding area by the applicant but do not state the precise reasons for supporting the proposal.

APPLICANTS STATEMENT:

37. Planning permission is requested for a single house on Garden House Lane. While this is a narrow lane, it is adopted up to my site, it serves many properties and is typical of many roads in this part of the County. The site is in the settlement boundary, and the proposed house is designed to complement the character of the conservation area. Every effort has been made to mitigate any harm to the convenience of others using Garden House Lane, and I have been happy with the support I have received from many of my neighbours. In particular, I have widened the road already in the vicinity of my site, losing a metre strip of my field to allow vehicles to park as well as for two vehicles to pass. My intention is to reverse this should planning permission be refused. I also propose to relocate the telegraph pole, to improve matters.

38. One additional house will make very little difference to users of this road, which already serves 33 – it would be a maximum of 3% increase in traffic movements. However, I also own the field on which I normally keep horses, and so these additional movements would be offset by my not having to travel to the field. I would be happy with a condition preventing sale of the field separate to the house.
39. I know the highway officer is concerned this may set a precedent for further houses. This is not possible since I have re-designed the site layout. I would also sign an agreement so as not to build any more houses on this land. The only other possible plots are situated further along the lane, which is single width and much poorer quality. This distinguishes these pieces of land from my site, which is adjacent to the adopted section of the lane.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

40. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main issues in this instance relate to the principle of development, impact of the proposal upon the character and appearance of the conservation area, and issues with parking access and highway safety. Other considerations include residential amenity, public rights of way, land stability and drainage.

Principle

41. 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.
42. The application site covers an area of some 0.14 hectares and although it is greenfield land it lies within the settlement limits to development of the village as defined by the Teesdale District Local Plan. 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. As there are no Teesdale Local Plan Policies to consider development on greenfield land within the development limits it is therefore appropriate to consider the proposal against the NPPF.
43. In this respect, the NPPF takes a more permissive approach to new development which places less emphasis on whether a site is greenfield or brownfield and greater emphasis on sustainable development. Notwithstanding this, it is noted that the longstanding aims to prevent isolated dwellings and protect the character of the countryside remain key objectives.
44. Whilst the site has not been subject to previous development, it would nevertheless occupy a sustainable location well related to shops and services within Cockfield. It would also be well contained by existing development on three of its four sides and as such development of the site as proposed would not be viewed as an encroachment into the open countryside in planning terms. The proposal therefore satisfies the locational aims of the NPPF in respect of being a suitable unallocated site in a built up area. A single dwelling would therefore be appropriate in scale and location to the character and function of the settlement and be compatible with use of the adjacent sites and land uses.

45. The proposal is therefore considered to be acceptable in principle in accordance with the aims of national and emerging policy, subject to consideration of detailed matters including design, access and highway safety.

Design and Conservation

46. The site lies within the Cockfield Conservation Area and therefore regard is to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Cockfield Conservation Area. This is reflected in Teesdale Local Plan Policy BENV4 as well as Section 12 of the NPPF. Teesdale Local Plan policies GD1 and H12 also contain relevant general design criteria which encourage high standards of design in new houses.
47. The site does not have any special historic significance. It has modern development on either side and the terraced dwellings to the north are early 1900. The significance of the site is its location within the designated conservation area.
48. This application represents the resubmission of a previously withdrawn proposal and relates to the erection of a single dwelling and garage that would retain a spacious character within the site. The design and siting of the development has been amended to take account of previous comments from the Design and Conservation Section. The dwelling would be positioned to the north west corner of the site and have 1.5 storeys with an overall height of 6.4 metres, incorporating the upper floors within the roof void of the structure to limit its overall height. External materials would be finished in natural stone to the walls and blue slate to the roof with white UPVC windows and doors, details of which could be approved by condition. The Design and Conservation Section are satisfied with the amendments and have not objected to use of upvc windows because the material is widely used in the surrounding area, although it would be important to ensure the units were of a high quality.
49. Several objections have been raised by local residents who consider that the proposal would have an adverse impact upon the character and appearance of the surrounding conservation area and the lane itself. However, the scale, siting, design and materials of the proposed development are now considered to be acceptable and appropriate for the conservation area. In the context of the surrounding area the loss of the currently greenfield site to development would not result in substantial harm to the conservation area. The impact on the character and appearance of the conservation area is therefore considered to be neutral.
50. It is considered that having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposals would preserve the character and appearance of Cockfield conservation area and would meet objectives outlined in the NPPF and policies GD1, BENV4 and H12 of the Teesdale Local Plan.

Parking, Access and Highway Safety

51. Policy GD1 of the Teesdale District Local Plan requires that adequate and safe access to new development is provided and states that proposals should not generate unacceptable levels of traffic on the local road network. This is consistent with NPPF paragraph 32 in respect of achieving safe and suitable access to the site.
52. Vehicular access to the proposed dwelling would be from Garden House Lane and would utilise an existing field access. Garden House Lane is a narrow, private,

shared access 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.

53. The Highway Authority has objected to the application advising that Durham County Council policy document entitled 'Highway Design Guide for Residential Development' provides design advice in relation to access requirements and seeks to limit the number of dwellings served by a private shared drive to no more than 5 in total. The existing arrangement does not meet current standards in this regard and does not achieve adequate sight visibility to the east from the proposed access with Garden House Lane or in a northern direction from the junction of Garden House Lane and Jubilee Court. In addition, it is also noted that the proximity of built development is such that it prevents drivers/riders of traffic turning east from Raby Terrace from observing traffic travelling west bound along Garden House Lane which may be present in the single vehicle width section of the lane.
54. As part of the resubmission the applicant has provided additional information which states that the proposal would have some benefit in terms of a reduction in vehicle trips associated with the existing agricultural use of the site, and also draws comparisons with one other development for a single dwelling granted planning permission elsewhere in Cockfield. However, it is noted that as the applicant already resides at Kensington Terrace the scope for reduced vehicle movements appears to be nil and that the new dwelling cited relates to a previously developed site, the access arrangements for which are not similar to this application and are therefore of little comparative value. Whilst the proposed relocation of the existing telegraph pole would be of benefit, there is no certainty of this taking place since it requires the consent of the utility company and it nevertheless fails to address the access limitations of the highway leading west.
55. The Highway Authority therefore considers that by reason of its restricted width, inadequate turning and pedestrian arrangements and restricted sight visibility at points along its length, Garden House Lane is wholly substandard and inadequate to serve the additional development proposed.
56. The proposal would not directly affect the route of the public right of way providing it would not be obstructed during construction, however, the introduction of additional traffic onto the lane and poor visibility for vehicles exiting the site dose pose a highway safety concern in respect of use of the public right of way and increased potential for conflict between pedestrians and vehicles.
57. These concerns are also reflected in the objections of local residents and previously those of the Parish Council.
58. Whilst the applicant has confirmed a willingness to enter some form of legal undertaking not to erect any additional dwellings at the site beyond that applied for within the site boundary, it is noted that this does not restrict any future development along the lane and does not resolve the existing issues raised by the Highway Authority. The applicant has also suggested that there is already vehicular traffic associated with use of the site, however, as the proposal retains access to the rest of the applicant's land, the proposal would result in additional traffic associated with the new dwelling.
59. In light of the above it is considered that the proposed development would not be served by an adequate and safe access and additional vehicle movements along Garden House Lane would be to the detriment of highway and pedestrian safety, contrary to policy GD1(Q & R) and paragraph 32 of the NPPF.

Other Issues

60. The objections from local residents have also raised other concerns in relation to residential amenity and drainage.
61. The nearest residential properties would be located 11 metres to the north of the proposed dwelling at Kensington Terrace and 5 metres to the west at Victoria House. The loss of a particular view, however attractive, is not a material planning consideration which can be afforded any weight in the determination of this application. The design of the dwelling is such that windows to habitable rooms would be concentrated to the southern elevation of the dwelling, with only windows serving non habitable rooms provided to the north such as stairways, hall/landing, a cloakroom and WC. Given the separation distances involved and height of the proposed dwelling, it is considered that the development would not have any adverse impact upon residential amenity of neighbouring properties.
62. In respect of drainage, Northumbrian Water and the Council's Drainage and Coastal Protection Section have been consulted. Neither have objected to the application and it is considered that the proposed arrangements are adequate.
63. It is also noted that the site is located within an area identified by the Coal Authority as being at high risk of previous mine workings, however, the applicant has submitted a Coal Mining Risk Assessment in support of the proposal, which identified the need for further intrusive investigation works prior to the commencement of development to establish the exact situation regarding coal mining legacy within the site. The Coal Authority concur with this recommendation and offer no objection to the application subject to a condition for further intrusive site investigation prior to commencement of development.

CONCLUSION

64. The proposed scheme has been assessed against relevant policy documents and other material considerations and it is concluded that the development fails to provide safe and adequate means of access to the site and would generate unacceptable levels of traffic not capable of being accommodated on the surrounding road network, most notably the narrow, private access lane to the north.
65. Whilst it is noted that the site occupies a sustainable location within the settlement limits to development of Cockfield, and is acceptable in terms of design, appearance and its impact upon residential amenity, in this instance the benefits do not outweigh the adverse impact that the proposal would have upon highway safety.

RECOMMENDATION

66. Recommendation that the application is **REFUSED** for the following reason:
67. 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.

STATEMENT OF PROACTIVE ENGAGEMENT

68. 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 and representations received, however, the issues of concern could not result in a positive recommendation.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

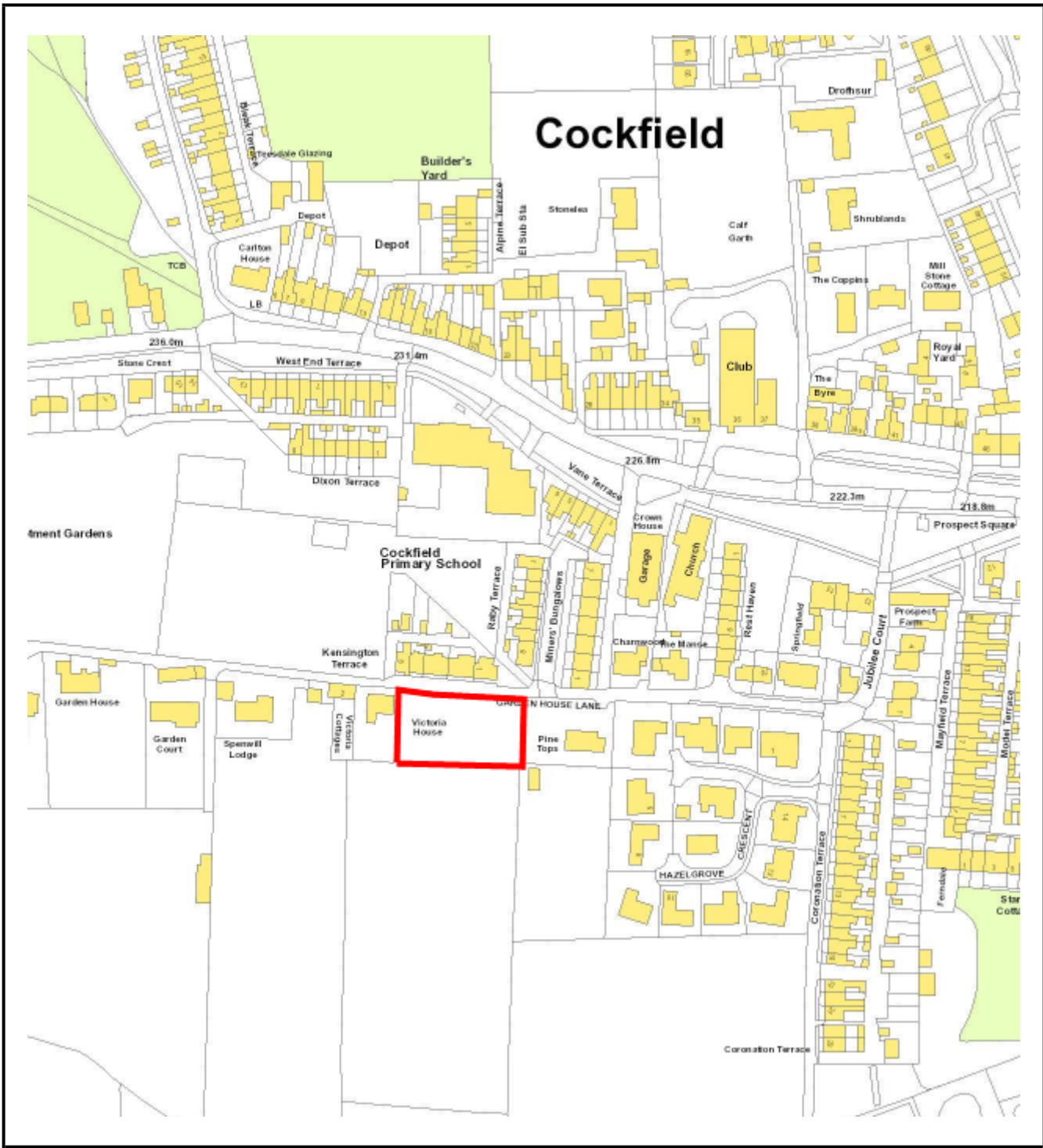
Teesdale District Local Plan 2002

County Durham Plan (submission version)

Consultation responses

Representations received from the public and other representative bodies

Application DM/14/03257/FPA



Erection of single detached dwelling



Planning Services

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

Comments

Date 19 March 2015

Scale 1:2500