

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/01270/FPA & DM/15/01271/LB
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of outbuildings and erection of 1 no. dwelling & Demolition of outbuildings and alterations to boundary wall (planning and listed building consents)
<b>NAME OF APPLICANT:</b>	Ms Hazel Watt
<b>ADDRESS:</b>	Ovington Edge Ovington Lane Ovington Richmond DL11 7BL
<b>ELECTORAL DIVISION:</b>	Barnard Castle East Tim Burnham
<b>CASE OFFICER:</b>	Senior Planning Officer 03000 263963 <a href="mailto:tim.burnham@durham.gov.uk">tim.burnham@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site sits immediately to the south west of Ovington Edge, comprising of land within its curtilage. Ovington Edge is a grade II listed dwelling. The Grade II listed Ovington Bridge sits further to the south west of the site close to Ovington Village Hall. Ovington Lane runs to the north west of the application site. The application site hosts two outbuildings associated with the dwelling, which are both in a poor state of repair. Stone walls bound the site adjacent to the highway. The development site sits within the Ovington Village settlement boundary. The Area of High Landscape Value designation lies across the road to the north of the application site beyond Ovington Lane, along with the River Tees.
2. The applications are a resubmission of planning and listed building approvals granted in 2012, but which expired in April this year without having been implemented. As before, they seek planning permission and listed building consent for the erection of a two storey detached dwelling on the site along with demolition of outbuildings and alterations to the stone boundary wall surrounding the site to allow for vehicular access to be achieved. The dwelling is proposed to be of traditional design, following the typical massing and shape of other dwellings within the area. The vehicular access would be taken from Ovington Lane.
3. The application has been referred to the Planning Committee by Ovington Parish Council who object to the application on the grounds of listed building setting, highway safety and land stability.

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### PLANNING HISTORY

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4. In addition to these same proposals having been previously approved in 2012 (6/2011/0362/DM & 6/2011/0363/DM/LB), planning and listed building consent have also recently been granted in June this year under delegated powers for the provision of a more contemporary dwelling at the site for a different applicant (DM/15/00659/FPA & DM/15/01519/LB).
5. If these current applications were granted approval, it would be possible to develop one or the other scheme on the site. It would be perfectly feasible to hold two differing sets of planning approvals on the same site, although clearly only one could be implemented in practice as the two different schemes occupy the same site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. On March 27th 2012 the Government published 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 3 – Supporting a prosperous rural economy* – This part of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It states that planning policy should promote the retention and development of local services and community facilities in villages.
9. *NPPF Part 4 – Promoting sustainable Transport* This part of the NPPF states that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
10. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes*. States that housing applications should be considered in the context of the presumption in favour of sustainable development. To promote sustainable development in rural areas it is suggested housing should be located where it will enhance or maintain the vitality of rural communities.
11. *NPPF Part 7 – Requiring Good Design*. States that good design a key aspect of sustainable development.
12. *NPPF Part 11 – Conserving and Enhancing the Natural Environment*. States that ecology interests should be protected.
13. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. States that heritage assets (in this instance the grade II listed Ovington Edge and Ovington Bridge) need to be recognised as an irreplaceable resource and to be conserved in a manner appropriate to their significance.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <https://www.gov.uk/government/publications/national-planning-policy-framework--2>*

## **LOCAL PLAN POLICY:**

14. The Statutory Development Plan in this case comprises the policies of the Teesdale District Local Plan as amended by saved and expired policies September 2007.
15. Paragraph 215 of the NPPF states that following the 12 month period after the date of publication (of the NPPF), due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
16. The saved policies considered relevant to the proposal and to which due weight can be given having regards to NPPF paragraph 215 are:
17. *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.
18. *Policy BENV3: Development Adversely Affecting the Character of a Listed Building:* Development which would adversely affect the character of a listed building or its setting will not be permitted.
19. *Policy ENV3: Development within or adjacent to an area of High Landscape Value* Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals.
20. *Policy ENV8: 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.
21. *Policy H4: Infill Development on sites of less than 0.4 Hectare.* Small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of Ovington subject to fulfilling the design criteria of Policy GD1.
22. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/3401/Teesdale-local-plan-saved-policies/pdf/TeesdaleLocalPlanSavedPolicies.pdf>*

## **RELEVANT EMERGING POLICY:**

### **The County Durham Plan -**

23. The emerging County Durham Plan was submitted in April 2014 and has been examined in public. In accordance with paragraph 216 of the NPPF, 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. At the current time, the Policies within the plan are being given no weight, very limited weight or limited weight.

24. Policy 15 - Development on Unallocated Sites would be relevant to this proposal. This Policy however is being afforded very limited weight. Policy 44 - Historic Environment is also relevant. This Policy is being afforded limited weight. Neither policy forms a significant part of the decision making process.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

25. *Highways Authority*: Have Offered No objection subject to the inclusion of highways related conditions and informatives.
26. *Northumbrian Water*: Have responded to the consultation and stated they have no comments to make on the proposals
27. *Ovington Parish Council*: Object to the planning application. A detailed letter of objection has been submitted. The full letter is available to read on the council's web site accessible through the link at the bottom section of this report. The main Points made within this letter are summarised below.
- Development Contrary to Policy BENV3 as it would adversely affect the setting of the grade II listed building - Ovington Edge.
  - Concern over the application site being considered an 'infill site'
  - Ovington is not a sustainable settlement and has a very limited range of services and facilities
  - The provision of vehicular access in the location proposed would be unsafe and lead to increased risk of accidents on the highway
  - Ovington has poor sewage and broadband capability
  - The application represents over development of the site
  - Concern over land stability on the immediately surrounding area
  - Concern over damage to grade II listed Ovington Bridge

### **INTERNAL CONSULTEE RESPONSES:**

28. *Design and Conservation*: Consider that the proposal will not harm the setting of the adjacent grade II listed Ovington Edge. They note that the proposal is the same as previously approved on site. They have requested that conditions which remain relevant from the previous application be added to this planning application.
29. *Ecology*: The Ecology section note that the original bat survey work undertaken in 2011 has been updated. They note that bat roosts are located in buildings close to the site but not in those affected by the development. They suggest the development would be acceptable subject to mitigation measures which should be conditioned.
30. *Landscape*: Note that the application is the same as that previously received and approved and have no comments to make.

### **PUBLIC RESPONSES:**

31. A full consultation exercise was carried out which has included the posting of a site notice, the publication of a press notice and the sending of neighbour notification letters. No public responses have been received.

#### **APPLICANTS STATEMENT:**

32. Since the granting of planning permission on 26 April 2012, partly because of market forces it has not been possible to implement the permission, and this application now before you has been submitted seeking to renew that previous planning permission to continue the opportunity of developing a scheme which was, at the time of its granting in 2012, considered to be an attractive and appropriate development which would complement the adjacent Listed Building.

33. Alternative design proposals for the site have been submitted by a prospective purchaser, and these too have been granted planning permission recently. However, at the present time there exists no guarantee that this scheme will be realised. In planning law terms, there exists no reason why two appropriate permissions cannot co-exist for a site, and clearly whichever is implemented first becomes the lawful development.

34. In terms of the application before you, no material circumstances have changed with regard to the positive determination of this application, and members are requested to grant planning permission once again for this appropriate scheme.

*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://plan-1:8080/IDOXSoftware/IG\\_search?app\\_id=1002&FormParameter1=DM%2F15%2F01270%2FFPA](http://plan-1:8080/IDOXSoftware/IG_search?app_id=1002&FormParameter1=DM%2F15%2F01270%2FFPA)*

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#### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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35. 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 development, design/impact on heritage assets, landscape impact, highways issues, ecology, and other issues.

##### Principle of development

36. The principle of the development of the site for a residential dwelling was previously accepted through planning and listed building consents granted in 2012. The previously approved plans are the same as those before the planning committee today. Although these consents are no longer extant, they are still considered to represent a significant material consideration in favour of the principle of the development. More significant though is that there is extant planning and listed building approval granted in June this year for a similarly scaled dwelling on the site, which firmly establishes the principle of residential development.

37. The site lies within the development limits of Ovington and although within the curtilage of Ovington Edge, the land could not be described as consisting of private residential garden. Given the presence of an existing building on this part of the site, and the fact that the main garden area appears to sit further to the east to the rear of Ovington Edge the application site is considered previously developed.

38. The principle of a dwelling in this location therefore accords with Policy H4 of the Teesdale Local Plan. This Policy relates to small scale housing development and states that it will be permitted on sites of less than 0.4 hectares, comprising previously developed land, within the development limits of certain villages, of which Ovington is included.
39. The sustainability of locating a dwelling in this location has been questioned by the Parish Council. It is acknowledged that limited services are available within the village. The NPPF at paragraph 55 advises that isolated new homes in the Countryside should be avoided. The dwelling would not represent an isolated new home in the countryside. The NPPF states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. The development of this site within the settlement boundary would be a very modest and balanced approach to bring additional residents to Ovington. It is considered that permitting this development would allow small scale sustainable development which could help to enhance the vitality of the village and therefore the proposal does not conflict with the NPPF.

#### Design/Impact on Heritage Assets

40. The Parish Council's concerns about the design of the dwelling and impact on the setting of the grade II listed Ovington Edge are noted, however, it is considered that the proposed scheme is simple and reflective of the design of the existing dwelling at Ovington Edge. The roof would be pitched and broken up to different heights which would help reduce the bulk and massing of the dwelling. Materials would consist of stone and clay pantiles with timber windows and doors. The proposed dwelling would be set down and set back slightly from Ovington Edge, which would enable Ovington Edge to maintain its prominence on site and would protect views towards the Grade II listed dwelling when approaching from the south west.
41. The Parish Council has also expressed concern about the impact on the nearby grade II listed bridge. However, the dwelling and associated works taking place to the wall to create the access to the site would be entirely within the application site to the east of the bridge, well away from this structure and do not involve any intervention with the bridge or its walls. Development can occur within the vicinity of listed structures without damaging them and the proposed dwelling would not impact negatively on the setting of the bridge. The concerns are therefore unfounded.
42. The demolition of the outbuildings and alterations to the boundary wall also require listed building consent by reason of having curtilage listing in association with the grade II listed Ovington Edge. One outbuilding appears as a relatively modern timber clad stable, while the other building is a part stone and part brick building. The stable building is a relatively modern, functional building with no architectural or historic merit. It is not considered significant or important in the context of the setting of the listed building. The second building is of more substantial construction and age, but is too is not of any architectural or historic significance. It is also in a very poor state of repair, suffering from advanced decay, with no roof structure. Both buildings offer little positive to the setting of the listed building and do not possess any significance themselves. Their removal is therefore considered acceptable, but is nevertheless already approved under extant consents DM/15/00659/FPA & DM/15/01519/LB.
43. The alterations to the boundary wall involve the creation of an opening to provide a new vehicular entrance to the application site, reducing the height of the wall to

0.9m within the visibility splay cordon. Consequently, the boundary wall would be in the main retained with the vehicular access only a small element within the overall length of the wall. The function of the boundary wall and significance to the listed building (Ovington Edge) would not be significantly altered and therefore the proposal is acceptable. Again, this is also approved under extant consents DM/15/00659/FPA & DM/15/01519/LB.

44. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses. In addition, Policy BENV3 of the Teesdale Local Plan does not permit development which would adversely affect the character of a listed building or its setting. Part 12 of the NPPF reinforces protection for listed buildings seeking to preserve significance of designated heritage assets. It is considered that the proposals for the site meet these objectives and there was no objection from the Council's Design and Conservation Section.

#### Landscape impact

45. The site lies outside the Area of High Landscape Value designation and is included within the development limits of Ovington. The proposed dwelling would sit alongside an existing dwelling and within an already established and clearly defined curtilage. Accordingly the site does not represent an intrusion into the countryside.
46. The developed proportion of the site would not be excessive in relation to its overall size with adequate garden and parking provision within the site. The scale, character and materials of the dwelling would relate appropriately to the existing dwelling, as well as to the general character of the village and adjacent countryside.
47. Landscape Officers have raised no objections and it is not considered that the development proposed would have a negative impact upon the special character of the adjacent Area of High Landscape Value, which is situated across Ovington Lane to the north.
48. The proposal therefore accords with Teesdale Local Plan policies ENV3 and GD1.

#### Highways Impacts

49. Policy GD1 relates to highways issues and it requires that safe access to the site and adequate parking should be provided. It also requires that development does not create unacceptable levels of traffic which would exceed the capacity of the local road network.
50. The Parish Council is concerned that the vehicular access would be in a dangerous position.
51. Vehicular Access would be taken from Ovington Lane at the south west corner of the site. An adequate visibility splay would be provided through reducing the height of the stone boundary wall to 900mm, and through erecting a portion of fencing within the development site to ensure that the area within the visibility splay chord would be free from obstruction.

52. The vehicular access is the same as the 2012 approval and the same as the application approved earlier this year. The Highways Authority has no objections to the development.
53. The NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Such impacts have not been identified in this instance.

#### Ecology

54. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
55. At the time of previous planning applications at the site in 2011 a bat survey was undertaken by Argus Ecology Ltd. Although bats were found roosting within the main residence of Ovington Edge itself and an outbuilding at the dwelling, no bats were found roosting within the development site itself, although the potential of the on-site barn building to host bats was noted. Mitigation measures were recommended in relation to the lighting of the site, timing of works.
56. The bat survey has since been updated and considers that in the time since the last survey the state of the buildings proposed for demolition has worsened meaning that bat roosting opportunities would have been further limited at the site. The updated report suggests that the findings of the 2011 report are still valid. As such, Ecology Officers have offered no objections to the application subject to mitigation measures outlined within the original report and the provision of alternative bat roosting opportunities as detailed within the updated report.
57. Subject to these conditions the proposal complies with Teesdale Local Plan policies GD1 and ENV8.

#### Other Issues

58. The Parish Council have raised concerns about the potential for the development to affect ground stability outside the site, noting a land slippage in 2013 which resulted in closure of the bridge. Officers are aware of this, but the issue has now been resolved. The proposed development would lie to the east of the bridge outside the previously affected area and the site is not subject to any coal mining legacy issues. The proposed development is small in scale and the risk of the development affecting land stability outside the site is considered to be low. The Building regulations will give appropriate consideration to construction methods and developers and contractors have a responsibility to ensure that damage is not caused to other land and property. There is also already an extant permission to construct a house on the site (DM/15/00659/FPA).
59. In relation to the Parish Council concerns over sewerage capacity in the area, Northumbrian Water has offered no objections which would appear to indicate that the existing system would have the additional capacity to support an additional dwelling. Officers also acknowledge that communications services such as broadband are poorer in rural areas and this would not be a reason to refuse planning permission for a dwelling in a rural area.



60. The development is considered to be in accordance with the relevant emerging County Durham Plan Policies, although these have been afforded limited or very limited weight and have not been a key part of the decision making process.

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## **CONCLUSION**

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The proposed dwelling would represent small scale development on brownfield land within the development limits of the village and the principle of the development has been established through extant and previous approvals. The scale, design and layout of the proposed development is acceptable in relation to its impact on nearby designated heritage assets and the surrounding area. It is also acceptable in relation to highways and ecology issues. The buildings to be demolished lie within the curtilage of a listed building, however they do not possess any architectural or historic significance and are in a poor condition which currently detracts from the setting of the listed building.

The applications are therefore in accordance with the NPPF Parts 3, 4, 6, 7, 11 & 12 and Policies GD1, BENV3, ENV3, ENV8, H4 and H12 of the Teesdale Local Plan.

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## **RECOMMENDATION**

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That the applications be **approved** subject to the following conditions –

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Planning Approval Conditions DM/15/01270/FPA

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

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

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

Drawing 01 REV A

Drawing 02

Drawing 03

Drawing ASS/1069 received 23<sup>rd</sup> April 2015

Ovington Edge – Bat Survey Report, September 2011 by Argus Ecology Ltd & Ovington Edge – Statement in respect of Bats, April 2015 by Argus Ecology received 01st April 2015.

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

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling, roofing and external hard surface materials have been submitted to and approved in writing by the Local Planning Authority. This shall include the a sample panel of the proposed stone and pointing to be used in the construction of the main walls, which shall be erected for inspection before the commencement of development and thereafter retained on site during the construction

period. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policies GD1 and ENV3 of the Teesdale Local Plan. The details are required before commencement as the external appearance of the materials are fundamental to preserve the setting of the neighbouring grade II listed building and relate to matters at the start of the development process.

4. All rainwater goods shall be black and mounted on traditional rise and fall gutter brackets.

Reason: In the interests of the appearance of the area and to comply with Policies BENV3 and GD1 of the Teesdale District Local Plan 2002.

5. Notwithstanding the details shown on the approved plans, prior to their installation, precise details of all fenestration and glazing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and retained in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies BENV3 and GD1 of the Teesdale District Local Plan 2002.

6. No development shall take place unless in accordance with recommendations detailed within Ovington Edge – Bat Survey Report, September 2011 by Argus Ecology Ltd & Ovington Edge – Statement in respect of Bats, April 2015 by Argus Ecology received 01st April 2015.

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

8. The 1.2m high two railed timber fence within the site to protect the highways visibility splay adjacent to Ovington Lane shall be constructed and in place prior to the first residential occupation of the site and shall remain for the lifetime of the development.

Reason: In the interests of Highway Safety and to comply with Policy GD1 of the Teesdale Local Plan.

9. No impediment or obstruction greater than 0.9m in height above the adjacent Ovington Lane carriageway shall be permitted within the visibility splay shown hatched on the site plan reference 01 REV A hereby approved.

In order to ensure adequate forward visibility in the interests of highway safety in accordance with Policy GD1 of the Teesdale District Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking or re-enacting that Order, no fences, gates or walls, other than those expressly authorised by this permission shall at any time be erected beyond the forwardmost part of any wall of the dwelling house which faces onto a vehicular highway, without the grant of further specific permission from the local planning authority.

In order that the local planning authority may exercise further control in this locality in the interests of visual and residential amenity in accordance with Policy GD1 of the Teesdale District Local Plan.

Additional Listed Building Conditions DM/15/01271/LB

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

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

2. The works hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Drawing 01 REV A

Drawing 02

Drawing 03

Drawing ASS/1069 received 23rd April 2015

Ovington Edge – Bat Survey Report, September 2011 by Argus Ecology Ltd & Ovington Edge – Statement in respect of Bats, April 2015 by Argus Ecology received 01st April 2015.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF Parts 3, 4, 6, 7, 11 & 12 and Policies GD1, BENV3, ENV3, ENV8, H4 and H12 of the Teesdale Local Plan.

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents provided by the applicant

Bat report update Argus Ecology 2015

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Teesdale Local Plan

The County Durham Plan (Submission Draft)

All consultation responses received



**Planning Services**

Demolition of outbuildings and erection of 1 no. dwelling & Demolition of outbuildings and alterations to boundary wall

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23<sup>rd</sup> July 2015