

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No: DM/15/03923/FPA

FULL APPLICATION DESCRIPTION: Demolition of garage building and erection of dwelling with car port and garage (amended plans received 22/02/2016)

NAME OF APPLICANT: Mr G Mills

ADDRESS: Nursery Garage
Stangarth Lane
Staindrop
Darlington
DL2 3LR

ELECTORAL DIVISION: Barnard Castle East

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

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to an existing vehicle repair garage and its associated curtilage which sits at the southern end of Stangarth Lane, Staindrop. The site sits to the south of the Conservation Area and settlement boundary.
 2. The application proposes demolition of the existing building on the site which hosts a vehicle repair garage. It is a large and long building which measures approximately 36mtrs in length, 5 mtrs in width and 4.7 mtrs in overall height. The garage is built in painted blockwork with fibre cement sheet roof.
 3. In place of the garage it is proposed to construct a stone building with slate roof, which would be used as a mixed use residential dwelling/bed and breakfast business with residential accommodation on the upper floor and 3no. guest bedrooms, dining and kitchen space provided to the ground floor. The building would be approximately 26mtrs in length with a maximum width of 11mtrs and a maximum height of 8.5mtrs. A detached double garage built of stone walls with a slate roof would be located towards the north of the site.
 4. The application is reported to the Planning Committee at the request of Staindrop Parish Council due to concerns relating to the justification for tourist accommodation, landscape and conservation area impacts, concern over the principle of housing development within the countryside, and design concerns. Cllr Rowlandson has also requested the application be referred to the planning committee due to highways issues.
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PLANNING HISTORY

5. Planning approval was granted in 1983 for the change of use of a horticultural storage building to commercial garage for car repairs. In 2010 planning approval was granted for external alterations and extension to the garage, although it appears these works were never implemented. Planning approval was granted to construct Nursery Bungalow in 1990. A section 52 agreement which tied the bungalow to the garage so that it could not be sold or let as a separate unit, as well as limiting the occupancy of the bungalow to a person whose sole, main or last employment was at the garage business was discharged in 2012.

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 3 - Supporting a prosperous rural economy.* This part of the NPPF states that planning policy should support the sustainable growth and expansion of all types of business and enterprise in rural areas.
8. *NPPF Part 4 – Promoting sustainable Transport.* The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

11. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
12. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
13. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* States that heritage 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

LOCAL PLAN POLICY:

14. The following policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
15. *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.
16. *Policy ENV1: Protection of the Countryside.* This policy restricts the type of development that would be permitted in the Countryside. Tourism and recreation developments would be considered acceptable where compliant with other policy and where they do not unreasonably harm the landscape and wildlife resources of the area.
17. *Policy ENV3: Development Within Or Adjacent To An Area Of High Landscape Value* The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. 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 such development proposals should accord with policy GD1.
18. *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.
19. *Policy BENV4: Development within and / or adjoining Conservation Areas* Development within conservation areas will only be permitted provided that among

other things the proposal respects the character of the area and does not generate excessive environmental problems which would be detrimental to the character and appearance of the conservation area.

20. *Policy H12: Design*: The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.
21. *Policy TR2: New Visitor Accommodation*. Within the countryside, planning permission will be granted for new visitor accommodation within conversions of existing buildings or where new buildings can be added to an existing farmstead or existing traditional group of buildings, provided that the proposal does not detract from the character of the area; and the scale, design and materials of the proposal are appropriate to the existing group of buildings; and the proposal is not detrimental to road safety.

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 -

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 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:

23. *Staindrop Parish Council*: Object to the application. It is suggested that the development will detract from the special character of the area and pays little attention to the landscape qualities of the area. It is noted that the Development site lies outside of the Staindrop settlement limit. It is stated that the application would be contrary to Policy BENV4 as it would not make a positive contribution to local character and distinctiveness and it is suggested that a building of such style, massing and profile would be conspicuous in the location proposed. The design quality of the building is not considered to be appropriate as it would be at contrast with those in the area and would be suburban in character, with the large window in the southern elevation being particularly inappropriate. It is stated that the size of the building is excessive. Concern is expressed that the village would be deprived of a useful business should the garage building be demolished. It is suggested that the new building could easily be subdivided into two residential properties at some

point in the future. There is concern that the building would reduce views of the southerly aspect of the village from existing properties. Concern is expressed that black upvc windows would not be suitable at the site.

24. *Highway Authority*: No objection. It is acknowledged that Stangarth Lane is not constructed to an adoptable standard and is unsuitable in many respects to serve additional development that would give rise to further vehicle movements. However, as the current proposal is on the site of an existing garage business which will be removed as part of the proposal; this must be considered acceptable in highway terms.

25. *Northumbrian Water*: No comments to make.

INTERNAL CONSULTEE RESPONSES:

26. *Landscape Section*: No objection: The site is within an Area of High landscape Value. While the proposed building is likely to have an imposing presence in the landscape it is also likely to be an improvement compared to the present garage. It is requested that the existing sections of wall are retained and the gap caused by removal of the garage to be filled by a similar wall rather than a fence. Landscaping details should be conditioned.

27. *Design and Conservation*: No objection. The site is located outside the conservation area but within its setting and is occupied by a utilitarian structure which can be considered to harm the setting of the conservation area and other assets within. The redevelopment of the current garage in an appropriate manner could be considered to be a benefit to the setting of the conservation area and other assets. The design of the dwelling seeks to reflect a series of converted agricultural buildings which could be considered appropriate in this location. The scale of the building is challenging, however, on balance it is considered acceptable as the mass is broken up by the use of elements of varying sizes. Amendments to the design of the porch, removal of a car port and clarification of window details has addressed initial concerns in these respects. However, in order to ensure that the final window details are acceptable it is still considered appropriate to secure section and manufacturer details by condition.

28. *Environmental Health (Contaminated Land)*: No objection, but recommend a conditional approach requiring a scheme to deal with potential contamination from the current use.

29. *Ecology*: No objection, but all mitigation measures in the bat report should be adhered to.

30. *Public Rights of Way*: The main access to the site along Stangarth Lane contains footpath 20 and would be subject to construction vehicle movements. It may be beneficial for notices to be displayed for the benefit of drivers and pedestrians. You may prefer to include these comments as an advisory.

PUBLIC RESPONSES:

31. The application has been publicised by way of site notice and neighbour letters. There has been one letter of objection and one letter of support.

32. The objection considers that the scale and height of the proposal is not acceptable. The proposed building will dominate the view from the village and footpaths and is not in keeping with the rural aspect.

33. The letter of support considers the removal of the garage would be a benefit to the appearance of the area. It is suggested that the new building would not be excessively visually disruptive. It is also suggested that bed and breakfast would bring visitors to the village which would be of benefit to the local economy and that other garages are available within the village.

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:

34. The proposed development of the Nursery Garage site to the south of Staindrop seeks to replace the current building which has a distinct commercial appearance, with a large single dwelling which will offer bed and breakfast facilities for tourists.
35. The existing building has been used for a number of purposes including caravan storage and in more recent times, a garage carrying out motor vehicle repairs and MOT's. Current traffic flows are considerable due to the nature of the site's current use. The proposed development will greatly reduce this and consequentially, reduce the impact on vehicle movements within the village itself.
36. The proposed dwelling will be constructed from natural stone with a slate roof. The windows and doors proposed will be grey in colour and will blend sympathetically with the stonework. Traditional features such as water tabling, granary steps and ventilation slits are to be used to further reduce the impact on the setting. It is also worth noting that the owners have gone through the proper channels and obtained pre-application advice which was generally supportive of the scheme. The subsequent full planning application was made with this advice in mind.
37. The proposed dwelling will also provide the owners with a regular source of income from the bed and breakfast services to be offered. It is anticipated that this service will be of high quality befitting of the area and will attract visitors to Staindrop and the wider dale.
38. The site itself is outside the Staindrop Conservation area and is linear in appearance. The existing building currently sits on the eastern boundary of the site and offers no opportunity for planting that could screen the structure. It is worth noting that a public footpath runs along the eastern site boundary. It could be argued that the existing building is something of an eyesore for anyone approaching Staindrop from the south. The proposed development is set back off this boundary and as such, a carefully chosen planting scheme can be implemented to help the dwelling to blend into its surroundings and be less obtrusive to those using the footpath.
39. The owners seek only to improve the site and create a structure that will not only provide a family home but will provide a service to Staindrop and the surrounding area by offering high quality accommodation for visitors to Teesdale, an area that relies heavily on tourism.
40. It is with this in mind, we would urge the committee to view this application favourably and approve the proposal.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of development

42. The application site sits to the south of the main body of Staindrop on land outside of the settlement boundary. Residential accommodation in this location would therefore represent a departure to Teesdale Local Plan Policy ENV1 in respect of development in the countryside. Consideration must therefore be given to whether there are any other material considerations and benefits to outweigh this conflict.
43. The NPPF is an important material consideration. 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.
44. The Parish Council has objected to development outside the development limits of Staindrop, however, in accordance with paragraph 215 of the NPPF, the weight to be attached to relevant Teesdale Local Plan policies depends upon the degree of consistency with the NPPF. In this respect the settlement boundary policies of the Teesdale Local Plan date back to 2002. Therefore those policies which are policies for the supply of housing and which are based upon settlement boundaries cannot be considered as being up to date or compliant with the NPPF and accordingly can no longer be given any weight. In addition, following the withdrawal of the County Durham Plan (CDP) after the recent High Court decision to quash the Inspector's Interim Report, the policies of the CDP can no longer be given any weight either.
45. In these circumstances where there are no up to date local housing policies, the NPPF in paragraph 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
46. The main purpose of the NPPF is to achieve sustainable development. Staindrop is classed as a Tier 3 Local Service Centre in the Council's Settlement Study, which reflects the reasonable range of services on offer. It is considered a sustainable location for the provision of appropriate residential development and the occupants of the property would be within easy walking distance of the centre of Staindrop and associated service facilities, including both primary and secondary schools. More extensive facilities are available within Barnard Castle which sits approximately 8km to the west. Accordingly, although the site sits on the countryside fringes on the south side of Staindrop the site cannot be considered as isolated in the context of NPPF paragraph 55, which seeks to avoid isolated homes within the countryside.
47. In addition, the building proposed would partly occupy land which has been previously developed. The reuse of previously developed land is supported in the NPPF and the removal of the existing unsightly building would have an environmental benefit.

48. The Parish Council has also objected on the grounds that the applicant has not demonstrated a need for the bed and breakfast element of the proposal. However, there is no policy requirement to demonstrate a need for such development. Part 3 of the NPPF seeks to support a prosperous rural economy. It gives an indication of the positive approach that the government seeks to take in relation to the rural economy giving support to rural tourism and leisure developments that benefit business, communities and visitors in rural areas.
49. Staindrop is well placed for access to tourism interests in the local and wider area. It is considered that this proposal would improve the range and quality of holiday accommodation in the area bringing direct and indirect economic benefits of tourism activity to the area.
50. The potential loss of the garage business is acknowledged. However, it may still be possible for the business to find alternative accommodation within Staindrop or elsewhere. It is not for the planning system to protect the interests of one business type or another in relation to this planning application, and the proposed development would bring other tourism related economic benefits to the area. There would also be some economic benefit through employment during the construction period and economic and social contribution to the local community from a new family dwelling.
51. Taking all the above into account the proposal is considered to represent a sustainable form of development and complies with the key aims of the NPPF. Compliance with the NPPF overrides the out of date housing and settlement limit policies of the Teesdale Local Plan. Therefore, subject to further consideration of detailed matters the proposal represents development that should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits identified.

Impact on the character and appearance of the area

52. The site lies within a sensitive location, adjacent to the Staindrop conservation area and within an Area of High Landscape Value (AHLV), where issues of design and scale are important.
53. Part 7 of the NPPF outlines that the government attaches great importance to the design of the built environment. It is noted that good design is a key aspect of sustainable development. Appropriate standards of design are also required through Teesdale Local Plan policies GD1 and H12. Policy ENV3 is permissive of development within the AHLV providing attention is paid to the landscape qualities of the area in siting and design of the proposals. Policy BENV4 contains design criteria in respect of development within or adjoining conservation areas.
54. A conservation area is a designated heritage asset. Part 12 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset (in this case Staindrop Conservation Area and encompassed listed buildings), great weight should be given to the asset's conservation. The NPPF advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
55. The Parish Council and letter of objection have raised a number of concerns over the scale and design of the proposed building. They consider that the development would be highly intrusive and would have a suburban character at odds with the character of the area. They consider that as a result the development would not make a positive contribution to local character and distinctiveness.

56. However, this is a brownfield site on the edge of the village, already occupied by a very large and unattractive building. The extensive hardstanding within the site and its use as a vehicle repair garage, with a large amount of vehicles often surrounding it, compounds its visual impact. The site at present is at odds with the character of the area and detracts significantly from the setting of both the Staindrop conservation area and surrounding landscape. The site and existing building is not therefore worthy of retention in its current form.
57. It is acknowledged that the proposed main building would be higher than the existing and in that respect it would be a prominent feature from Stangarth Lane and nearby footpaths. However, along with the proposed garage, the development would be wholly located within the existing site and therefore there would be no encroachment into the countryside, or effect on the established form of the village. The height of the development would relate appropriately to existing development within Staindrop and the overall massing would be broken up by elements of different heights to replicate the typical character of rural buildings. Even with the feature glazing in the southern gable of the main building, the development would have a distinctly rural character in keeping with the character of development in Staindrop. The Design and Conservation Section has no objection following amendments to the porch and removal of a car port from the scheme. In addition the proposed windows have changed from black to grey and the Design and Conservation Section is satisfied that they are a quality product, the exact details of which can be secured by condition. There is also no objection from the Landscape Section, noting the proposed development is likely to be an improvement compared to the present garage. There will be opportunities for landscaping within the site bringing further improvement to the overall appearance of the site, which is currently devoid of any landscaping. The landscaping details can be agreed by condition, as can enclosure details to ensure the eastern and southern boundaries of the site are a continuation of the existing stone boundary wall, rather than fencing.
58. Taking all the above into account it is considered that the proposed redevelopment of this brownfield site would bring positive environmental benefits to the area. The development could be accommodated on the site in a manner which would be sensitive to the surrounding landscape designation (AHLV) and the adjacent Conservation Area. The development would not be contrary to the design and heritage aims of the NPPF, or to Teesdale Local Plan Policies GD1, H12, ENV1, ENV3 and BENV4.

Highways

59. The application site is accessed from The Green by an un-adopted access track which runs between 6 South Green and Scarth Hall. The lane is also a public right of way and is therefore used by vehicles and pedestrians. Local concerns have been raised about the suitability of the lane to accommodate the development and associated traffic.
60. The condition and suitability of the lane to accommodate new development is acknowledged by the Highways Authority and any development leading to an increase in vehicular movements would not be supported.
61. However, the site contains a vehicle repair garage which already has considerable vehicular movements associated with the use. The applicant has quantified the number of movements associated with staff, customers and delivery of parts to be around 20 vehicles per day. The Highways Authority is satisfied that the proposed

use as a dwelling and bed and breakfast would not generate a level of vehicular movement in excess of that created by the current use of the site and therefore has no objection.

62. The same applies to use of the lane as a public right of way and the Rights of Way Section suggest only that construction contractors should be made aware of the footpath and that it would be beneficial for notices to be displayed for the benefit of drivers and pedestrians. They are happy to deal directly with the developer over this matter and have this advice included as an advisory rather than a condition. As there is a separate duty to ensure rights of way remain unobstructed and safe an informative would be more appropriate than a condition in this respect.
63. Overall, the NPPF at Part 4 notes that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Such impacts are not identified in this instance.
64. On this basis and given the lack of objection from the Highway Authority and Rights of Way Section, it is considered that the proposed development would not be prejudicial to highway safety or use of the public right of way. The proposal does not therefore conflict with Teesdale Local Plan Policy GD1 and NPPF Part 4.

Other Issues

65. 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. An ecology assessment has been submitted alongside the application. The building is considered to be no risk or very low risk for use by roosting bats and the proposed works are likely to have a neutral impact upon the conservation status of the local bat population. Mitigation in respect of bats is not required, although measures are in place to deal with any bats, should they be found during the demolition. The Garage will need to be demolished outside the bird breeding season to avoid impacts to barn swallows. An EPS license from Natural England is not required.
66. The current garage use creates potential for some contamination on site and there would be a change in use of the site to a more sensitive receptor. However, the level of contamination is unlikely to be so significant that it couldn't be dealt with by a conditional approach requiring a scheme of investigation and agreement of any mitigation prior to any commencement of development on the site. This approach has been recommended by the Contaminated Land section and is considered sufficient to satisfy the requirements of NPPF Part 11.

CONCLUSION

1. Although the proposal lies outside the current development limits of Staindrop and is therefore not strictly in accordance with Teesdale Local Plan Policy ENV1, the redevelopment of this brownfield site with an appropriately designed scheme of housing and tourist accommodation would bring environmental and economic benefits to the area and therefore represents a sustainable form of development

and does not conflict with Teesdale Local Plan Policies GD1, ENV3, H12 and BENV4.

2. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Teesdale Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission in this case, the proposal is therefore 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 and documents.

Drawing 02 REV C received 22nd February 2016 & Bat Reasoned Risk Assessment by Barret Environmental Ltd received 21st December 2015.

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

3. Notwithstanding the details of materials submitted with the application the external walls shall be formed using random, coursed natural stone with pointing to match and the roof shall be natural blue slate. Development shall not commence until a sample panel of the proposed stone and pointing to be used in the construction of the main walls of the building has been erected on site for inspection and approved in writing by the Local Planning Authority. The 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 appearance of the area and to comply with Policies GD1, ENV3 and BENV 4 of the Teesdale Local Plan. The details are required before commencement as the external appearance of the materials are fundamental to preserve the character and appearance of the Conservation area and relate to matters at the start of the development process.

4. Notwithstanding details shown in the submitted plans, prior to the installation of any fenestration, the details for all doors and windows shall be provided to and agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken and retained in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies GD1, ENV3 and BENV 4 of the Teesdale Local Plan.

5. No development shall commence 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, densities and numbers of planting.

Reason: In the interests of visual amenity having regards to Policies GD1, ENV3 and BENV4 of the Teesdale Local Plan. The details are required before commencement as the landscaping of the site is fundamental to the appearance of the area.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion 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.

Reason: To ensure satisfactory implementation of the agreed details in the interests of the amenity of the area.

7. Notwithstanding details shown in the submitted plans, the existing stone boundary walls shall be retained and new enclosures along the eastern and southern boundaries of the site shall be formed by a stone wall to match the existing. Prior to the installation/erection, of any enclosures, the details including a sample panel of the stone boundary walls shall be erected on site and made available for the written approval of the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate and shall be retained/maintained as such for the lifetime of the development.

Reason: In the interests of the appearance of the area and to comply with Policies GD1 and ENV3 of the Teesdale District Local Plan.

8. No development shall take place unless in accordance with the mitigation and recommendations detailed within Section E mitigation within the Bat Reasoned Risk Assessment by Barret Environmental Ltd received 21st December 2015.

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

9. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following.

Pre-Commencement

- (a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been

considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

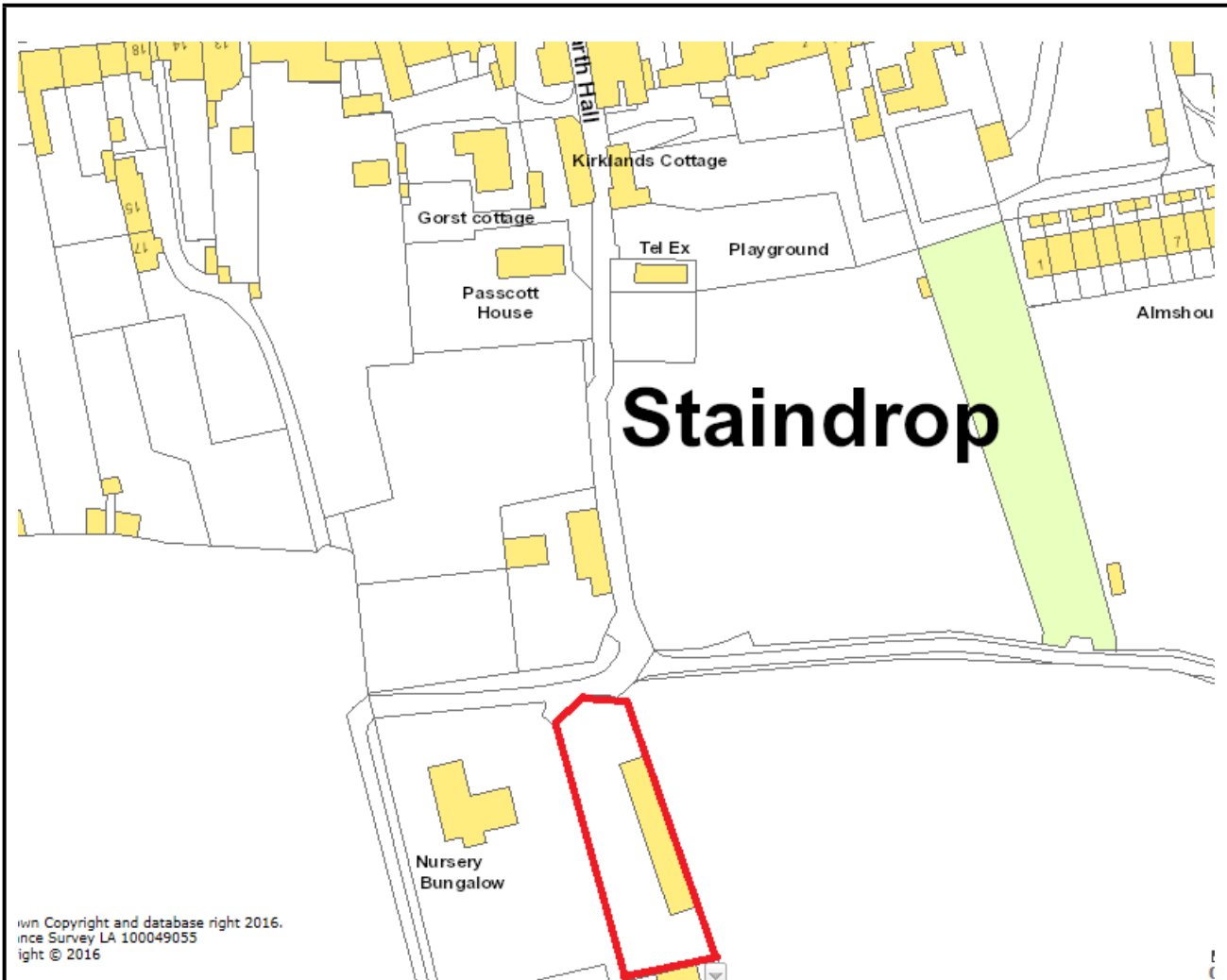
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The use of pre commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process.

BACKGROUND PAPERS

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



Ordnance Survey
 Ordnance Survey LA 100049055
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Planning Services

Demolition of garage building and
 erection of dwelling with car port and
 garage (amended plans received
 22/02/2016)

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