

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/16/00517/OUT

FULL APPLICATION DESCRIPTION: Outline 4 no. dwellings with access considered (all other matters reserved)

NAME OF APPLICANT: Mr D Fox

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

ELECTORAL DIVISION: Evenwood

CASE OFFICER: Tim Burnham Senior Planning Officer 03000 263963
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DESCRIPTION OF THE SITE AND PROPOSALS

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

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

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

decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life.

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

LOCAL PLAN POLICY:

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

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

RELEVANT EMERGING POLICY:

The County Durham Plan -

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

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

INTERNAL CONSULTEE RESPONSES:

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

PUBLIC RESPONSES:

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

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

APPLICANTS STATEMENT:

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

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of development

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

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

Impact on the character and appearance of the area

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

Residential Amenity

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

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

Highways

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

CONCLUSION

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

RECOMMENDATION

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

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

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

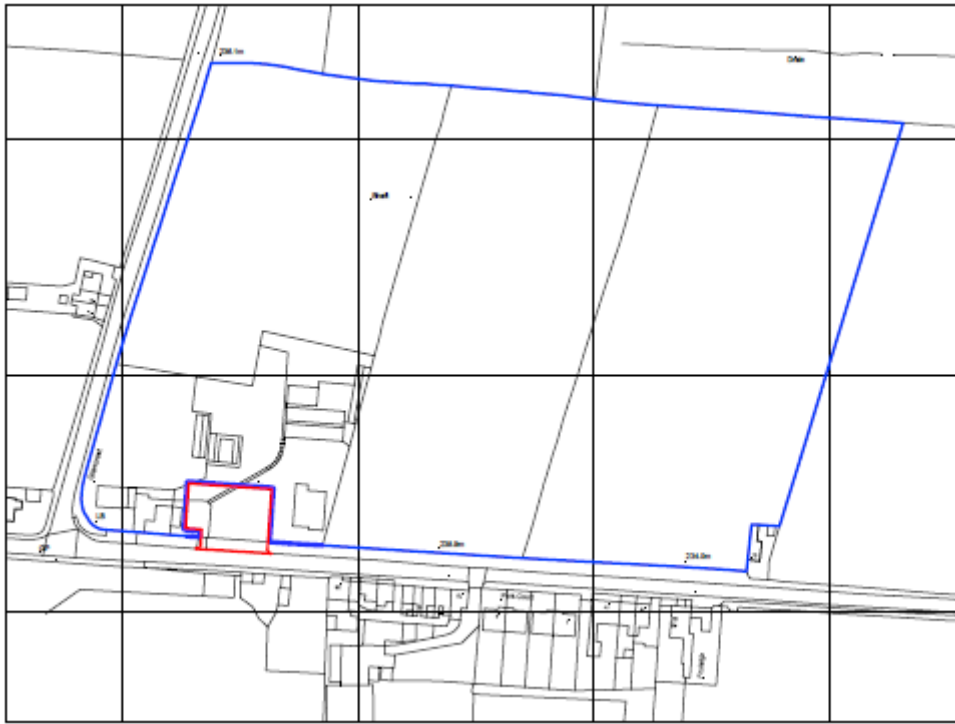
4) The proposal has not assessed the existing noise climate in order to demonstrate that future residents would not be adversely affected by the activities at the adjacent Kennels and Cattery. Because of the proximity of the proposed dwellings to a number of operational buildings, the failure to do so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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



Planning Services

Outline 4 no. dwellings all matters reserved except access

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