

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSAL

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

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

PLANNING HISTORY

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

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

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

PLANNING POLICY

NATIONAL POLICY:

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

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

LOCAL PLAN POLICY:

13. The development plan is the Teesdale District Local Plan saved policies.
14. Policy GD1: General Development Criteria: All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
15. Policy ENV8: Safeguarding plant and animal species protected by law: Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
16. Policy H12: Design: The local planning authority will encourage high standards of design in new houses.
17. Policy BENV4: Development within and/or adjoining Conservation Areas. Development will be permitted provided it meets various design, landscape and amenity criteria.

EMERGING PLAN

The County Durham Plan

18. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

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

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

INTERNAL CONSULTEE RESPONSES:

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

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

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

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

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

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

PUBLIC RESPONSES:

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

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

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

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

concern.

PLANNING CONSIDERATION AND ASSESSMENT

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

Principle of development

32. The proposal involves the erection of a new dwelling and garage within a field/paddock between existing dwellings on the southern side of Garden House Lane.

33. Objections have commented that the site is “greenbelt land”, and its development will result in a loss of countryside. However, the application site does not lie within the greenbelt. It is greenfield land, but it falls within the development limits of the village as defined by the Teesdale District Local Plan and is not therefore regarded as being within the countryside.

34. With development to either side and to the north, the site can be considered as infill; however, Policy H4 of the Teesdale Local Plan applies only to previously developed land within the development limits and is therefore not wholly applicable to this proposal. There are no other Teesdale Local Plan housing policies which are relevant.

35. In cases where there are no relevant up to date local housing policies, the proposal must be considered in the context of the presumption of sustainable development as set out in paragraph 14 of the NPPF. This presumption states that development should be approved unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole or specific policies in the NPPF indicate that development should be restricted.

36. The main purpose of the NPPF is to achieve sustainable development. Section 6 of the NPPF seeks to significantly boost the supply of housing. Local planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised.

37. While the NPPF encourages reuse of previously developed land, it does not make any sequential preference of previously developed land over greenfield land. Instead it seeks to avoid isolated housing by locating new development in sustainable locations where residents are not wholly reliant on private car travel to access services and facilities. In this case, the application site lies within an established residential area in Cockfield, which is identified in the County Settlement Study as a village with reasonable access to facilities and public transport which links the village to a wider range of facilities, schools and employment. The application site for the new dwelling is located within the existing residential framework of the town and is therefore well located for access to these services and facilities without complete

reliance on private car travel.

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

Impact on character and appearance of the conservation area

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

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

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

Highway Safety

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

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

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

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

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

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

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

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

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

Residential amenity:

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

Other issues

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

Conclusion

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59. At the heart of the NPPF is a presumption in favour of sustainable development. This

presumption states that development should be approved unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.

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

RECOMMENDATION

Recommendation that the application is:

APPROVED subject to the following conditions

Conditions:

1. The development shall not be begun later than the expiration of three years from the date of this permission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVES

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

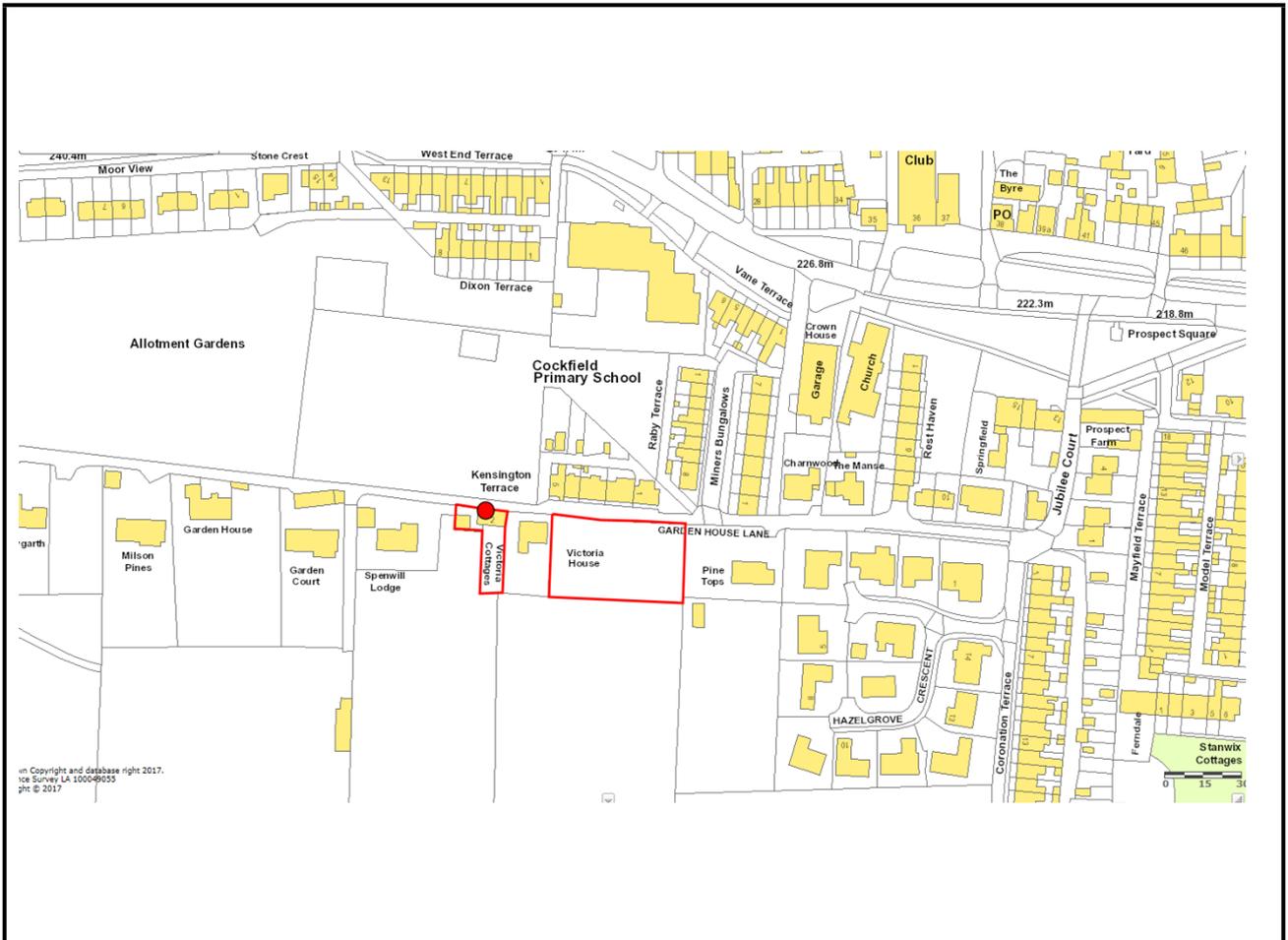
proposed works Durham County Council will require this to be rectified to their satisfaction.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority has sought to ensure that this application has been determined within the statutory determination period.

BACKGROUND PAPERS

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



Planning Services

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

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