

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/00928/FPA
FULL APPLICATION DESCRIPTION:	Vehicular access and entrance gates (part retrospective)
NAME OF APPLICANT:	Mr Bellamy
ADDRESS:	Oakwell Lodge Hamsterley Bishop Auckland County Durham DL13 3PP
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site lies centrally within Hamsterley, between Wellgarth and the grade II listed Pear Tree Cottage. The Grade II listed Baptist Church lies across the road, opposite the site.
2. Planning permission was granted in 2014 and 2015 for the erection of a dwelling and garage on the site. The original development is now substantially complete, however a new gravelled access has been formed to the property across the village green, which deviates from the previously approved shared arrangement with Pear Tree Cottage. The application is part retrospective, with an access broken into the wall earlier in the year and gravel laid. The application also shows the construction of gate pillars and the installation of a gate, works which are yet to be carried out.
3. The application has been referred to the Planning Committee by Hamsterley Parish Council due to concerns about the loss of a section of dry stone wall, the part retrospective nature of the application and due to other permissions that may be required in relation to the works on the village green.

PLANNING HISTORY

4. DM/14/03009/FPA Erection of dwelling – approved 11.12.2014.
5. DM/15/01599/FPA Erection of dwelling and garage (revised scheme) – approved 30.09.2015.
6. DM/16/01114/NMA Non material changes to fenestration – approved 19.05.2016.

7. DM/17/01539/VOC Variation of condition 2 of application DM/15/01599/FPA relating to dimensions and location of garage inc. alterations to access (part retrospective) – approved 25.09.2017.
8. DM/18/00134/FPA Raised decking area to rear, porch to front and side, garage conversion, alterations to fenestration and render property – approved 19.02.2018.

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). 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.
10. *NPPF Part 9 - Promoting sustainable transport.* Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
11. *NPPF Part 12 - Achieving well-designed places.* The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
12. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

LOCAL PLAN POLICY:

13. The following saved policies of the Teesdale Local Plan are relevant to the application:
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, and highways impacts.
15. *Policy BENV3: Development Adversely Affecting the Character of a Listed Building:* Development which would adversely affect the character of a listed building or its setting will not be permitted.

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 –

16. 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *Hamsterley Parish Council*: Object to the application due to concerns about the loss of a section of dry stone wall, concerns about ownership certificates on the application forms, the part retrospective nature of the application and due to other permissions that may be required in relation to the works as well as the retrospective nature of the application.
18. *Highway Authority*: No objection. The new vehicular access which is the subject of this application would create formal off-street parking for Pear Tree Cottage for the first time, which is welcomed.

PUBLIC RESPONSES:

19. The application has been publicised by way of site notice. No public 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:

20. This application has been called to Committee by Hamsterley Parish Council as they believe it is illegal for the applicant to gain access to their property via a section of roadside verge classified as Village Green.
21. The applicant has undertaken Land Registry searches with solicitors and concluded that the land in question is currently unregistered. Details of the application were advertised within The Teesdale Mercury yet no one came forward as having an interest in the land.
22. The reason behind this application is to address the existing access arrangements which currently involve a narrow access point that is shared with the neighbouring property Pear Tree Cottage. This existing arrangement is difficult to negotiate and has ultimately resulted in vehicles associated with each property being parked on the Highway for ease. This application seeks permission for a separate access that will result in each property having independent access and private off street parking facilities.

23. In planning terms the verge holds limited amenity value associated with its use, however it is appreciated that it does add to the character and appearance of the Village as a whole. The proposals incorporate the use of a reinforced grass surface to maintain the appearance of a grass verge.
24. It must be acknowledged that most of the dwellings within the village already benefit from access over the Village Green. This proposal will simply complement existing arrangements and improve general safety by removing vehicles from the Highway.

PLANNING CONSIDERATIONS AND ASSESSMENT

25. 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 issue in this case is the impact on the character and appearance of the area and setting of nearby listed buildings.
26. The site lies adjacent and opposite to grade II listed buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
27. The village green of Hamsterley is extensive and spans the length of the village along Saunders Avenue, although on the southern side it is mostly highway verge and as such, it is punctuated by numerous vehicle crossings and pathways. These are constructed of a wide variety of materials including tarmac, concrete and gravel
28. Consequently, the provision of another crossing would not be out of keeping with the character of the village and more particularly, that of the village green on the south side of Saunders Avenue. Its scale, materials and the design treatment of the proposed gate posts and gate are also in keeping with other accesses, and when the development is completed, will retain the rural feel of the development and setting. Other accesses within the village are flanked by stone walls, meaning that the gap created between the stone wall on this site would not be out of character with the area. Members will also recall granting planning permission for a far more significant access across the verge to serve residential development on the Green View Lodge site further to the west.
29. The Highways Authority have no objection, advising it would actually be an improvement, as it would allow Pear Tree Cottage its own driveway, where at least two cars could be within its curtilage.
30. Whilst the works would also require separate consent for development on a village green and there is no guarantee such consent would be given, this is a separate matter for the applicant, as is any dispute over ownership of the land.
31. The partial retrospective nature of the application has been raised by the Parish Council in objection but Members will be aware that this is not a sustainable reason in itself for refusal of the application as the legislation allows for retrospective applications to be made.

32. Overall, the development is of a minor nature and would not cause harm to the character and appearance of the area. Furthermore, having regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, it is concluded that the development preserves the setting of the nearby listed buildings. Accordingly, there is no conflict with saved policies GD1 and BENV3 of the Teesdale Local Plan, or the relevant guidance in the NPPF Parts 9, 12 and 16.

CONCLUSION

33. The proposal has been assessed against the relevant policies within the documents identified above. It is considered that the development conforms with these policies, as the character and appearance of the area, and setting of nearby listed buildings would not be negatively affected. There is no objection from the Highway Authority. Accordingly, there is no conflict with Teesdale Local Plan policies GD1 and BENV3, as well as the aims of Parts 9, 12 and 16 of the NPPF.

34. All representations have been considered, however taking all matters into account, it is felt that the proposal is acceptable in planning terms and that there are no adverse impacts of the scheme which would justify the refusal of the application. For these reasons and in accordance with NPPF paragraph 11, the proposal is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

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

L014033-019 rec 26th March 2018
L014033-017 REV A rec 30th April 2018
L014033-018 REV A”

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Parts 9, 12 and 16 of the NPPF and Policies GD1 and BENV3 of the Teesdale Local Plan.

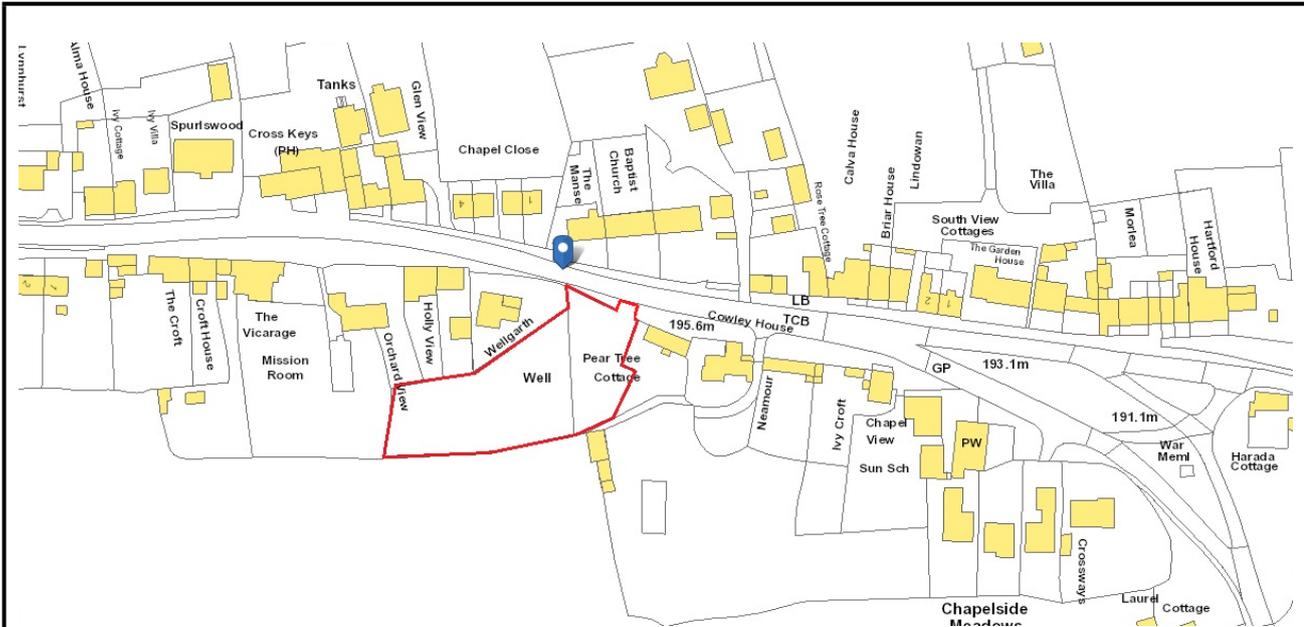
STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has not been made within the 8 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development due to the

committee cycle but has been decided within the agreed timescales of an extension of time agreement.

BACKGROUND PAPERS

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



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20th September 2018