

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/01047/FPA
FULL APPLICATION DESCRIPTION:	Erection of 1 no. dwelling and garage
NAME OF APPLICANT:	Mr Malcolm Buttery
ADDRESS:	Land To The North Of Moor View Cottage Ovington DL11 7DA
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 is agricultural land, but sits partly within the Ovington settlement boundary on the eastern side of the village, in-between Moor View and Wispering Waters. Access to the site is from the existing field gate onto the adopted unclassified 117.1 road, Cliffords Lane. Site levels slope upwards from west to east an as a result the site has an elevated position above the road.
2. The application proposes the erection of a two storey four bedroom detached house, and detached garage. The dwelling and garage would be constructed of stone with concrete tiled roof.
3. The application is reported to the Planning Committee at the request of Ovington Parish Council who have concerns about the impact of the dwelling on the character of the village, encroachment into the countryside and the access arrangements.

PLANNING HISTORY

4. Two previous applications were withdrawn:
DM/16/03432/FPA 5 detached dwellings
DM/17/01921/FPA 1 dormer bungalow

PLANNING POLICY

NATIONAL POLICY

5. 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.

6. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
7. *NPPF Part 9 - Promoting sustainable transport.* Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. In assessing applications for development it should be ensured that, among other things, safe and suitable access to the site can be achieved. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
8. *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.
9. *NPPF Part 15 - 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.

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

LOCAL PLAN POLICY:

10. The following saved 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.
11. *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.
12. *Policy ENV1: Protection Of the Countryside:* Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.

13. *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.
14. *Policy ENV10: Development Affecting Trees or Hedgerows:* Development will only be permitted where it avoids unreasonable harm to or loss of important trees which contribute significantly to the setting of nearby existing or proposed buildings.
15. *Policy H4: Infill Development on Sites of Less Than 0.4 Hectare:* Small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of Ovington. Proposals should satisfy the criteria contained in policy GD1. Tandem development will not be permitted. Backland development will only be permitted where it would not cause unacceptable harm to the privacy or overall residential amenity of the occupants of neighbouring dwellings, and an adequate and safe access can be provided.
16. *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.

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 -

17. 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:

18. *Ovington Parish Council:* Object to the application. They are concerned about the visual impact of the dwelling sitting above the lane and its scale. They note encroachment beyond the settlement boundary, accepting that the site may have always been intended for infill development, but not a scheme of the depth proposed. Concerns are expressed that the access proposed will open up the remainder of the field for development and it is suggested that there could be conflict with agricultural traffic sharing the dwelling's access. There is concern in relation to the required formalisation of the access to the field with a tarmaced access required. Highways safety concerns are expressed in relation to the potential for additional traffic to be using the lane.

19. *Highway Authority*: The existing unmade agricultural access would be required to be metalled to an adoptable standard between the Post Office Lane carriageway and the position of the existing field gate. This area is all public highway verge.

20. *Northumbrian Water*: No objection.

INTERNAL CONSULTEE RESPONSES:

21. *Landscape Section*: The site is not in a locally or nationally designated landscape. The landscape and visual effects of the proposal are likely to be relatively small, and localised.

Visibility into the site is limited by the mature roadside hedge, which is an important landscape feature and should be retained and protected. Details of the boundaries should be provided and should be appropriate for the rural location. I would prefer the southern boundary, in particular, to be a native species hedge.

22. *Trees*: There is no arboricultural objection as it is unlikely any significant trees will be impacted. It is however recommended that the applicant produces a tree protection plan as a condition to avoid damage to the ornamental cherries and maples in the neighbouring garden.

23. *Ecology*: I have viewed the Great Crested Newt Survey (All About Trees, May 2018) and recommend that the use of the Method Statement appended to the report be conditioned, in order to ensure no residual impact on the species.

24. *Contaminated Land*: No objection, contaminated land condition not required.

PUBLIC RESPONSES:

25. The application has been publicised by way of site notice and neighbour notification letters. 19 letters of objection have been received in relation to the development.

26. The main points raised are concerns about development of greenfield land and sustainability; overshadowing and loss of privacy to neighbouring properties; the design and scale would be out of keeping with the village; additional traffic; flooding issues on the lane; impact on wildlife.

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:

27. The professional officers appear to have balanced all the various relevant factors and have seen clearly in favour of recommending approval of this scheme. As we all know, planning decisions often involve evaluating competing interests - but here it is clear that the scheme is on balance acceptable. It is thus hoped that the Planning Committee Members will agree with their professional officer's expert opinions, and, despite the objections raised, vote that this scheme should be approved. Thank you very much for your time.

PLANNING CONSIDERATIONS AND ASSESSMENT

28. 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 issues are the principle of the development, the impact on the character and appearance of the area, impact on neighbours, ecology and highway safety.

Planning Policy Context

The site could be regarded as infill as it lies between existing residential properties and is partly within the settlement boundary of Ovington, but it is not previously developed land. Accordingly, neither Policy ENV1 nor H4 of the Teesdale Local Plan are wholly applicable. There are no other relevant housing policies in the Local Plan. The emerging County Durham Plan is not sufficiently advanced to be afforded any weight in the decision making process at the present time.

This engages Paragraph 11 of the NPPF which requires that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking this means granting permission unless the application of policies in the framework which protect areas or assets of particular importance provide a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. As there are no protection policies which provide a clear reason for refusal, then the acceptability of the principle of the development is to be determined on the basis of the titled balance test.

Location

29. Ovington is identified within the council's settlement study as a tier 6 Hamlet with a limited range of services. However, the site is located within the built up area of the village and is therefore not isolated in the context of NPPF paragraph 79. Furthermore, NPPF paragraph 78 recognises that to promote sustainable development in rural areas, development in one village may support services in a village nearby, which would be the case here. Accordingly, there is no conflict with the aims of the NPPF to secure sustainable patterns of development and avoid isolated housing.

Housing Land Supply

30. On the 13th June 2018, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the Government's standardised methodology for calculating OAN, which is now reflected in paragraph 60 of the NPPF, and formally endorses the use of 1,368 dwellings per annum (dpa) as the OAN. The Council is now able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.
31. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply

position could not be demonstrated. This will need to be factored into the planning balance.

Impact on Character and Appearance of the Area

32. Whilst the site is agricultural land, it lies between existing residential properties within the village. Concerns have been expressed about the depth of development into the site and the scale of development, however the site is bordered by deep development to the north and the plot size would be commensurate with development on the southern side of the lane. As a result it would not be viewed as an intrusion into the countryside.
33. The type, size and style of housing in the village varies widely. Modern housing is interspersed amongst more traditional historic development throughout the village. The varying height of housing is also notable, not just in type, but also following the topography throughout the village.
34. The scale, design and materials of the proposed development would be reflective of older more established dwellings close to the site, and even though the site is elevated above the lane, it rises from a relatively low level in comparison to the rest of the village, which sits on higher ground to the north and west. As a result, the dwelling would not appear overly prominent in relation to the main body of the village, although precise details of levels should be secured by condition.
35. The mature hedge to the front of the site would be retained but will require protection through the development process, as will trees closely bordering the site.
36. Taking all the above into account, and in the absence of any objection from the Landscape Section, it is considered that the development would not be detrimental to the character and appearance of the surrounding area. There is no conflict with Teesdale Local Plan Policies GD1, ENV10 and H12, which remain consistent with the aims of the NPPF in these respects.

Impact on residential amenity

37. The 3 properties immediately adjoining and opposite the site are Wispering Waters, Moor View and the Hawthorns. Some of the representations have expressed concern about the impact on those properties in respect of scale, overshadowing and loss of privacy. However, the dwelling has been sited in a manner that would avoid direct overlooking and would not impose on the outlook of any of those properties. It is accepted that the proposed dwelling would be taller than Moor View, which is the closest of the properties, but there would be a reasonable degree of separation, and as it would sit to the north of this dwelling, it would not cause any significant impact in relation to loss of light or overshadowing. Accordingly there is no conflict with Teesdale Local Plan Policy GD1.

Ecology

38. The site itself has been in active agricultural use and therefore has little biodiversity value apart from the surrounding hedges. However, as has been highlighted in a number of representations and the Great crested newt survey submitted with the application, there are ponds nearby and records of Great Crested Newts in the area. Great crested newts are a European protected species. The animals and their eggs, breeding sites and resting places are protected by law.

39. However, notwithstanding the potential for the nearby ponds to support Great crested newts, the survey advises that it is unlikely that the site would be used by newts because of the distance, topography and intervening natural and man-made obstacles/barriers between the ponds and the site.
40. The Council's Ecology team are in agreement with the conclusions of the survey and have offered no objections to the application subject to a condition securing the precautionary method statement by condition.
41. A Natural England license is not required in this case and the Council can discharge its duty under the habitats regulations without the need to consider the derogation tests. There is no conflict with Policy ENV8 of the Teesdale Local Plan, which is consistent with NPPF Part 15.

Highway safety

42. The development would take access from an existing field gate. A number of concerns have been raised over the suitability of the access and increased traffic on the lane.
43. It is acknowledged that the lane is narrow and without footway. It is also used by pedestrians, dog walkers and cyclists. However, this is an existing access with unrestricted use by agricultural vehicles and machinery. The lane also serves over 10 existing properties including the Clifford's View estate further south. The addition of a single dwelling in this context would not represent a significant material increase in traffic using the lane and traffic speeds are still generally low.
44. The access junction will require improvement to adoptable standard, but is otherwise considered suitable to serve the development. A condition is proposed to secure this. In the absence of any objection from the Highway Authority there would not be sufficient grounds to sustain a highway safety refusal and as such there is no conflict with Teesdale Local Plan Policy GD1, which is consistent with the aims of NPPF Part 9.

Other matters

45. There has been some local concern that the development would worsen flooding of the lane, which is known to occur during heavy rainfall. The flooding appears inevitable because of the higher ground surrounding the lane at this point, however, given the small proportion of the field to be developed, it is unlikely that this problem would be significantly worsened by a single property. Drainage, landscaping and hard surfacing details can be secured by conditions.
46. Concerns about further development in the field are not relevant to consideration of this application and any such proposals would be considered on their own merits.

CONCLUSION

47. Applying the titled balance test of paragraph 11 of the NPPF, it is necessary to weigh up the benefits of the proposal against any harm.
48. While the benefits to housing supply would be limited, particularly as the Council can demonstrate a five year housing land supply, and associated economic and social benefits from a single dwelling would be equally modest, there are no adverse harm that would significantly and demonstrably outweigh the benefits. Accordingly,

planning permission should be granted. The application 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.

Proposed Elevations 06th April 2018
Proposed Floor Plans”
Proposed Garage Elevations”
Proposed Site Plan”
Great Crested Newt Survey All About Trees Ltd 10th May 2018
Amended Site Plan REV A rec 13th June 2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF Parts 5, 9, 12, 15, and 16 and Teesdale Local Plan Policies GD1, ENV1, ENV8, ENV10 and H12.

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of all proposed external walling, roofing and hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority. This shall include the erection of a stone sample panel on the site for written approval of the local planning authority. The development shall thereafter be constructed in accordance with the approved details.

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

4. No development shall commence until details of the finished ground floor levels of the dwelling and garage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

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

5. The dwelling shall not be occupied until the vehicular access within the adopted highway has been provided and metaled to an adoptable standard.

Reason: In the interests of highway safety having regards to Policy GD1 of the Teesdale Local Plan.

6. No development shall commence until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the site is properly drained and to comply with Policy GD1 of the Teesdale Local Plan.

7. No development shall take place until tree and hedge protection measures in line with BS 3998 (2010) to protect trees on adjoining sites and the hedgerow to the front of the site are in place. The protective barriers shall remain in place for the duration of construction works on the site. There shall be no storage of materials, machinery, tools, or parking of vehicles within the Root Protection Areas of any trees or hedges on the site.

Reason: To minimise the impact of the development upon existing mature trees and hedges in accordance with Policy ENV10 of the Teesdale Local Plan.

8. All means of enclosure shall be constructed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

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

9. The development shall take place in accordance with the precautionary method statement detailed within Great Crested Newt Survey All About Trees Ltd 10th May 2018.

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

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 as they relate to matters at the start of the development process.

BACKGROUND PAPERS

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



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Clifford's



Planning Services

1 no. dwelling and garage

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20th September 2018