



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2011/0030/DM
FULL APPLICATION DESCRIPTION:	Erection of 2no detached dwellings Land to the rear of Station Terrace, Cotherstone
NAME OF APPLICANT:	Teesdale West Durham Land Trust
ADDRESS:	C/o 24 Parklands Drive Darlington County Durham DL39DU
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Charlie Colling Planning Officer 03000 260834 planningbarnardcastle@durham.gov.uk

1. DESCRIPTION OF THE SITE AND PROPOSALS

- 1.1 The site is located to the rear of Station Terrace, which is a terrace of former Local Authority Houses. It has an area of approximately 1,900 sq metres. The land currently has an un-kempt appearance with some of the land being used for parking and accommodates in part an area of hardstanding that has been used for parking purposes. To the north and south of the site are open fields and to the west of the site is a residential property. An existing vehicular access from Road B6277 serves the site and also the adjacent residential properties of Station Terrace. The site is within the settlement limits of the village and the village conservation area.
 - 1.2 The proposal is to erect 2no. two storey, four bedroom detached dwellings. Both would be L-shaped and have a small porch to the front. The dwellings would run at a right angle to the end of the existing terraced dwellings. Each dwelling would be constructed in natural stone, with a slate roof. The windows would be constructed in timber with a painted finish. Both dwellings would have straight gabled pitched roofs, typical of the traditional detailing of other housing within the village. Vehicular access would be taken from the existing access.
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1.3 This application has been brought before members as Councillor George Richardson is one of the Directors of the Teesdale West Durham Land Trust, who are the applicants for this application. The land subject to this application was gifted to the trust by the former Teesdale District Council.

2. PLANNING HISTORY

2.1 The only planning history on the site is for sawing and storage of logs:

6/1982/0261/DM - Renewal of consent for use of land for sawing and storage of logs.
(approved)

6/1980/0292/DM - Retrospective application for use of land for sawing and storage of logs
(approved)

2.2 There is no relevant residential planning history for the site.

3. PLANNING POLICY

NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.
- **Planning Policy Statement 3:** Underpins the delivery of the Government's strategic housing policy objectives.
- **Planning Policy Statement 5:** Planning for the Historic Environment sets out the Government's planning policies on the conservation of the historic environment.
- **Planning Policy Statement 7:** Sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- **Planning policy Statement 9:** sets out planning policies on protection of biodiversity and geological conservation through the planning system.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

Policy 2 – Supporting sustainable development through planning proposals.

Policy 8 – Protecting and Enhancing the Environment, seeks to maintain and enhance the quality, diversity and local distinctiveness of the environment throughout the North East.

Policy 11 - Supporting planning proposals that have a positive contribution to the rural economy whilst protecting the Region's environmental assets.

Policy 32 – Historic Environment, seeks to conserve and enhance the historic environment.

Policy 33 – Protecting the Region's ecological and geological resources.

LOCAL PLAN POLICY:

- GD1 General Development Criteria
- H4 Small scale housing development on sites less than 0.4 Hectare
- H12 High standards of design in new house and housing sites.
- BENV4 Development within and/or adjoining a conservation area
- ENV1 Protection of the Countryside
- ENV3 Area of High Landscape Value
- ENV8 Development affecting a protected wildlife species

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 (www.durham.gov.uk)

4. CONSULTATION AND PUBLICITY RESPONSES

4.1 STATUTORY RESPONSES:

Parish Council has said: *“We have no grounds for objection subject to the rainwater goods being of cast iron and the windows of timber. As the design stands currently both are against the recommendations of the Cotherstone Village Design Statement, which forms part of the Cotherstone Parish Plan and which has been accepted as additional planning guidance. “*

Natural England has no objections subject to a conditions and an informative in respect of Great Crested Newts and Breeding Birds.

Northumbrian water has no objections.

4.2 INTERNAL CONSULTEE RESPONSES:

Highways raise no objections to this proposal from the highways aspect subject to the following requirements:

“The existing access must be improved to incorporate 6.0m entry radii and a 4.8m wide access road designed and built to an adoptable standard, to a point 15m back from the edge of the existing carriageway. Plans showing details of the improvements must be submitted and approved prior to the commencement of the proposed development.

The proposed dwellings shall not be occupied until the roads have been constructed in accordance with the submitted and approved plans.”

It is also noted as an informative that it will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways.

Landscape has no objection to the proposal, but would like to see a tree protection plan which assesses the Root Protection Area of the existing trees and shows the position of protective fencing for those that are to be retained, as well as for the hedge that is to be retained, all as per British Standard 5837:2005 Trees in relation to construction. In addition the silver birch that is located near the centre of the site has a significant lean, and the

developer is advised to obtain an arboricultural opinion on the advisability of retaining this tree.

A full specification, to include species mix, plant size and planting density, for the proposed new hedging should be provided.

Planning Policy has no objection as the proposal for residential development on this site complies with policy H4 of the Teesdale Local Plan.

Design and Conservation is satisfied that the development now respects the character and appearance of the conservation area and should the proposal be approved there will be no adverse impact.

4.3 PUBLIC RESPONSES:

The proposal has been publicised by neighbour consultation letters, a site notice and an advert in the local press. Four objections have been received raising the following concerns;

Highways

- There are no plans provided for the remainder of the land including the access from the main road and the land immediately around Station Terrace.
- The gradient of the access is dangerous particularly in winter with cars skidding onto the main road.
- The width of the road adjacent to the highway is not suitable for an increased traffic load and the track condition should be improved.

Others -

- Protected species should be given consideration.
- Access and right of way along the access track should be maintained throughout the building period.
- The proposed detached garage is too close to the rear of Station Terrace.

4.4 Applicant Statement

The applicant is a Land Trust whose aims are to further the provision of affordable housing in the West Durham area. The success of the Trust is dependent upon the success of this application, since the site was gifted by the former Teesdale District Council to the Trust with the purpose of kick starting it financially. There are a number of abnormal development costs on the site, and so the monies obtained from the sale of the land will be used to purchase land suitable for the development of affordable housing.

The CIC's mission is to help to create additional affordable housing for the benefit of the communities of Teesdale and West Durham. The endowment (land at Station Terrace) used to create the CIC came from Teesdale Council so there is a moral obligation to deliver benefits to the people of Teesdale. The CIC also seeks to deliver benefits to all people in the rural areas and smaller communities of Durham.

The applicant has made every effort to work with local residents and the Council with a view to arriving at a scheme which is sensitive both to its surroundings as well as its neighbours.

5. PLANNING CONSIDERATIONS AND ASSESSMENT

5.1 In assessing the proposals against the requirements of the aforementioned policies, and having regard to all material planning considerations, including representations received, it is considered that the key issues for consideration are:

- Principle of development,
- Design and impact on the Conservation Area
- Highways
- Impact on the living conditions of neighbours,
- Impact on protected species

Principle of development

5.2 Policy H4 of the Teesdale Local Plan allows for the development of sites within the settlement limits of the village for housing, subject to the land constituting brownfield land and being under 0.4 hectares in size.

5.3 The application site is within the settlement limits of the village of Cotherstone and has an area of just under 0.2 hectares. It currently has the appearance of un-kept land, with some areas appearing to be used as additional informal garden space for Station Terrace, but there is also an area of hardstanding which is used for parking. The site can therefore be considered as land that has been previously developed.

5.4 It is therefore considered that the site is suitable in principle for residential development and the proposal is in accordance with policy H4 of the Teesdale Local Plan.

Design and impact on the Conservation Area

5.5 This proposal has undergone amendments during the course of the application to improve design of the dwellings and their location within the site. The layout has been simplified to complement the linear pattern of the village and design treatment has also been simplified. Accordingly, a more rational building line would now be followed at right angle off the existing terrace and the simplified elevation treatments would be more in keeping with the local vernacular than originally proposed. The proposed materials of stone, slate and timber windows would be appropriate for the locality but the precise details must still be agreed subject to a number of suggested planning conditions. Both plots 1 and 2 would have front and rear gardens, offering a generous amount of outside amenity space to both properties. Following the amendments, the design and conservation officer has no objections to the proposal.

5.6 The site contains a number of small trees, some hedging, and remnants of a stone boundary wall. It is proposed to remove the trees from within the site, but retain the hedging to the northern boundary. The trees within the site are not considered to be of particular merit and do not make a strong contribution towards the appearance of the conservation area. A landscaping scheme is proposed that would ensure that replacement planting is provided. This can be secured by planning condition, as can the provision of protective fencing around the trees and hedge to be retained.

- 5.7 Having successfully addressed issues of design and siting, it is considered that the proposal would not have a detrimental effect on the character and appearance of the Conservation Area. This is in accordance with policies GD1, H12 and BENV4 of the Teesdale Local Plan, as well as national planning guidance in PPS1 and PPS5.

Highways

- 5.8 Vehicular access to the site would be taken from the existing access track leading to the B6277 and which currently serves Station Terrace and another property known as The Station.
- 5.9 The highways officer has taken into account issues of the safety of the access road and suitability of the access to accommodate the additional generated traffic movements from the proposed development. It has been concluded that subject to requirements to incorporate a 6.0m entry radii and improvements to provide a 4.8m wide access road, designed and built to an adoptable standard, to a point 15m back from the edge of the existing carriageway, that the proposal would be acceptable in highway safety terms.
- 5.10 These suggested improvements, which can be secured by planning conditions, are considered to adequately address the public objections raised in respect of highway safety.

Impact on the living conditions of neighbours

- 5.11 The proposal has also been amended during the course of the application to omit a detached garage from plot no.2 and also altering the design of this property to reduce any potential impact on the adjacent residents of Station Terrace.
- 5.12 At its closest point the gable of the proposed dwelling on plot 2 would now be approximately 14m from the front elevations of Station Terrace. There would be no windows in the gable of this proposed dwelling so there would be no loss of privacy from that elevation for the residents in Station Terrace. The dwelling would have a two storey rear projection with windows serving principle rooms, however those windows would be approximately 20.5 metres away from the terrace. These separation distances are considered to be acceptable and would afford a sufficient level of amenity to both the occupiers of the existing terrace and those of the new dwellings in accordance with policy GD1 of the Teesdale Local Plan.
- 5.13 The proposal in this respect is considered to accord with both policies H4 and GD1 of the Teesdale Local Plan.

Protected Species

- 5.14 The presence of protected species such as bats and barn owls is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994. These regulations established a regime for dealing with derogations, which involved the setting up of licensing regime administered by Natural England. Under the requirements of the
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Regulations it is criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England.

5.15 The species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc) Regulations 1994, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out activity which would harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that:

- The activity to which the license is required must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative and;
- Favourable conservation status of the species must be obtained.

Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty under Regulation 3(4) and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

5.16 A protected species report has been submitted with the application specifically focused around Great Crested Newts. Great Crested Newts are a protected species. The site has been identified as being within 500 metres of 7 ponds. Natural England has been consulted on the application and has advised that a European Protected Species License is required in relation to the small population of Great Crested Newts found at the site. Natural England has not raised any objection to the proposal but has recommended two conditions. One of which relates to Great Crested Newts and the other to Breeding Birds, both of which have been included with the recommended conditions schedule. Subject to these conditions and suggested mitigation, the proposals are considered to accord with local plan policy ENV8 and national planning guidance in PPS9.

Other Matters

5.17 Issues of highway safety and neighbour impact, which were raised in the objections, have been addressed in the report.

5.18 In addition the suggested removal of permitted development rights would ensure that future alterations are fully assessed so that neighbouring occupiers are not unduly affected.

6. CONCLUSION

6.1 The proposed dwellings would be erected on a site within the development limits of Cotherstone and on land which is previously developed in part. The site is considered to be acceptable in principle for small scale residential development.

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- 6.2 Amendments to the proposal have resulted in adequate privacy and amenity distances being achieved so that the relationship with neighbouring properties would be acceptable.
- 6.3 Design amendments have been achieved to ensure the development would not detract from the character or appearance of the conservation area.
- 6.4 No objections have been received from statutory consultees, including the highways officer who is satisfied that the access is suitable for the development subject to the suggested conditions.
- 6.5 The objections from nearby residents have been given due consideration and amendments made to the scheme to afford those properties closest to the proposed dwellings a greater level of amenity. The scheme is therefore considered to accord with the relevant local and national planning policies.

7. 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.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:-

Plan Reference Number	Date received
ST1	31/1/11
10045-4	31/1/11
10045-1A	31/1/11
10045-1B	25/5/11
10045-3C	3/5/11
10045-2C	3/5/11
10045-5A	3/5/11

3. Notwithstanding the details of materials submitted with the application the external walls shall be formed using random, coursed natural stone with pointing to match and the roofs of natural slate. Prior to the commencement of the building works a sample panel of the proposed stone and pointing to be used in the construction of the main walls of the building shall be erected on site for inspection. The written approval of the Local planning authority for the sample panel and slates shall be received prior to the commencement of the building works and the sample panel shall be retained for reference on site throughout construction. The development shall be constructed in accordance with the approved details.
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, planting schedules and the position of protective fencing to safeguard the health of trees and the hedging along the northern boundary

during construction.

5. Notwithstanding the provisions of Part 1, Classes A, B, C, D, E, F, G and H of The Town and Country Planning (General Permitted Development) Order 1995 (or in any statutory instrument revoking or re-enacting that Order with or without modification) none of the categories of development described therein shall be carried out on site without an application for planning permission having first been made to and approved in writing by the local planning authority.
6. The existing access must be improved to incorporate a 6.0m entry radii and a 4.8m wide access road designed and built to an adoptable standard, to a point 15m back from the edge of the existing carriageway. Plans showing details of the improvements must be submitted and approved prior to the commencement of the proposed development. The proposed dwellings shall not be occupied until the roads have been constructed in accordance with the submitted and approved plans.
7. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
8. Notwithstanding the information shown on the submitted plans full joinery details of the windows, drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local planning authority prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.
9. Details of the colour finish of all external timber work shall be provided to and approved in writing by the local planning authority prior to the commencement of development and thereafter retained as such.
10. All gutters and downpipes used in this development shall be cast iron and thereafter retained as such.
11. Any works on-site and vegetation clearance should avoid the bird breeding season (March to August inclusive), unless a checking survey by an appropriately qualified ecologist has confirmed that no active nests are present immediately prior to works.
12. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Great Crested Newt Survey Results and Mitigation Strategy, land at Station Terrace, Cotherstone, County Durham December 2010 Durham Wildlife Services, 'including but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods.

8. REASONS FOR THE DECISION

- 8.1 The development was considered acceptable having regard to the following development plan policies: -
 - GD1 General Development Criteria
 - H4 Small scale housing development on sites less than 0.4 Hectare
 - H12 High standards of design in new house and housing sites.
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- BENV4 Development within and/or adjoining a conservation area
 - ENV1 Protection of the Countryside
 - ENV3 Area of High Landscape Value
 - ENV8 Development affecting a protected wildlife species

8.2 In particular the development was considered acceptable having regard to consideration of visual impact, affect on conservation area, amenity, design, highways and protected species.

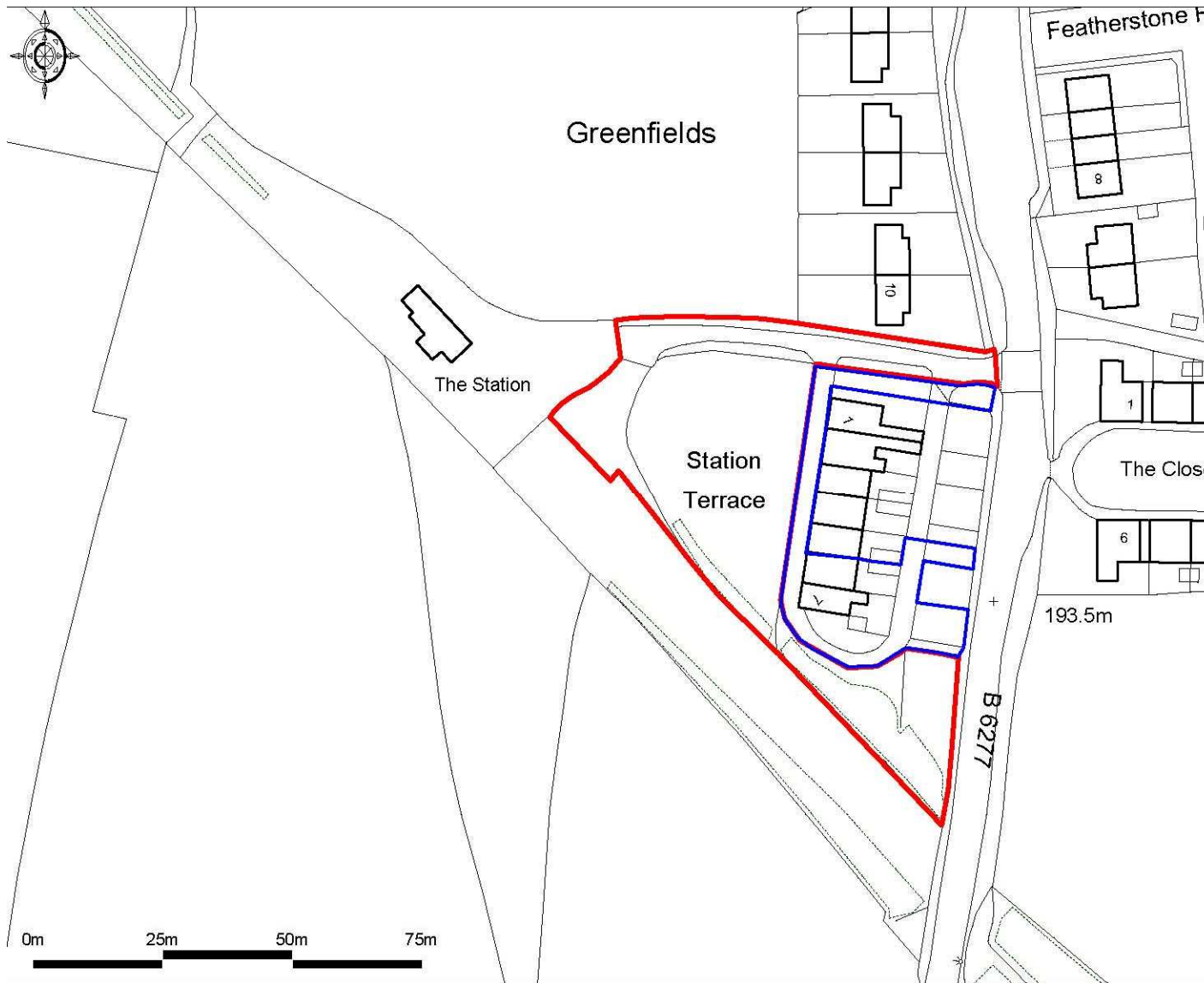
8.3 The objections which have been received, have been given due consideration. On balance the scheme is considered to be acceptable and without objection from the council's conservation officer or highways officer. The proposals are considered to accord with both local and national planning policies, and would constitute an acceptable form of development subject to conditions.

9. BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Teesdale District Local Plan 2002
- Planning Policy Statements / Guidance, PPS1, PPS3, PPS5, PPS7 and PPS9.
- Responses from County Highways, County Conservation, Northumbrian Water and Natural England
- Public Consultation Responses



Proposed development, land to the rear of Station Terrace



Ordnance Survey © Crown Copyright 2011. All rights reserved. Licence number 100020449. Plotted Scale -1:1250

Site location plan 1:1250

