

# COMMITTEE REPORT

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## APPLICATION DETAILS

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| <b>APPLICATION NO:</b>               | DM/14/01322/FPA  |
| <b>FULL APPLICATION DESCRIPTION:</b> | Erection of 8 no. dwellings  |
| <b>NAME OF APPLICANT:</b>            | Mr & Mrs F H & J E Clarkson & Richardson   |
| <b>ADDRESS:</b>                      | Land To The West Of Marwood Terrace,<br>Cotherstone, Barnard Castle, County Durham |
| <b>ELECTORAL DIVISION:</b>           | Barnard Castle West  |
| <b>CASE OFFICER:</b>                 | Paul Martinson<br>Planning Officer<br>03000 260823<br>paul.martinson@durham.gov.uk |

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The site

1. The application site is a small greenfield site of approximately 0.5ha which lies to the rear/west of Marwood View and Marwood Terrace and to the north of Fitzhugh Court. Immediately to the east is the Cotherstone play area. The St. Cuthbert's Church is located to the north of the application site along with the rear of a number of residential properties located on Moor Road. The access into the site is located adjacent to a garage block alongside Fitzhugh Court.
2. The site lies outside of the Cotherstone development limits and falls within the designated Conservation Area and Area of High Landscape Value (ALV).
3. A number of mature and semi-mature trees are located growing along the western boundary of the site. A public right of way defined by a post and wire fence runs along the northern boundary of the site between the rear gardens of properties on Moor Road and the application site.

### The proposal

4. Permission is sought for the erection of 8 no. dwellings comprising of 3 bedroom detached houses. The proposed access would be taken from the existing field entrance off Fitzhugh Court. Each of the proposed properties would have a single garage which would adjoin that of the neighbour to form a double garage block.
5. The dwellings would be constructed of stone with timber painted windows. The roofs would be finished with Sandtoft Rivius slate. The application has been supported by an arboricultural survey and the existing trees on the site are proposed to be protected and retained throughout the development. The

application also proposes the provision of a new link from the proposed access road to the existing public right of way to the north of the site.

6. The application is brought to Committee because of an objection from Cotherstone Parish Council.

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## **PLANNING HISTORY**

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7. An outline application (6/2014/0015/OP) was withdrawn prior to determination.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

8. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. 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. The following elements of the NPPF are considered most relevant to this proposal:
9. *NPPF Part 6 - Delivering a wide choice of high quality homes* states housing applications should be considered in the context of the presumption in favour of sustainable development. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
10. *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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
11. *NPPF Part 11 - Conserving and enhancing the natural environment* states that the planning system should contribute to and enhance the natural and local environment.
12. *NPPF Part 12 - Conserving and Enhancing the Historic Environment* states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; and significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

### **LOCAL PLAN POLICY:**

13. The following saved policies of the Teesdale Local Plan are considered to be relevant in the determination of this application:

14. *Policy GD1 (General Development Criteria):*  
All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
15. *Policy BENV4 (Development within or adjacent to Conservation Areas)*  
Development within and/or adjoining conservation areas will only be permitted where the proposed location, design layout, materials and scale respects the quality of the area; Proposals which would adversely affect the setting of a conservation area or the views into or out of the area will not be permitted.
16. *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.
17. *Policy ENV3 (Development Within or Adjacent to Areas of High Landscape Value:*  
Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
18. *Policy ENV8 (Protecting Animal and Plant Species Protected By Law):*  
Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the district.
19. *Policy H12 (Design)*  
The local planning authority will encourage high standards of design in new houses and housing sites.
20. *Policy H14 (Provision of Affordable Housing within Developments)*  
The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.
21. *Policy T2 (Traffic Management and Parking)*  
Car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site.
22. *Policy H3 (Housing on Sites of More Than 0.4ha):*  
Housing development will be permitted on sites over 0.4 hectares, comprising previously developed land, within the development limits of settlements including Cotherstone.

## **EMERGING POLICY:**

23. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public commencing later this year. In accordance with paragraph 216 of the NPPF, 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application and can be given some weight given the advanced status of the Plan and consistency with the NPPF:
24. *Policy 2 (Spatial Approach)* sets out how development will be delivered across the County and notes that smaller settlements will deliver development commensurate with their size.
25. *Policy 4 (Distribution of Development)* sets out the locational distribution of housing requirements for the County to meet the Spatial Approach of the Plan. It identifies a need for 1240 dwellings in the west of the County distributed among the main service centres and rest of the housing market area. However, the requirements are not ceilings and the development of appropriate sites will be encouraged.
26. *Policy 15 (Development on Unallocated Sites in Built up Areas)* is permissive of development on sites in built up areas that are not allocated provided it is appropriate in scale, design and function of the settlement; does not result in the loss of the last community facility in a settlement; and is compatible with adjacent land uses.
27. *Policy 18 (Local Amenity)* seeks to protect the amenity of people living/working in the vicinity of the proposal.
28. *Policy 31 (Addressing Housing Need)* sets out thresholds and requirements for affordable housing in new developments. The relevant threshold in this case is 15% on sites of 5 units or more, or 0.2ha site area.
29. *Policy 44 (Historic Environment)* requires development to conserve the significance of designated and non-designated heritage assets.

*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.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=8716> for the Teesdale Local Plan.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

30. *Cotherstone Parish Council* object to the proposal as the application site is greenfield land within the conservation area and located outside of the settlement boundary. The site is valued “green space” and it is considered that there is not sufficient demand for new housing within Cotherstone. The access road at Fitzhugh Court would be subject to additional traffic which would impact on residents of that cul-de-sac. The ecology report has no reference to the natural spring within the centre of the field and there is no mention of the significant bat population that surrounds the site. The site is referred to as flat however the land rises on the south/south east side and could lead to an impact on the privacy of neighbouring residents. There are also major concerns over the impact of the proposal on the mains gas supplies and sewers systems particularly after the recent approval of 12 houses at the Close.
31. *The Highway Authority* has no objections subject to full engineering drawings showing minor alterations to the access road being provided as part of a planning condition, provision of a new footway link on the northern side of the link road leading from the B6277 to Fitzhugh Court and the confirmation that the Council will adopt the proposed footpath linking in to the existing right of way no. 0260000101.
32. *Northumbrian Water* has requested a condition requiring the submission of a detailed scheme for the disposal of surface and foul water from the development.

#### **INTERNAL CONSULTEE RESPONSES:**

33. *Planning Policy* has no objection noting that although the proposal would be contrary to the Teesdale Local Plan policies H4 and ENV3, the site is considered NPPF compliant and has been identified as a suitable potential housing site within the SHLAA process. The site can be considered to be within the built up framework of the settlement and Cotherstone is not an unsustainable location for the limited scale of development proposed.
34. *Design/Conservation* raised concerns initially on the grounds of the impact on the character and appearance of the Conservation Area, however following the submission of amended plans in which the layout and house designs were amended no objections have been raised subject to a number of design related conditions.
35. *Public Rights of Way* have requested that the proposed footpath is adopted onto Footpath 101 created as a Public Footpath. This can be carried out with a Footpath creation Agreement between DCC and the developer as part of the proposal.
36. *Ecology* has no objection and is satisfied that the likely risk of impact by the proposals on protected and priority species and habitats is low.
37. *Landscape* would like to see details of new tree planting and general landscaping, as well as details of the proposed surfacing for the new (and the existing) footpath to the west and south of the site.
38. *Arboricultural Officer* has no objections subject to tree protection measures being conditioned.

39. *Sustainability* notes that the site is average in locational sustainability terms however other material considerations will need to be considered prior to assessing whether the proposal benefits from the presumption in favour of sustainable development.
40. *Environmental Health (Contaminated Land)* request that a contaminated land condition be imposed on any approval.

#### **PUBLIC RESPONSES:**

41. The application was advertised by site notice, press notice and letters were sent to neighbouring properties. 70 letters of representation were received raising a number of points of objection, the content of which is summarised below:
  - a) The proposed dwellings are located outside of the village boundary of Cotherstone and would result in the permanent loss of farmland and green space that contributes to the rural character of the village;
  - b) The proposed dwellings would overlook properties on Marwood View and Marwood Terrace;
  - c) The development would harm the character of the Conservation Area;
  - d) There are already a large number of properties already for sale in the village that have been on the market for some time, as well as the new dwellings at the Close which demonstrates a lack of demand for housing;
  - e) Cotherstone has one general store and a post office which could disappear at any time and the bus service is limited. There is also no employment in the village and therefore anyone would have to travel in a private car which would be unsustainable and consequently the village is unsuitable for this development;
  - f) 8 houses would lead to more cars which would lead to more noise and more pollution throughout the village;
  - g) The existing access road is too narrow and having more cars using this would be harmful to highway safety;
  - h) The occupiers of the properties that surround the site would lose a view of open countryside which was one of the reasons they purchased them;
  - i) Concern that the application documents are misleading and that the site is not enclosed by development on 4 sides as the play area is located within the open countryside;
  - j) Concern that the proposal would impact on services such as gas, water and sewerage;
  - k) The proposal would lead to further pressures for parking along the B6277.
  - l) There is no mention of the existing spring/watercourse located within the field;
  - m) There are bats and other wildlife that could be impacted on either directly or indirectly by the proposal;

*The above 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 Spennymoor Council Offices.*

#### **APPLICANTS STATEMENT:**

31. The proposed development of 8 detached 3-bedroomed family houses is the result of several months' hard work between planning officers of the Council and the applicants to achieve a scheme which respects the characteristics of Cotherstone

Conservation Area, pays due regard to the amenities of the occupiers of nearby residential properties and represents an appropriate form of development for the site.

32. Indeed, following constructive dialogue and negotiations with the case officer throughout the planning process and having provided additional information and revised drawings as requested, we are of the firm view that the proposed development is acceptable in principle and will not have any significant adverse impacts upon the surrounding area in terms of visual, traffic and parking and other amenity, built heritage, ecological or environmental considerations.
33. The application site is divorced from farmland surrounding the village by intervening development, housing on three sides and the village recreation park and children's play area. It is presently let to the farmer of Naby Farm, Lartington, who had used it for hay and silage production. However, this became unviable and the paddock was sub-let to another party who erected some sheds and deposited some containers on the land associated with the keeping of sheep and free range chickens. This use has now ceased and the sheds and containers have been removed although paddock has become overgrown with evidence of at least one bonfire having been lit and the land being used as a dogs' toilet. The proposal will bring the site back into beneficial use and in this regard it is considered that the site represents an ideal location for the small scale, low density and sensitively designed housing development proposed, which will quickly assimilate into the village.
34. Furthermore, the proposed development is sustainable in both its form and location and is acceptable in planning terms with particular reference to relevant policies of the Teesdale Local Plan and the emerging County Durham Plan together with government guidance as set out in the National Planning Policy Framework. Other benefits of the development include:
- job creation through the construction period;
  - the extension of the footway along the north side of the access road from the B6277 to the site;
  - providing a footpath link from the site to the existing public footpath running along the northern boundary to provide pedestrian connections with both the recreation park and the village centre; and
  - retention of a number of significant trees along the western boundary of the site.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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35. 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, the impact on the character and appearance of the Conservation Area, impact on residential amenity, highway safety and impact on ecology.

## **Principle of the development**

36. The application site is located outside of the settlement boundary of Cotherstone and is a greenfield site. The proposal therefore represents a departure from Policies H3 and ENV1 of the Teesdale Local Plan.
31. The Teesdale Local Plan was however adopted in June 2002 and pre-dates the publication of the NPPF and therefore the amount of weight given to Local Plan policies is dependent on their level of consistency with the Framework. It is acknowledged that the NPPF takes a more permissive approach to new development and that the emerging County Durham Plan does not propose to retain defined settlement boundaries, however the longstanding aims to prevent isolated dwellings and protect the character of the countryside remain key objectives in the NPPF. Sustainability, settlement form and scale are now the key judgments for new housing proposals on the edge of settlements under the emerging County Durham Plan.
32. A number of objections have questioned the need for further housing, but the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development in an effort to “boost significantly the supply of housing”. This requires local planning authorities to approve housing applications without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF. Paragraph 55 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities and it is recognised that in rural areas development in one village can help to support the facilities in other nearby villages. This is the direction of travel of the emerging County Durham Plan as reflected in Policy 2. Policy 4 identifies a need for 1240 dwellings to be delivered in West Durham with 410 dwellings delivered outside of the main service centres. This is however not a maximum and development of any suitable sites will be encouraged.
33. Looking first at the sustainability credentials of the site, it is noted that the Council’s Planning Policy Section have been supportive in their comments on the proposal. Cotherstone is classed as a Tier 4 settlement in the Council’s Settlement Study and has some services including a post office/local shop, 2 public houses, and a primary school all of which are within walking distance of the application site. There is a weekday bus service (about every hour between 07:00 and 18:00), with a bus stop located just outside the entrance to Fitzhugh Court. The majority of everyday services that cannot be provided in Cotherstone are within Barnard Castle approximately 4 miles away. The site was assessed as part of the Strategic Housing Land Availability Assessment (SHLAA) and was considered to have small scale housing potential. On the basis of the above, it is considered that the application site is a moderately sustainable location that could accommodate some small scale development in line with Cotherstone’s Tier 4 status and the spatial approach of the emerging County Durham Plan. The new housing could help sustain local services and support Cotherston’s role in the settlement hierarchy.
34. Although the site lies outside of the settlement boundary of the Teesdale Local Plan, the site is bordered to the north, east and south by existing housing and to the west by mature trees and the village recreation area. The application site can



therefore be considered as falling within the built up area of the village and due to its contained nature, development of the site would not be viewed as an encroachment into the open countryside.

35. The application proposes the erection of 8 dwellings, which even with other recent developments in the village, would represent a relatively small scale of development commensurate with the size of the village and its role in the settlement hierarchy and would not therefore prejudice the emerging County Durham Plan's spatial approach to housing delivery. The provision of the proposed housing would also contribute to meeting the housing requirements in Policy 4 of the emerging County Durham Plan and satisfies the criteria of Policy 15 in respect of being a suitable unallocated site in a built up area.
36. In accordance with the requirements of Policy 31 of the emerging County Durham Plan, the proposal should make an appropriate contribution towards affordable housing. In this case, given the small scale of the proposal and provision of affordable housing elsewhere in the village, it would be more appropriate to seek a financial contribution of £48,908 towards off site provision in the West Durham housing market area, for which there is an established need. This would be secured by Section 106 agreement. The contribution towards affordable housing represents a wider public benefit from the scheme which carries favour in the overall planning balance.
37. It is therefore considered that notwithstanding the departure to Teesdale Local Plan Policies H3 and ENV1, the proposal would accord with the core principles and aims of NPPF Part 6, as well as being compliant with emerging policies 2, 4, 15 and 31 of the County Durham Plan and is therefore acceptable in principle.

### **Impact on the character and appearance of the Conservation Area**

37. The site falls within the Cotherstone Conservation Area and therefore regard has to be paid to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Cotherstone Conservation Area. This is reflected in Teesdale Local Plan Policy BENV4, Policy 44 of the emerging County Durham Plan, as well as Section 12 of the NPPF.
38. The significance of the site is its location within the conservation area and the contribution it makes to the character and appearance of the conservation area.
39. It also falls within the Area of High Landscape Value designation within the Teesdale Local Plan, but the ALV designation is a local designation that does not have any statutory protection and is not being carried through to the emerging County Durham Plan. In any case, the contained nature of the site means it is viewed in the context of the village rather than having any relationship to the surrounding countryside and ALV designation and therefore there would be no conflict with Teesdale Local Plan Policy ENV3.
40. Notwithstanding its containment by surrounding development, as a greenfield site it has a pleasant appearance which contributes to the rural character of the village.

It is not however highly visible from the wider surrounding area with views mainly confined to those from the rear of surrounding residential properties overlooking the site and the footpath along the northern site boundary. There is no public access or use of the site and any agricultural use, which in any case is very limited in potential, has ceased.

41. It is acknowledged that the proposal would significantly alter the character of the site and outlook from the surrounding properties, but the proposal itself would represent a high quality residential environment with generous space given to potential landscaping, particularly to the front of the dwellings to soften the appearance of the development. The internal planting details will be important in this respect as highlighted by the Council's Landscape Section, but the actual planting details can be secured by a condition.
42. Amendments have been made to the design of the dwellings to ensure they would be an appropriate character and standard for the conservation area, reflecting to a reasonable degree the general local distinctiveness of the area, which in this part of the village is very mixed containing both modern and traditional buildings with a range of materials. The unifying features that would be reflected in the development are the use of natural stone for walls, slate type roof coverings and vertical window proportions. The amended layout would also ensure the development would not impact on the existing trees and hedges along the western boundary and their protection can be secured by a condition. The overall character and design of the development would retain the general rural character of the village and is therefore considered to be an appropriate design approach for this site in the conservation area. The presence of the large recreation park and play area adjacent to the west will ensure that the soft edge to the village will be retained. There is no objection from the Council's Design and Conservation Section following the amendments.
43. Accordingly, while the value of the site in respect of outlook is no doubt highly valued by surrounding residents, as expressed in the significant number of objections received, the relationship of the site to the overall village envelope and the delivery of a suitably designed scheme that would respect the rural setting of the village, means the proposal would not result in substantial harm to the character of the conservation area. The overall impact on the character and appearance of the conservation area is likely to be a neutral one and when the wider public benefit of the affordable housing contribution is taken into account in the planning balance, the proposal represents an acceptable development within the conservation area.
44. The proposal would therefore comply with Teesdale Local Plan Policy BENV4, Policy 44 of the emerging County Durham Plan and NPPF Part 12 in respect of the impact on the conservation area, as well as satisfying the design requirements of Teesdale Local Plan Policies GD1 and H12, as well as NPPF Part 7. The proposal would also not conflict with Teesdale Local Plan Policy ENV3 in respect of impact on the ALV designation.

### **Residential amenity**

45. Teesdale Local Plan Policy GD1, as well as Policy 18 of the emerging County Durham Plan seek to protect the amenity of neighbouring occupants and a number

of objections have expressed concerns about loss of privacy and noise disturbance. Other concerns expressed about loss of view and impact on property values however are not planning considerations which can be given any significant weight in the consideration of the application.

46. Existing dwellings to the east and north overlook the site, while 10 Fitzhugh Court has its north gable facing the site, but it is really only 1 Greenfield and 1&2 Marwood Terrace that have the most open views of the site from their gardens and windows, as the other properties have boundary fencing or outbuildings which limit views of the site to varying extents. 3 & 4 Marwood Terrace have a car parking courtyard to the rear and 1-7 Marwood View have an access lane running along the rear adjacent to the site providing some separation from the site. The public footpath separates the dwellings to the north from the application site.
47. The proposal has undergone significant amendment during the course of the application in recognition of some of the earlier objections received, particularly from Marwood View and Terrace. Houses 1-4 and the access road have been switched around so that the houses back onto the recreation area rather than the properties along Marwood View as originally proposed. This has removed the need for new boundary treatment to the rear of Marwood View, introduced the opportunity for a planting buffer along the east boundary and increased the separation distance between habitable windows to between 30m and 40m, which is well in excess of the generally accepted 21m separation distances. While surrounding residents have benefitted from the undeveloped nature of the application site and the development proposal will significantly alter the views from these properties to varying degrees, that alone cannot be a reason to prevent the development being brought forward as there would be no unacceptable impacts in respect of privacy, overshadowing, or overbearing because of the separation distances involved. Houses 5-8 in the north of the site have similarly been positioned to ensure adequate separation to the neighbouring properties to the north.
48. The development would no doubt bring an increase in the level of activity on the site compared to the existing and previous use of the site; however the small scale of development and residential use of the site would not result in this being at an unacceptable level for neighbouring properties.
49. Other concerns about construction traffic and the associated noise and disturbance are noted, but this is always an inevitable and unfortunate consequence of any new development and even though the development could be under construction for some time, it is a temporary impact that is not sufficient to justify refusal of the application. This is not a matter the planning system can reasonably prevent or control and there are controls outside of planning that deal with noise nuisance and other disturbance.
50. It is therefore considered that the proposal would not lead to unacceptable harm to the residential amenity of neighbouring properties and would comply with policies GD1 and H12 of the Teesdale Local Plan, as well as Policy 18 of the emerging County Durham Plan.

### **Highway and access issues**

51. The development would take access off Fitzhugh Court through the point of an existing field access.
52. The amendment to the layout has provided a more suitable alignment of the internal highway and a footpath link has been provided to the existing footpath to the north as requested by the Highway Authority and Public Rights of Way Section. The Highway Authority have advised that a new footway link still has to be provided from Fitzhugh Court to the B6277, but this can be secured by a condition.
53. Objections have expressed concerns about the increase in traffic, safety of the access and increased parking demand on the B6277. The Highway Authority has not raised any objection to the suitability of the access and a development of this scale would not exceed the local highway capacity. Each property would have a garage and long driveway available for parking so parking provision within the development would far exceed the County parking standards and ensure the development would not lead to undue parking pressure on the B6277, or within Fitzhugh Court.
54. The proposal would therefore comply with policies GD1 and T2 of the Teesdale Local Plan.

### **Ecology**

55. The application was supported by a habitat survey which notes that as a result of previous grazing and frequent disturbance the ecological diversity within the site is low. There was no evidence of protected species habitats found within the site. The trees to the west of the site offer high value habitat for nesting birds and the mature Ash tree may offer potential roosting space for bats, but none of these features would be lost or affected by the proposed development.
56. The Council's ecologist is satisfied with the findings of the survey and considers that the likely risk of impact by the proposals on protected and priority species and habitats is low. Objections have referred to the presence of a natural spring in the field, but that does not affect the conclusions in respect of protected and priority species or habitats. A Natural England license will therefore not be required and the local planning authority can discharge its duty under the Habitats Regulations.
57. The proposal would therefore comply with policies GD1 and ENV8 of the Teesdale Local Plan and the provisions within NPPF Part 11.

### **Other matters**

58. Objections have raised concerns about additional pressures being placed on the local gas supply and sewerage systems. These are strategic matters for the utility operators, but the small scale of development is unlikely to put undue demands on the local infrastructure. Northumbrian Water Ltd have requested a detailed scheme for the disposal of surface and foul water from the development, but have not raised any in principle objection in respect of local capacity and therefore the drainage details can be adequately dealt with by a condition and under the building regulations.

59. There have been a number of past industrial uses in the surrounding area including a former nursery which may have encroached onto the site. The Council's Environmental Health Section have recommended a phased survey approach to identifying any potential risks of contamination be conditioned.

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## CONCLUSION

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60. Although the application site lies outside the development limits of Cotherstone, the development would not be seen as an intrusion into the countryside and would be in accordance with the locational aims of the NPPF, as well as the spatial approach and housing delivery strategy of the emerging County Durham Plan. The proposed dwellings would relate well to the vernacular of the surrounding area and would deliver a development that would not have a detrimental impact on the character of the conservation area, while also not having an undue impact on neighbouring residential properties, ecology, the ALV designation, or prejudicing highway safety. The proposal would also contribute towards affordable housing in the west of the County. The proposal therefore accords with Teesdale Local Plan Policies GD1, BENV4, ENV3, H12 and T2; emerging County Durham Plan policies 2, 4, 15, 18, 31 and 44; as well as NPPF Sections 6, 7, 11 and 12. In the balance, these factors override the general in-principle conflict with Teesdale Local Plan Policies H3 and ENV1.
61. The comments of consultees and concerns of the objectors have been considered. Whilst loss of views and property devaluation are not material planning considerations, other matters have been assessed and on balance, the issues raised are not considered to be sufficient to warrant refusal of the application and it is felt that the proposal is acceptable in planning terms, subject to the suggested conditions.

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## RECOMMENDATION

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That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure a financial contribution of £48,908 towards the provision of off-site affordable housing in the West Durham Housing Market Area and 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:-

| Plan Reference Number         | Date received |
|-------------------------------|---------------|
| 90 90 Site location plan      | 19/05/2014    |
| 00 90A Site layout on OS plan | 14/07/2014    |

|  |            |
|--|------------|
| 9001 A site layout                         | 14/07/2014 |
| 10 01A Detached house plans and elevations | 14/07/2014 |
| 10-15 Detached garage                      | 19/05/2014 |

*Reason: To define the permission and ensure that a satisfactory form of development is obtained.*

3. Notwithstanding any details of materials submitted with the application no development shall take place until samples of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. This shall include the erection of a sample stone panel on the site for written approval from the Local planning authority. The approved sample panel shall remain in place throughout construction and the development shall be constructed in accordance with the approved details.

*Reason: In the interests of the impact on the character and appearance of the Conservation Area. In accordance with policies GD1, BENV4 and H12 of the Teesdale Local Plan.*

4. No development shall take place until full details including plans at a scale of 1:20 and details of the colour finish and design of the proposed windows, doors and garage doors have been submitted to and approved in writing by the Local planning authority. The development shall thereafter take place and be retained in accordance with the approved details.

*Reason: In the interests of appearance of the development and the impact on the character and appearance of the Conservation Area. In accordance with policies GD1, H12, H13 and BENV4 of the Teesdale Local Plan.*

5. No development shall take place until full details of hard and soft landscaping have been submitted to and approved in writing by the local planning authority. These details shall include proposed hard surfacing materials; all trees to be retained; a detailed planting plan for the ornamental shrub and herbaceous planting showing exact plant numbers and locations and giving plant species, sizes and the maintenance regime.

*Reason: To achieve a satisfactory form of development and in the interests of the impact on the character and appearance of the Conservation Area and the Area of High Landscape Value. In accordance with policies GD1, H12, H13, ENV3 and BENV4 of the Teesdale Local Plan.*

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out:
  - in the case of the landscaping along the eastern site boundary within the first planting season following the completion of the access road serving the site.
  - In the case of individual plots before the occupation of each individual plot, or the completion of the development, whichever is the sooner.

Any trees or plants which within a period of 5 years from planting die, are removed, are severely damaged or become seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority agrees in writing to any variation.

*Reason: To ensure the implementation and retention of the approved landscape scheme in the interests of visual amenity. In accordance with policies GD1, H12, H13, ENV3 and BENV4 of the Teesdale Local Plan.*

7. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all retained trees and hedges are protected by the erection of fencing comprising of a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS.5837:2012, the location of which shall first be submitted to and approved in writing by the local planning authority before erection. This fencing must be retained as agreed throughout construction works and no storage of any materials are to take place inside the fences.

*Reason: To protect the trees from construction damage in the interests of the health and amenity of the trees and impact on the character and appearance of the Conservation Area. In accordance with policies GD1 and BENV4 of the Teesdale Local Plan.*

8. No development shall take place until details of all means of enclosure have been submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of the Teesdale District Local Plan 2002.*

9. No development shall take place until full engineering detail drawings showing the internal access road, service margins, turning head and the provision of a new footway from the site along the northern side of Fitzhugh Court to the B6277 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the estate road, footways, turning space and driveways shall be properly consolidated and surfaced before occupation of any dwelling.

*Reason: In the interests of highway safety. In accordance with policies GD1 and T2 of the Teesdale Local Plan.*

10. Notwithstanding any details of materials submitted with the application no development shall take place until details of the make, colour, texture and maintenance regime of all road surface and driveway materials have been submitted to and approved in writing by the Local planning authority. The development shall be completed in accordance with the approved details.

*Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, BENV4 and H12 of the Teesdale Local Plan.*

11. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter

the development shall take place in accordance with the approved details and completed prior to occupation of the first dwelling.

*Reason: To prevent the increased risk of flooding from any sources in accordance with policy GD1 of the Teesdale Local Plan.*

12. No development shall commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. Any required remediation shall be carried out in accordance with the agreed scheme prior to occupation of any dwellings. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

#### **Pre-Commencement**

(a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

#### **Completion**

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.*

13. The following design requirements shall be incorporated into the development and thereafter retained:
- a) All windows and doors shall be timber with a painted finish.
  - b) All windows and doors shall be recessed at least 100mm from the face of the building.
  - c) All lintels and sills shall be natural stone.



- d) All rainwater goods shall be black.
- e) All driveways shall be constructed with a porous material.

*Reason: To secure an appropriate high standard of development in the conservation area and to comply with policies GD1, H24, BE5 and BE6.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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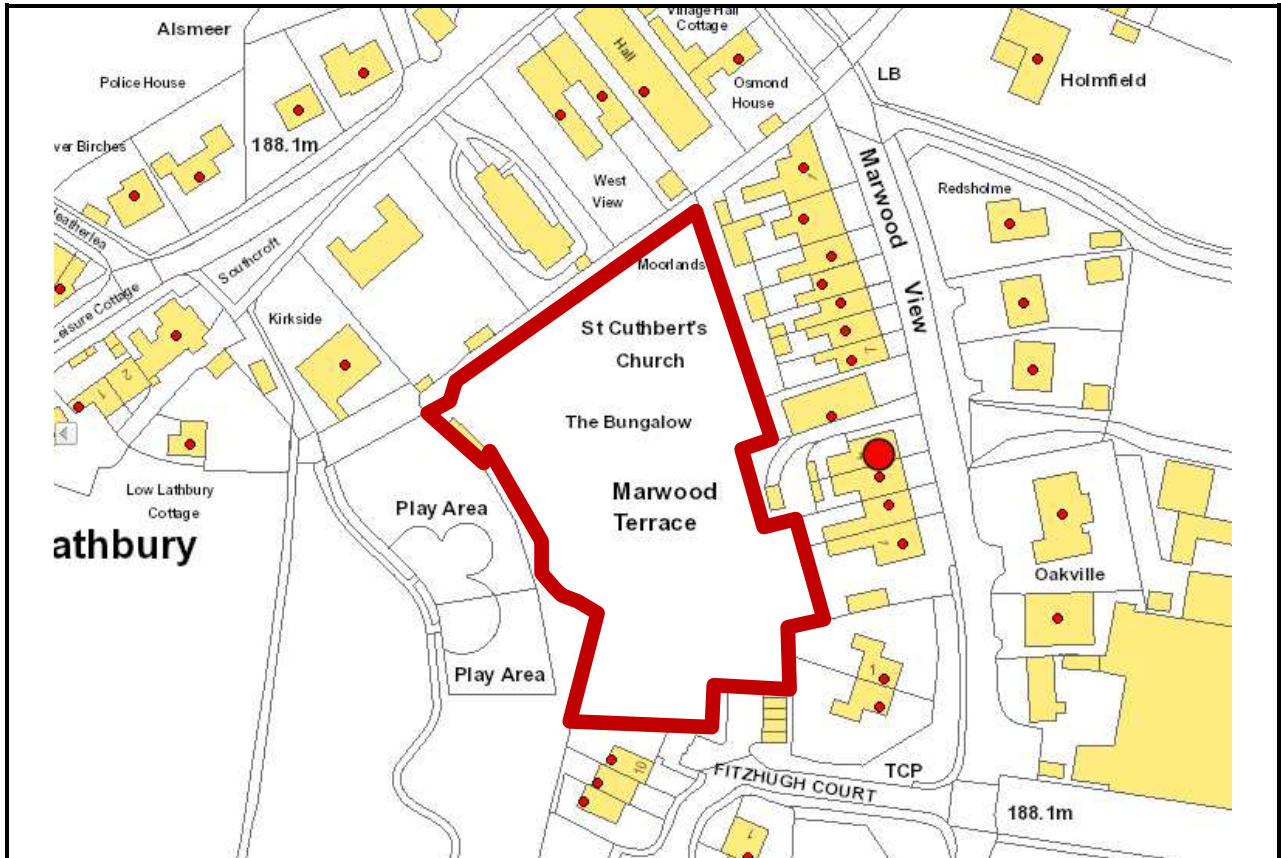
61. In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant and carefully weighing up the representations received.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and Statements  
National Planning Policy Framework  
Teesdale Local Plan  
County Durham Plan Submission Draft  
Consultee comments and public consultation responses



**Planning Services**

Land West of Marwood Terrace,  
Cotherstone

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