



Area Planning Committee (South and West)

Date Thursday 17 October 2013
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 19 September 2013 (Pages 1 - 8)
5. Applications to be determined
 - a) 3/2012/0424 and 3/2013/0051 - Bedford Lodge, South Church Road, Bishop Auckland (Pages 9 - 28)
Demolition of Bedford Lodge and construction of 66 houses and associated works and Listed Building Consent to demolish Bedford Lodge
 - b) 6/2013/0146/DM/OP - Land south of Evenwood Lane, Evenwood Gate, Bishop Auckland (Pages 29 - 40)
Outline application for residential development including the formation of vehicle access
 - c) 6/2013/0147/DM/OP - Former Brown Jug Public House, Evenwood Gate, Bishop Auckland (Pages 41 - 54)
Outline application for demolition of derelict former public house and residential development of the site including formation of vehicle access
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
9 October 2013

To: **The Members of the Area Planning Committee (South and West)**

Councillor M Dixon (Chairman)
Councillor J Buckham (Vice-Chairman)

Councillors D Bell, D Boyes, J Clare, K Davidson, E Huntington,
S Morrison, H Nicholson, G Richardson, L Taylor, R Todd, C Wilson
and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 19 September 2013 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Bennett, D Bell, D Boyes, J Clare, K Davidson, J Gray, H Nicholson, G Richardson, L Taylor, R Todd and C Wilson

Also Present:

J Byers – Planning Team Leader (South and West Area)
A Inch – Principal Planning Officer
D Stewart – Highways Officer
C Cuskin – Legal Officer

Prior to the commencement of business a minutes silence was observed as a mark of respect following the recent death of Councillor Geoff Mowbray.

1 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors J Buckham, E Huntington and S Zair.

2 Substitute Members

Councillor Gray substituting for Councillor Buckham and Councillor Bennett on behalf of Councillor Huntington.

3 Declarations of Interest

Councillor M Dixon declared a personal and prejudicial interest in application numbered 7/2012/0005/DM – Site O, Cobblers Hall, Newton Aycliffe. Councillor Dixon had attended a housing conference at which he had received hospitality from the applicant company.

In the absence of the Vice-Chairman of the Committee nominations were sought for a Member to chair the meeting during consideration of the application.

Resolved:

That Councillor D Boyes chair the meeting for application numbered 7/2012/0005/DM – Site O, Cobblers Hall, Newton Aycliffe.

Councillor J Clare declared a personal but not prejudicial interest in the application regarding Site O, Cobblers Hall, Newton Aycliffe. As a Member of Great Aycliffe Town Council he had been involved in discussions but had not pre-determined the application.

4 The Minutes of the Meeting held on 18 July 2013

The Minutes of the meeting held on 18 July 2013 were agreed as a correct record, subject to Councillor S Zair being added to the apologies for absence.

The Chairman signed the Minutes.

5 Applications to be determined

5a 3/2013/0140 - Land between A688 and Durham Road including the Sportsman Inn, Canney Hill, Bishop Auckland

The Committee considered a report of the Principal Planning Officer regarding an application for the erection of 39 houses and associated works (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

In presenting the report the Officer advised Members of 2 additional conditions that had been referred to in the Committee report but had been omitted from the final list of conditions. These related to archaeological works and were circulated to Members, the applicant and local residents at the meeting.

Councillor C Kay, local Member addressed the Committee against the application. He advised that Canney Hill was not an extension of Bishop Auckland but was a well-defined old community which would be completely dwarfed by a development that was 2 or 3 times the size of the village.

The Wear Valley Local Plan was still relevant and as such the land was outside the settlement boundary. In a recent training session Members had been informed that Local Plans took precedence over the emerging County Durham Plan. The proposals were contrary to Policy H3 of the Wear Valley Local Plan and there were already over 2000 properties planned in the South Durham area, 600 of which were within a 1/2 mile radius.

Whilst the public house had been demolished, giving the appearance of a brownfield site, the area was greenfield land. He believed that the proposals were contrary to the NPPF which set out a presumption in favour of sustainable development; the local school was full and there were no shops, services or facilities in the village.

Councillor Kay accepted that there were 3 recently constructed dwellings in Canney Hill but that this constituted infill development. In conclusion he also considered that the £19,500 contribution towards open space provision, and the proposal for 6 affordable houses was derisory.

Martin Spencer, local resident addressed the Committee with the aid of a powerpoint presentation. He advised that he also spoke on behalf of local people and registered speaker Angela Graham.

Mr Spencer commenced by expressing concern with regard to the impact on flora/fauna and protected species on the site. He understood that there was a pair of nesting kestrels and hedgehogs on the land.

Greenfield sites were lost forever once used and he reiterated the concerns of Councillor Kay regarding sustainability of the site, given that there were no facilities in the village. With regard to the design of the dwellings he asked the applicant if room sizes were in accordance with Government criteria for new housing.

He continued that residents' main concerns related to road safety, the site access, and impact on disabled people and pedestrians once the development was completed. Mr Spencer made the following points in relation to these concerns:-

Road Safety

- The A689 was a very busy road used by articulated lorries, buses and cars, with bus stops on either side. A further development may require a similar junction, in which case there would be 3 junctions in just a few hundred yards.
- The current speed limit along the A689 was 40mph with many dangerous bends on it. The road markings were inadequate and in need of review.
- Persimmon Homes had assumed that their development would not impact on the number of vehicle manoeuvres as the planned access would be the same as the former public house. However the public house had been underused since 2004 and 74 car parking spaces were proposed.

Site Access

- Alternative access could be made from the old road at the top of Bracks Road which bordered the proposed development to the south. This was currently the main access to the field where the development was planned. This would open up an existing road for use again, not only for this development, but for future development on land to the south.
- The alternative access would confine traffic to an existing junction which was safer for all and there would be no need to widen Durham Road.
- Traffic should flow better and it would be safer for disabled people and pedestrians.

Impact on Disabled People

- Tactile paving was missing on many main pavement junctions in the area and 2 more junctions were proposed.
- It would be difficult for disabled people and pedestrians to safely negotiate the development during the building stage.

To conclude he urged the Committee to ask the developers to submit revised plans using the alternative site access and asked the Highways Authority to look at road safety issues on Durham Road, including improving road markings, reducing the speed limit and providing tactile paving.

Mark Richardson on behalf of the Applicant responded to the issues raised by Mr Spencer. He advised that works would not be carried out when there were nesting birds on the site and that there was no current minimum requirement in relation to room sizes for private developers. The criteria applied to social housing providers. Tactile paving would be dealt with under a Section 38 Agreement with the Highways Authority. The proposed alternative access to the south was not feasible as the road was in third party ownership and was not adopted.

D Stewart, Highways Officer acknowledged that the issues raised regarding the suggested superior site access, existing speed limit and road markings were legitimate concerns but were not relevant to the determination of the planning application. At only 17m the distance between the centre line at the junction of the alternative access road and the junction at Durham Road was too close and not acceptable in highway terms.

It was noted that Members had looked at the suggested alternative access on the site visit.

The Principal Planning Officer responded to the comments made by Councillor Kay. Whilst the proposals were not in accordance with Local Plan Policy H3 and therefore constituted a departure from the Wear Valley Local Plan, Officers felt that the NPPF's presumption in favour of sustainable development, and the allocation of the site in the emerging County Durham Plan were material considerations. The NPPF stated that more weight should be attached to an emerging Plan as it progressed towards adoption. Consultation on the Pre-Submission draft was due to commence in October 2013 and therefore it was considered that policies contained in the Preferred Options submission of the Plan were now relevant.

With regard to the comments made about the land being greenfield, he advised that the site was part previously-developed land, reiterating that it was allocated for housing in the emerging Plan and was a sustainable extension to Bishop Auckland.

With regard to the reference to the availability of school places, Members were informed that, in forming an evidence base for the Plan, Planning Officers consulted with the Education Authority. It should also be borne in mind that the number of houses proposed would not necessarily result in a significant increase in pupils. This did not justify refusal of the planning permission.

Following a request from Councillor Dixon for clarification about the Section 106 contribution referred to by Councillor Kay, the Planning Officer advised that the layout of the scheme incorporated a central island of open space which amounted to half the requirement for a site of this size. This had therefore been reflected in the Section 106 contribution.

Councillor Dixon sought an assurance that the applicant would not seek removal of the affordable housing element of the scheme at a later date. In response Mr Richardson advised that market conditions were improving and the provision of affordable housing would be incorporated into a Section 106 Legal Agreement to secure provision in perpetuity.

Councillor Nicholson, in welcoming the scheme expressed concerns about the safety of Durham Road and potential problems caused by the right turn across the A689 into the development. He asked if there were any proposals for a protected right turn.

The Highways Officer responded that in accordance with guidelines this was a modest development, however he appreciated the concerns expressed by the Member and advised that a protected right turn could be included as a condition.

Councillor Davidson stated that whilst he sympathised with the concerns of the local Member in terms of losing the identity of the hamlet, on balance, the proposed scheme was acceptable.

Following discussion it was **Resolved:**

That the application be approved subject to:-

(a) the conditions outlined in the report and to the following additional conditions:-

1. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:
 - i) the proper identification and recording of the extent, character and significance of archaeological remains within the identified northern area of the development by means of a strip, map and record strategy;
 - ii) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) above is completed prior to the commencement of permitted development in the area of archaeological interest; and,
 - iii) notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policies BE1 and BE15 of the Wear Valley Local Plan and section 12 of the NPPF.

2. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission.

Reason: To comply with paragraph 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and impact, and to make this evidence (and any archive generated) publicly accessible.

3. Prior to the commencement of development full details of a protected right turned shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme as agreed shall be implemented in full prior to the occupation of the first dwelling hereby permitted.

Reason: In the interests of highway safety in accordance with Policy T1 of the Wear Valley Local Plan.

- (b) a Section 106 Legal Agreement to secure the provision of affordable housing in perpetuity, the payment of a commuted sum in lieu of on site open space provision and to safeguard the retention of the hedgerow along the southern boundary of the site.

At this point Councillor Dixon left the meeting.

Councillor Boyes took the Chair.

5b 7/2012/0005/DM - Site O, Cobblers Hall, Newton Aycliffe

The Committee considered a report of the Principal Planning Officer regarding an application for the erection of 175 dwellings with associated infrastructure and landscaping works (for copy see file of Minutes).

A Inch, Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site that day and were familiar with the location and setting.

In presenting the report Members were advised of a late objection from a local resident whose concerns related to drainage and surface water flooding. The Planning Officer advised that the issues raised had been addressed in the report.

Councillor Gray asked if there were plans to improve the footpath from Burnhill Way between Sites N and O which was susceptible to flooding. The Principal Planning

Officer responded that this was not part of the scheme and he was not aware of any proposed works to upgrade the footpath, however he would investigate and respond to the Member direct.

Councillor Richardson advised that as with other new housing schemes he was concerned about the level of density of the development and also asked how many parking spaces would be allocated.

The Principal Planning Officer informed the Member that density levels between 30 and 50 were deemed appropriate when there was good access to facilities. At 46 the density of Site O was at the upper end of the normal range, however the proposed development had good footpath access to a range of local services and facilities, and excellent bus services.

With regard to parking provision the Highways Officer advised that the scheme proposed a total of 334 parking spaces and at 172% provision, was in excess of the 150% maximum contained in PPG.

In response to a request for clarification from Councillor Boyes regarding the comment in the report that the site was designated nature reserve, Members were advised that the nature reserve bordered the application site to the right of the development.

Following discussion it was **Resolved:**

That the application be approved subject to the conditions outlined in the report.

Councillor Dixon returned to the meeting and took the Chair.

The Chair agreed that in order to keep Members informed the following items of business could be reported:-

6 Invitation to meet Planning Officers

J Byers, Planning Team Leader (South and West Area) advised that Members would receive an invitation to meet with Planning Officers to discuss any planning issues or queries they may have. The meetings were to commence in October and would cover general planning matters, not individual applications.

Resolved:

That the information given be noted.

7 Planning Seminar

C Cuskin, Legal Officer advised of a Seminar for Members and Officers to be held on 18 October 2013 between 10am and 1pm. Although the programme had not yet been finalised potential topics included protected species, County Durham Plan and relevant case law. Members would receive an invitation in due course.

Resolved:

That the information given be noted.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	3/2012/0424 and 3/2013/0051
FULL APPLICATION DESCRIPTION:	Demolition of Bedford Lodge and construction of 66 houses and associated works and Listed Building Consent to demolish Bedford Lodge
NAME OF APPLICANT:	Meadale Group Ltd
ADDRESS:	Bedford Lodge, South Church Road, Bishop Auckland
ELECTORAL DIVISION:	Bishop Auckland
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to the former BBH Windings factory site located to the east of South Church Road in Bishop Auckland which extends to some 1.6 hectares. The site is bound to the north by residential dwellings in Salisbury Place and to the east is an area of open space. To the south is the Bishop Auckland to Darlington railway line and to the west across South Church Road lies an Asda supermarket and car park. Bishop Auckland town centre lies approximately 250m to the west of the site.
2. The site has been cleared of former industrial buildings with the exception of Bedford Lodge which is an early 19th century building, originally constructed as a villa. The building is Grade II listed and was latterly used as office accommodation in association with the industrial use of the site. It is currently in a significant a state of disrepair, and fire damaged and has been the subject of significant amounts of vandalism in recent years and concern from neighbouring residents about its condition and associated anti-social behaviour.
3. Planning permission and Listed Building Consent are sought for the demolition of Bedford Lodge and the erection of 66 dwellings. The dwellings would be arranged around a circular distributor road, with areas of shared access and private drives. The dwellings would either be semi detached or terraced, consisting of 2 and 2 ½ storey with rooms in the roof space. Vehicle access would be taken from the existing access off South Church Road. The scheme as originally submitted involved the provision of 69 units but was amended to take into account highways requirements.

4. This application is being reported to Planning Committee as it falls within the definition of a major development.

PLANNING HISTORY

5. The site has had the benefit of a number of planning permissions for residential development, with outline permission granted in 2004 for 98 dwellings, and subsequently, in 2007, planning permission was granted for the erection of 119 dwellings, including the conversion of Bedford Lodge. The time limit for the implementation of the permission was extended in 2011 and the permission is therefore still extant. No affordable housing was provided as part of the approved scheme. Permission for residential development in various forms has therefore been in place since 2004, but remains unimplemented.

PLANNING POLICY

NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.
8. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
9. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
10. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
11. *Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

12. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
14. *Part 11 – 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 and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
15. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY:

16. 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. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Wear Valley Local Plan are considered relevant.
17. *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.
18. *Policy BE1 (Protection of Historic Heritage)* Seeks to conserve the historic heritage of the area by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
19. *Policy BE4 (Setting of a Listed Building)* Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.

20. *Policy BE17 (Areas of Archaeological Interest)* Requires a pre-determination archaeological assessment where development affects areas of archaeological interest. Where possible the remains will be preserved in-situ.
21. *Policy H3 (Distribution of Development)* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.
22. *Policy H15 (Affordable Housing)* The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.
23. *Policy H22 (Community Benefit)* On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
24. *Policy H24 (Residential Design Criteria)* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
25. *Policy RL5 (Sport and Recreation Target)* For every 1 hectare of land developed residential purposes, at least 1300 square metres of land should directly be made available on or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities.
26. *Policy T1 (Highways)* Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

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://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=69842>

27. The emerging County Durham Plan is at the next stage of consultation in Pre-Submission Draft form, ahead of Examination in Public in Spring 2014. 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. To this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:
28. *Policy 3 (Quantity of New Development)* sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 31,400 new homes of mixed types, size and tenure are required.
29. *Policy 4 (Distribution of Development)* sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 10,420, of which 2350 are to be provided in Bishop Auckland.

30. *Policy 29 (Existing Housing Commitments)* sets out that housing development will be approved on sites where an existing planning permission lapses during the Plan period provided that the proposal accords with relevant policies of this Plan and that there has been no material change in circumstances that precludes development.
31. *Policy 31 (Addressing Housing Need)* sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
32. *Policy 44 (Historic Environment)* sets out that development which would lead to total loss of significance of a designated heritage asset will not be permitted unless the substantial harm or loss is proven to be necessary to achieve substantial overriding public benefits, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and, the harm or loss is outweighed by the benefit of bringing the site back into use.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Bishop Auckland Town Council* raises no objection to the proposed development.
34. *Highway Authority* offers no objections in principle to the development of the site, while advising that proposed parking provision is now acceptable following amendments to the scheme. A condition is recommended requiring the provision of the highway improvement works detailed in the submitted scheme.
35. *English Heritage* considers that the proposal must be assessed against paragraph 133 of the NPPF to show that the loss of the building is necessary to achieve public benefit. If the Council is satisfied that the evidence is there to show that the demolition of the building is necessary to achieve the public benefit, and is minded to approve consent, then it is recommended that conditions are applied to ensure that the demolition of the building is closely tied to the start of new development and that the building is adequately recorded prior to its demolition.
36. *Environment Agency* offers no objection to the scheme subject to the control of the means of surface and foul water drainage being submitted.
37. *Northumbrian Water Limited* has no objections subject to the submission of a detailed scheme for surface water management
38. *Network Rail* offers no objections to the scheme but consider that further details of external lighting are secured by condition.
39. *Police Architectural Liaison Officer* has provided design advice.
40. *Coal Authority* has no objections and considers that the land can be made safe from previous coal mining activity.

INTERNAL CONSULTEE RESPONSES:

41. *Design and Historic Environment Section* considers the loss of the listed building regrettable but in this instance the public benefit outweighs its loss.

42. *Spatial Policy Section* considers that the development of the site for residential purposes is acceptable in principle.
43. *Landscape Section* raises concerns regarding the parcel of land to the east of the site, recommending that this should be brought into council ownership to contribute to a wider amenity area. It is also advised that careful consideration should be given to the boundary treatments of the site.
44. *Archaeology Section* notes the previous site history and particular circumstances surrounding development of the site and recommends that a scheme of archaeological work be implemented prior to development commencing to cover evaluation, mitigation and publication of any findings. Having regard to earlier assessments undertaken on the site such works can in this instance be covered by planning conditions.
45. *Access and Rights of Way Section* advises that a nearby Public Right of Way would be unaffected.
46. *Ecology Section* has no objections, subject to the proposed mitigation measures.
47. *Environmental Health* advises that a condition relating to the restriction of working hours on site should be imposed, along with appropriate measures to mitigate noise from the adjacent railway.
48. *Contaminated Land Section* recommends the imposition of conditions requiring further site investigation, subsequent remediation and submission of validation information thereafter.
49. *Arboricultural Officer* offers no objection but highlights that the proposed remediation proposes a level increase of 600mm of top soil, which may impact on trees.

PUBLIC RESPONSES:

50. The application has been publicised by way of press and site notices, and individual notification letters to neighbouring residents.
51. Three letters of representation have been received in response, that express concerns about the development in terms of the impacts upon highway safety and the difficulties vehicles will encounter exiting the site onto South Church Road. One respondent is nonetheless welcoming of new housing in the area.

APPLICANTS STATEMENT:

52. The principle of residential development on the application site is established and has been subject to a number of previous planning permissions. This includes an extant planning permission of the wider site for the erection of 119 apartments and the conversion of Bedford Lodge.
53. The regeneration benefits of granting planning permission for the erection of the dwellings on site are clear. The NPPF confirms that the public purpose of the planning system is to contribute to the achievement of sustainable development including the three key roles, economic, social and environmental.

54. On an economic basis the development will stimulate the regeneration of the area, provide jobs for local contractors during construction works, and increase spending from residents in the locality. In a social role the scheme will deliver high quality starter homes in a sustainable location. In an environmental role the scheme will bring back into use a vacant unused site, deliver high quality design that enhances the built environment.
55. Overall the development proposals will deliver new homes in a sustainable location as advocated by the National Planning Policy Framework and clearly constitutes sustainable development.

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:

<http://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=69842> and
<http://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=72155>

PLANNING CONSIDERATIONS AND ASSESSMENT

56. 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 principal material planning considerations raised relate to the principle of development, the viability of the scheme, loss of a heritage asset, visual amenity of surrounding area, highway safety, amenity of adjacent land uses and ecological interests.

The Principle of Development

57. The application site is located within the defined settlement limits of Bishop Auckland, as set out in the Wear Valley Local Plan, and as such, within these settlement limits, Policy H3 sets out that windfall housing development will be considered acceptable in principle. Policy H3 is considered consistent with the National Planning Policy Framework in this respect which also encourages the reuse of land in accessible locations. In considering the accessibility of the site, it is considered that it performs well, being located in Bishop Auckland within close proximity to the town centre and the range of services and amenities provided, whilst being well connected to existing transport links. The site is therefore considered a suitable and sustainable location for new residential development.
58. In terms of the Pre-Submission Draft version of the emerging plan, Policy 4 sets out the distribution of housing in terms of the housing requirement across the County, and more specifically, distributes some 2350 houses for Bishop Auckland as part of the overall requirement. This distribution includes existing housing commitments, and as such, takes account of the application site in terms of its extant permission for 119 units. The site is part of the housing commitment and has already been included in the allocation process by virtue of Policy 29 of the emerging plan and it was therefore considered unnecessary to specifically allocate the site for residential development. This is reflected at Policy 30 insofar as the 2350 distribution comprises around 750 in specific site allocations, with the remainder coming from commitments such as the application site. The redevelopment of the site for residential development is therefore wholly consistent with the emerging plan in this respect.
59. Subject to a detailed analysis of the impacts of the development, the redevelopment of the site for residential purposes is therefore considered acceptable in principle, being compliant with the NPPF, extant Local Plan Policy and the direction of the emerging plan.

Viability

60. Local Plan Policy H15 sets out that where a relevant local need has been established, the inclusion of an appropriate element of affordable housing will be required within a scheme. Such a requirement is replicated in the NPPF. As part of the emerging plan a significant amount of work has been put into assessing and evidencing the need of affordable housing throughout the county and the likely delivery of this through development proposals, while ensuring developments remain viable. Policy 31 of the emerging plan sets a target figure for the provision of 10% of proposed dwellings to be provided as affordable housing within the South Durham area, including Bishop Auckland.
61. In addition to this, Local Plan Policies RL5 and H22 seek to secure offsite contributions, where necessary, to improve/provide outdoor sporting and recreational facilities. However, no affordable housing or sporting/recreation contributions are proposed as part of the scheme, and the applicant has put forward an argument that in doing so, the development proposed would be economically unviable.
62. Paragraph 173 of the NPPF outlines the importance of viability as a material planning consideration, setting out that developments should not be subject to obligations which threaten their ability to be viably developed. To ensure viability, the costs of any requirements applied to development, such as affordable housing, should when taking account of the normal cost of development, still provide a competitive return to a willing land owner and developer to enable the development to be delivered. Paragraph 160 also advises that Local Planning Authorities must consider the needs of businesses and any changes in circumstances, identifying and addressing barriers to investment and delivery of housing, including viability issues.
63. On a development of this nature it would be expected that a developer would demand a profit of in the region of 20% of the development value of the site. Such a profit is considered to not be excessive as it aligns with the evidence contained within the Council's Affordable Housing & CIL Development Viability Study. A competitive profit for a developer is required to be factored into the consideration of the viability of a scheme and is effectively a cost to be taken out of the gross development value of the site and is a factor which can affect the ability of a development to pay for planning contributions. Detailed advice has been sought on this matter from the Assets and Spatial Policy Sections, who have considered in detail the submitted development appraisal for the site, including challenging the assumptions made, comparing baseline costs against industry standards and reviewing the likely income generated from the development. As such, once the amount paid for the site and development costs are taken from expected sale values from the site then only around a 13% developers profit would actually be achieved, excluding affordable housing or other contributions. The scheme is therefore economically unviable regardless of additional contributions or affordable housing.
64. Having regard to the advice within the NPPF, the development profit is considered to not constitute an adequate return on the site. Nevertheless, the developer is keen to bring the development forward. Although the policy requirements and Open Space Needs Assessment support the requirements for financial contributions, in this instance given the viability issues surrounding the site it is recommended they be waived to allow the development to be delivered on the site and bring forward a previously-developed site in a wholly sustainable location.

65. Local Plan Policies BE1 and BE4 seek to preserve the historic environment, particularly the setting and character of Listed Buildings, and reflect the requirements of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF also seeks to conserve or enhance heritage assets in a manner appropriate to their significance, while Policy 44 of the emerging plan sets out circumstances whereby total loss of significance can be justified. In this instance the heritage asset can be identified as the Grade II building of Bedford Lodge. The building is a two storey property of stone construction, built between 1839 and 1847 by local mine owners. The building is, at present, in a poor state of repair with a large part of its roof structure missing, ground floor windows blocked up and its interior largely disintegrated. However, there is some remaining architectural significance relating to the shell of the building, with its doorways and window openings conveying classical symmetry. The building also has a historical connection with the local coal industry.
66. This scheme seeks planning permission and listed building consent to demolish Bedford Lodge to facilitate the proposed residential development. In considering this matter against the relevant planning policy context, it is noted that paragraph 130 of the NPPF outlines that where there is evidence of deliberate neglect or damage to a heritage asset the deteriorated state of the asset should not be taken into account when considering its loss. However, it is recognised that while the asset has fallen into a state of disrepair, this can be attributed to extensive instances of vandalism and antisocial behaviour, which the applicant has tried to take address by blocking up means of access into the building to prevent further instances occurring.
67. The NPPF also outlines that the loss of a listed building should be resisted unless there are substantial public benefits that outweigh the loss. This is reflected in Policy 44 of the emerging plan. In this instance the applicant has put a case forward on the basis that the regeneration of the site itself would have public benefits, together with the provision of heritage compensation contribution of £50,000 towards the safeguarding of a Listed Building in the vicinity of the site, and thirdly, the removal of the building itself, which generates significant anti-social behaviour and health and safety concerns. All of the aforementioned benefits are considered legitimate in relation to the site and its redevelopment can only serve to enhance the area.
68. Consideration does however, also need to be given to whether the loss heritage asset is necessary in order to deliver the development and secure the above gains. The loss of a designated heritage asset is always regrettable and the retention and conversion of the Listed Building would always be the preferred option. Although the scheme proposed is currently unviable, the developer nevertheless intends to bring the development forward. Options have also been explored to retain the existing building, incorporating a residential development but due to the costs associated with bringing the building back into use and the loss of a number of units needed to ensure its retention, it would be not be economically viable for the site to be developed with the listed building retained. Permission has been granted for residential development on the site with the conversion of the listed building, but clearly these permissions have not been implemented due to the economic climate.
69. Although regrettable, the loss of the Listed Building in this instance, particularly in its current form, would allow a development to come forward, regenerating the site and enhancing the area. The proposed £50,000 contribution would also allow the council to attract additional external funding to help safeguard Laurel House, a listed building in the immediate vicinity on the King James school site.

70. It is considered that in overall terms, the public benefits associated with the development as a whole, is considered to outweigh the loss of the listed building, in compliance with Paragraph 133 of the NPPF and Policy 44 of the emerging plan. However, it is recommended that a condition is imposed requiring that phase 1 of the development (12 of the dwellings) are commenced prior to the demolition of the Listed Building, in order to ensure that the loss of the building does not occur without securing the benefits of the redevelopment of the site. Such an approach would be wholly consistent with Paragraph 136 of the NPPF and Policy 44 on the emerging plan, which seeks to ensure that the loss of the whole or part of a heritage asset does not occur without taking all reasonable steps to ensure the new development, will proceed after the loss has occurred.

Visual amenity of surrounding area

71. The application site is located within a predominately residential area, bordering onto an open amenity area to the east. Local Plan Policies GD1 and H24 require that developments should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area. This is reflected within section 7 of the NPPF which sets out that good design is a key aspect of sustainable development, and is indivisible from good planning. To this end, significant negotiations have been held with the applicant through the assessment of the application in order to seek improvements to the quality of the scheme, particularly in terms of the layout. Following the conclusion of these negotiations, it is considered that the revised scheme represents the most viable and practical use of the development site and would represent an appropriate, workable layout. The proposed house types are also considered to be attractive and commensurate with the surrounding housing stock.

72. When viewed from outside the site, it is considered that the proposed development would have an acceptable impact, representing a substantial improvement on the appearance of the current derelict condition of the application site. Existing mature trees on the boundaries of the site would be retained and protected during the development, and appropriate consideration has been given to this by the Arboricultural Officer.

73. To the east of the site is an area of open space covered by scrub vegetation owned by the applicant, this area does not form part of the development site. While it would be desirable for the ownership and management of this area to be undertaken by the council, this would have a resource and finance issue for both the council and developer. Given the viability pressure associated with the site's development, this has not been secured through this application. Notwithstanding this, there are links from the development into this amenity area which could informally extend into wider amenity areas. Although no specific works are intended within this area the applicant has agreed that it should be covered within a proposed 10 years landscape management plan for the site, details of which would be submitted for agreement via planning condition.

74. A significant level change means that the proposed development will be visible from the adjacent Public Right of Way. The Landscape Section advises that careful consideration should be given to the treatments of the boundary of the site in this location, likewise to the highway South Church road. It is therefore proposed to attach a landscaping condition requiring full details of the landscaping of the site, in particular reference to boundary treatments. It is expected that soft boundary treatments would be utilised. On balance, it is considered that the proposed development would have a positive impact on the character and appearance of the surrounding area.

Highway Safety

75. Local Plan Policy T1 requires that development proposals achieve a satisfactory means of access onto the wider highway network. Concerns have been raised by local residents in relation to existing difficulties experienced by drivers turning onto South Church Road, and that such difficulties would be experienced by prospective residents. The development would be served off South Church Road via the existing site access, while an internal highway will be arranged in a circular manner, with areas of shared surfacing and driveway.
76. In considering the proposed access arrangements, consultation has been undertaken with the Highway Authority who raises no objection to the scheme following amendments, considering that the parking level is acceptable given the central location of the site and proximity to the town centre.
77. Highway improvements are, however, sought in relation to the site entrance and within the highway of South Church Road, which is reflective of improvements sought in relation to previous planning permissions granted for residential development on the site. Subject to these works being implemented, it is considered that a safe and satisfactory means of access would be provided in accordance with Policy T1.

Impact on amenity of adjacent residents and future occupants

78. Local Plan Policies GD1 and H24 highlight that residential developments should protect the amenities of neighbouring uses. In considering this matter, the site layout would achieve minimum separation distances of 20m between habitable room windows to existing adjacent properties. Although slightly below the 21m distance advocated in the Local Plan, a significant adverse affect on residential amenity would not result, and this relationship is considered acceptable. The existing trees on the boundary of the site also help screen views between the existing and proposed development.
79. During construction there would be noise and disturbance created, however a condition is recommended to limit the working hours on site, together with a scheme of dust suppression.
80. In reviewing the internal layout, it is considered that future occupants would have adequate areas of private amenity space, without experiencing an unacceptable level of overlooking. Approximately 12m from the southern boundary of the site lies the Bishop Auckland to Darlington railway line, which would have an effect on the level of residential amenity that prospective occupiers of properties bordering the railway line would have. The Environmental Health Section consider that the developer could mitigate the impact of noise generated to an acceptable level, and future residents would also be readily aware of the proximity of the properties to the railway line. It is therefore recommended that an acoustic assessment is secured by condition and subsequent mitigation implemented on site.

Ecology

81. Paragraph 11 of the NPPF requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant has submitted ecology survey report and assessed the potential impacts of the development on protected species.

82. In considering this report in detail the Ecology Section offers no objection to the scheme subject to the implementation of the mitigation set out in the report. Therefore, it is considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010.

Other Issues

83. Paragraph 103 of the NPPF and Local Plan Policies H24 and GD1 require consideration be given to issues regarding flooding particularly from surface water run-off while requiring that developments adequately dispose of foul water. Accordingly, consultation has been held with the Environment Agency and Northumbrian Water Limited, who offer no objections subject to a condition to control surface water run off and means of foul drainage.

84. Local Plan Policy E24 sets out the requirements for an appropriate programme of archaeological investigation, recording and publication has been made. Although it is generally encouraged that such an assessment is carried out prior to determination, in this instance, and following discussions with the Archaeology Section, it is considered that the matter can be controlled through the imposition of appropriate conditions. This would also include a condition to ensure that the listed building is suitably recorded prior to its demolition.

85. Given that the site is changing to a more sensitive use, the Land Contamination Section recommends the imposition of conditions requiring the carrying out of a site investigation to identify the extent of any contamination given the previous industrial use of the site. An initial survey has not been identified significant contaminants.

86. Planning plays a key role in helping to reduce greenhouse gas emissions, and minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. No details have been supplied to show how this would be achieved, and as such, a condition is therefore considered appropriate to require details to demonstrate how energy efficiency is being addressed and to show the on-site measures to produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.

CONCLUSION

87. The redevelopment of the application for residential purposes is considered acceptable in principle, representing a sustainable form of development, whilst providing for an appropriate mix of housing in an accessible location which will enhance the character of the area, particularly given the sites present condition.

88. Although the scheme would result in the loss of a Listed Building, it is considered the wider public benefit that the development would bring to the area, would outweigh its loss. The viability of the scheme has also been robustly tested and in this instance it is considered appropriate to waive affordable housing and off-site recreation contributions, again considering the wider benefits of the re-development of this site.

RECOMMENDATION

That the applications 3/2012/0424 and 3/2013/051 be **APPROVED** subject to the entering into of a Section 106 Obligation to secure a financial contribution of £50,000 to compensate the loss of the Listed Building to be directed to help safeguard a Listed building in the vicinity of the application site and subject to the following conditions:

Conditions applicable to 3/2012/0424:

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:

DRWG no. 12-1066.01 rev A14, Received 14th May 2013
DRWG no. 12-1066.04 rev A1, Received 10th October 2012
DRWG no. 12-1066.07 rev A2, Received 10th October 2012
DRWG no. 12-1066.05 rev A1, Received 10th October 2012

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, BE1, BE4, BE17, H3, H24 and T1 of the Wear Valley Local Plan.

3. The demolition of Bedford Lodge shall not commence until four dwellings have been substantially completed.

Reason: To secure the benefits necessary to justify the loss of the Listed Building, in accordance with paragraph 136 of the National Planning Policy Framework.

4. No dwelling hereby permitted shall be occupied until the proposed vehicular access and highway improvement works have been completed in accordance with the details shown on Capita Symonds drawing No. 700-140307 Revision: Rev O.

Reason: In the interests of highway safety, in accordance with Policy T1 of the Wear Valley Local Plan.

5. Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of any external surface or hard standing of the development hereby approved including external walls and roofs of the building have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall also include full details of the colour of any render and its finish. The scheme shall be carried out thereafter in accordance with the agreed details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with Policies GD1 and H24 of the Wear Valley Local Plan.

6. No development shall commence until an Arbocultural Implications Assessment has been submitted to and approved in writing with the Local Planning Authority. Such an assessment shall include, full details of tree protection measures in accordance with BS 5837 (Trees in relation to construction) and take account of any proposed level changes or remediation works on the site. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the preservation of trees and visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.

7. The development hereby approved shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of any development on site. The scheme shall provide details of: the planting of trees and / or shrubs (including species, sizes, numbers and densities) to reinforce the southern and eastern boundary of the site; the provision of screen fences or walls; any movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development; full details of any hard standing or footway proposed making provision for permeable surfacing; and, a landscape management and maintenance scheme.

The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 years following planting.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with Policies GD1 and H24 of the Wear Valley Local Plan.

8. No development shall commence until details of a scheme for the management and maintenance of all areas of open space within the development including land to the east of the site for a minimum ten year period has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed scheme.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1 and H24 of the Wear Valley Local Plan.

9. Notwithstanding the submitted information and prior to works commencing a detailed scheme for the disposal of foul and surface water, utilising soakaways where appropriate, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme thereafter.

Reason: In the interest of the adequate disposal of surface water in accordance with Policy GD1 of the Wear Valley Local Plan.

10. No development approved by this permission other than the digging of foundations and preliminary site excavation shall take place until a scheme to minimise energy consumption has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation of the dwellings.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Wear Valley Local Plan.

11. No development shall commence unless in accordance with the mitigation detailed within the Bat Risk Assessment Report Survey Report compiled by Dendra Consulting received 5th February 2013 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

Reason: To ensure the preservation and enhancement of species protected by law in accordance with Policy GD1 of the Wear Valley Local Plan and part 11 of the National Planning Policy Framework.

12. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area in accordance with a brief issued by the County Durham Archaeology Section;
- ii) an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
- iii) proposals for the preservation in situ, or for the mitigation through investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and,
- v) notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with Policies BE1 and BE15 of the Wear Valley Local Plan and paragraph 135 of the National Planning Policy Framework.

13. Prior to first occupation, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission

Reason: To ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible in accordance with paragraph 141 of the National Planning Policy Framework.

14. Notwithstanding the submitted information, no development shall commence until details of the means of access, including the layout, construction details, and surfacing have been submitted to and approved in writing by the Local Planning Authority, and the dwellings hereby approved shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policies GD1 and T1 of the Wear Valley Local Plan.

15. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local planning authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and to establish whether remedial works are required to treat areas of shallow mine workings. . The contents of the scheme are subject to the approval in writing of the Local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; and, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out prior to the commencement of development. The Local planning authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local planning authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local planning authority in writing. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local planning authority in accordance with condition C.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local planning authority, and implemented in accordance with the agreed scheme thereafter.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 risks to workers, neighbours and other offsite receptors in accordance with Paragraph 120 of the NPPF.

16. Notwithstanding the submitted information, no development of phase two of the scheme hereby approved shall commence, until a detailed acoustic mitigation scheme addressing noise and vibrations generated from the adjacent railway line, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and the measures shall be fully implemented before the dwellings are brought into use and shall be retained in perpetuity.

Reason: To protect the residential amenity of future residents from the adjacent industrial use to comply with Policy GD1 of the Wear Valley Local Plan.

17. Operations associated with the construction phase of the development hereby approved shall only be carried out within the hours of 08:00 to 1800 on Monday to Friday, and between 0800 and 1300 on Saturdays. No construction works shall be carried out on bank holidays and Sundays.

Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley Local Plan.

18. Prior to the commencement of the development a scheme for dust minimisation and dust control shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley Local Plan.

Conditions applicable to 3/13/00031:

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 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No demolition works shall be undertaken until the implementation of an appropriate programme of building recording/analysis has been agreed in writing with the local planning authority, in accordance with a written scheme of investigation. This should be submitted by the applicant and approved by the Planning Authority.

Reason: The building is of national architectural/historical significance and the specified works are required to record features of interest, and provide a full and accurate record for the public benefit in accordance with Section 12 of the National Planning Policy Framework.

REASONS FOR THE RECOMMENDATION

1. The redevelopment of the site for housing and the demolition of the listed building is considered to comply with Policies GD1, BE1, BE4, BE17, H3, H24 and T1 of the Wear Local Plan (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004). The development is also considered to be sustainable development when assessed against the National Planning policy Framework
2. In particular the development was considered acceptable on balance, representing a sustainable form of development, whilst providing for an appropriate mix of housing in an accessible location which will enhance the character of the area, particularly given the sites present condition. Although the scheme would result in the loss of a Listed Building, it is considered the wider public benefit that the development would bring to the area, would outweigh its loss.
3. Whilst concerns have been raised regarding the access into the site and level of parking, the council's highways officers have fully assessed the scheme and subject to the proposed highways improvement works it is considered that it would not impact on highway safety.

STATEMENT OF PROACTIVE ENGAGEMENT

In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner to seeking to resolve issues during the application process.

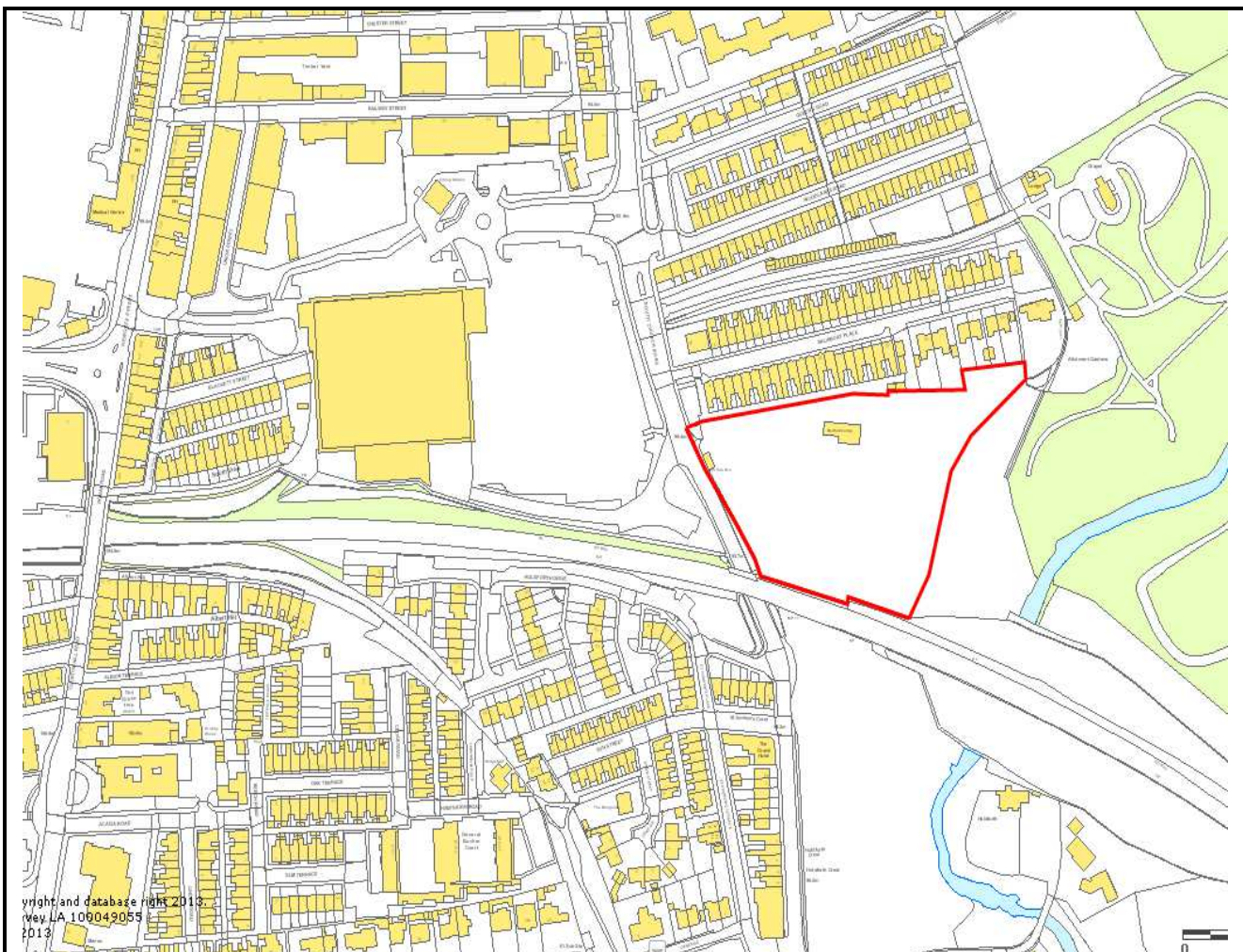
BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
 National Planning Policy Framework
 Wear Valley Local Plan

County Durham Plan (pre submission version) and
 Affordable Housing & CIL Development Viability Study
 Planning applications 3/2007/0667 and 3/2007/0277

Statutory responses from Bishop Auckland Town Council, Highway Authority, English Heritage, Environment Agency, Northumbrian Water Limited, Network Rail, Police Architectural Liaison Officer and Coal Authority

Internal responses from Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Access and Rights of Way Section, Environmental Health, Contaminated Land Section, Ecology Section, and Arboricultural Officer



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Planning Services

Demolition of Bedford Lodge and construction of 66 houses and associated works and Listed Building Consent to demolish Bedford Lodge (3/12/00424 and 3/13/0051)

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Comments

Date 17 October 2013

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2013/0146/DM/OP
FULL APPLICATION DESCRIPTION:	Outline application for residential development including the formation of vehicle access
NAME OF APPLICANT:	Mr and Mrs M Fenwick
ADDRESS:	Land south of Evenwood Lane, Evenwood Gate, Bishop Auckland, County Durham, DL14 9ND
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Steve Teasdale Planning Officer 03000 261055 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The site lies to the west of Evenwood Lane, close to the junction with the A688 at Evenwood Gate and mostly behind the Brown Jug public house, although a small part of the site fronts onto the A688 immediately to the east of the Brown Jug. It comprises almost 1 hectare made up of predominantly agricultural land, but it also contains a range of derelict stone built agricultural buildings and a more recently constructed bungalow. The part of the site containing existing buildings is therefore brownfield land, but the majority of the site is greenfield land, which lies outside of the development limits of Evenwood Gate.

The Proposals

2. The proposal is an outline planning application for the erection of 28 dwellinghouses, with vehicular access from Evenwood Lane. The application is in outline form, and all matters other than access would be reserved for future consideration if planning permission was to be granted. However, all buildings, including the recently constructed bungalow, would be demolished and an indicative layout plan which forms part of the application suggests that the development would comprise a mixture of detached, semi-detached and terraced houses. A draft Section 106 agreement has been submitted in respect of the provision of affordable housing.
3. This is a resubmission following refusal of an outline proposal for 37 dwellings on the same site by South West Area Planning Committee on 24th March 2012.

4. An application for outline planning permission to redevelop the site of the Brown Jug for 13 dwellings is subject of a separate item on the agenda.
5. The application is reported to the planning committee in accordance with the Scheme of Delegation because the number of dwellings proposed means it is classed as a major application.

PLANNING HISTORY

6. The following planning applications are relevant to the application site and its surroundings:

6/2011/0351/DM – Residential development 37 dwellings (outline application) - REFUSED

6/2010/0425/DM – Erection of detached bungalow – APPROVED

6/2010/0050/DM – Erection of two static caravans for 18 months – APPROVED

6/2008/0318/DM – Erection of bungalow and garage – APPROVED

6/2008/0174/DM – Erection of bungalow – REFUSED

6/2007/0587/DM – Erection of 13 dwellings on site of the Brown Jug (outline) - APPROVED

6/2006/0192/DM – Conversion of barns to two dwellings – APPROVED

PLANNING POLICY

NATIONAL POLICY

7. 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 NPPF can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>.

LOCAL PLAN POLICY:

8. The following saved policies of the Teesdale District Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this application:

H3 – Housing Development On Sites Of More Than 0.4 Hectares

H6 – New Housing in the Open Countryside

H1A – Open Space in New Development

ENV1 – Protection of the Countryside

ENV8 – Safeguarding Plant and Animal Species Protected by Law

H12 – Design

GD1 – General Development Criteria

H14 – Provision of Affordable Housing

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

9. *Evenwood Parish Council:* Objects on the grounds that the current development would still be too large for Evenwood Gate and outside the development limits, there is a lack of local amenities to support the scheme, access to the site would be inappropriate and there are concerns about flooding.
10. *The Highways Authority:* Has no objections subject to imposition of conditions relating to the agreement of visibility splays, public footway details, and junction radii. The indicative layout would suggest only one car parking space per dwelling which is substandard.
11. *Northumbrian Water Ltd.:* There is insufficient information regarding surface and foul water drainage. Such information should be conditional if planning permission is granted.

INTERNAL CONSULTEE RESPONSES:

12. *Planning Policy Section:* The main theme of the NPPF is a presumption in favour of sustainable development. Evenwood Gate performs poorly in terms of sustainability given its lack of facilities and services with the likely reliance on private transport for future occupiers to reach services and facilities. It is considered that the proposal for 28 new dwellings, 20 of which would be located beyond the existing built up form, would undermine sustainable development objectives of the NPPF. The development of the site would form an uncontained extension in to the countryside without consolidating the built up form of the settlement.
13. *Landscape Section:* No objection is made subject to appropriate tree protection measures being implemented following approval by the local planning authority.
14. *The Archaeology Section:* A written scheme of archaeological investigation would be required prior to determination if the recommendation is to approve the application. Recording of the existing buildings would also be required in such circumstances. There is however a preference for retention of the older stone buildings on the site.
15. *Ecology Section:* The risk of presence of protected species is considered low. A mitigation condition is recommended if planning permission is granted.
16. *Design and Conservation Section:* It is considered that the proposal represents an unacceptable uncontained expansion of the settlement with no design justification. The proposal does not offer any environmental benefits, unlike the proposal to redevelop the Brown Jug site. Refusal of planning permission is recommended.

PUBLIC RESPONSES:

17. The proposal was advertised by site and press notices and neighbour letters to 47 households. This has resulted in 39 letters of objection. The reasons for the objections can be summarised as follows:

The nearest community facilities are too far away with poor public transport links

Too many houses are proposed for the size of the village

Access to the site would be near a crest in the road with poor visibility

It is not a sustainable location for new housing

Existing highway flooding in the vicinity would be made worse

The proposal has little support from the local community

18. Nine letters and a 56 name petition in support of both outline applications at Evenwood Gate have been received.

APPLICANT'S STATEMENT:

19. The resubmitted outline planning application which this statement supports is founded on pragmatism, commonsense and the evolving nature of planning policy in respect of the provision of new housing. The land which is being proposed for development is in part previously developed land, this being an area which has been a long-standing eyesore in a prominent position in Evenwood Gate, and in the larger part, an area of unproductive land of low, if any, nature conservation or landscape value and which can be brought into beneficial use by the provision of new housing to meet local needs and requirements.

20. This in itself is a contributor to its credentials as sustainable development, but in addition, the development would be sustainable in terms of its accessibility to a range of local and wider facilities through its high level of connectivity by means of walking, cycling and good public transport links. Furthermore, the opportunity exists at the detailed stage to design in sustainability in the form of energy provision and efficiency as well as sustainable drainage.

21. The site is very much deliverable, as is the complementary site of the former Brown Jug Public House and this, allied to its sustainability credentials, means that the Local Planning Authority is in a position to consider positively the granting of outline planning permission which would be consistent with the thrust of current planning policy, and importantly it would deliver the opportunity for new, good quality housing to meet the aspirations of local people living in both Evenwood Gate and Evenwood.

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 <http://teesdale.planning-register.co.uk/PlanAppDisp.aspx?AppNo=6/2013/0146/DM/OP>

PLANNING CONSIDERATIONS AND ASSESSMENT

22. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 relevant guidance, development plan policies and all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development of the site, access and highway safety, as well as other matters concerning open space, archaeology and ecology.

The principle of development

23. The NPPF makes it clear that there should be a presumption in favour of sustainable development, but does not alter the statutory requirement that applications for planning permission must be determined in accordance with the development plan unless material conditions indicate otherwise. Furthermore, the NPPF does not change the statutory status of the development plan as a starting point for decision making, and paragraph 12 makes it clear that proposed development that conflicts with an up to date Local Plan should be refused unless material conditions indicate otherwise. The Teesdale District Local Plan was adopted in 2002, and is only 10 years old. Paragraph 211 of the NPPF states that local plan policies should not be considered out of date simply because they pre-date this new national planning policy.

24. The application site comprises two areas of distinctly different character. The south-eastern area extends to approximately 0.15 hectare, and contains the recently erected bungalow and the old disused stone built barns previously approved for residential conversion. This area lies within the development limits of Evenwood Gate as defined in Inset Map 13 of the Teesdale District Local Plan and is brownfield land.

25. The remainder of the site lying to the north-west extends to approximately 0.77 hectare, and is greenfield land, which lies entirely outside the development limits. Accordingly, over 70% of the application site lies within open countryside.

26. Policy H4 of the Teesdale District Local Plan permits, in principle, the residential development of previously developed sites up to 0.4 hectares which lie within the development limits of settlements, including Evenwood Gate. Redevelopment of the smaller brownfield area of the site would be in accordance with Policy H4.

27. Policy H3 permits, in principle, housing development of previously developed sites over 0.4 hectares, within the development limits of settlements, but Evenwood Gate is not an identified settlement for this policy, presumably because there are no sites over 0.4 hectares within the development limits.

28. The majority of the application site, however, lies in open countryside, where Policy H6 only permits housing development which is justified as being essential to the needs of agriculture or forestry.

29. Policy ENV1 seeks to protect the countryside from inappropriate development. Subject to meeting other policy requirements, developments relating to agriculture and forestry, rural diversification projects, nature conservation, tourism and recreation may be permitted. Housing development is not permitted

under Policy ENV1 and the development would extend significantly northwards along Evenwood Lane, which is not in keeping with the linear form of Evenwood Gate and would represent an intrusion into the countryside. Accordingly, the development of the majority of the site, which is outside the development limits on greenfield land, is contrary to Policies H6 and ENV1 of the Local Plan and would cause harm to the character and appearance of the countryside.

30. While the emerging County Durham Plan cannot currently be given much weight, it is of some relevance that when adopted, it is unlikely to prescribe development limits to existing towns and villages, placing more emphasis on sustainability and settlement form as the judgements for new housing proposals on the edge of settlements. However as mentioned above, the application site extends northwards, well beyond the existing settlement form, where it would appear as an intrusion into the countryside and out of keeping with the existing linear form of Evenwood Gate, which would in all likelihood render the site unsuitable even under the emerging policy framework in that respect.
31. In terms of sustainability, paragraph 55 of the NPPF states that to promote sustainable development, housing in rural areas should not be located in places distant from local services. The applicant argues that the site is a sustainable location with good access to local services. However, Evenwood Gate is a small linear hamlet, which has no community infrastructure of its own. The only social facility was the now derelict Brown Jug public house. The nearest range of community facilities are in Evenwood, the centre of which lies 1 kilometre away. The local primary school is even further away at 1.5 kilometres. The Tesco and Sainsbury supermarkets in West Auckland are 4.5 kilometres away, and the Bishop Auckland town centre is almost 7 kilometres distant. Visiting the towns of Barnard Castle and Darlington would also involve travelling at least 15 kilometres. Facilities and services are therefore beyond reasonable walking distance, in part along derestricted roads, and while there are local bus services, these have recently been reduced. The proposed development would therefore be relatively isolated from the infrastructure needed to meet everyday requirements. Residents would be likely to rely on private car journeys for employment, education, shopping, leisure and social and community activity, and this is confirmed in some of the objections from local residents. A recent appeal decision in relation to the retention of a dwelling at Newmoor Yard Cottage near Evenwood Gate is a material consideration in this respect and the Inspector concluded in that appeal that Evenwood Gate was not a sustainable location.
32. It is noted that Evenwood had 5 sites identified in the Strategic Housing Land Availability Assessment (SHLAA) as suitable for residential development. This included the adjacent Brown Jug site, which is also the subject of an outline application under consideration for a smaller development of 13 dwellings. These sites are all sequentially preferable to the application site and should be developed prior to and in preference to the less sustainable application site. Kays Hall Farm in particular is a large site in the centre of Evenwood, which significantly detracts from the amenity of the area and requires short term redevelopment. There is concern that the scale of development proposed on the application site could potentially prejudice any short term redevelopment plans for Kays Hall Farm if approved prior to proposals at Kays hall Farm coming forward.

33. The applicant also argues that the development would accord with the NPPF because it would help support the facilities of Evenwood. However, as discussed above there are 5 identified housing sites within Evenwood, including the adjacent Brown Jug site, which are all sequentially preferable and which would adequately support this aim.
34. A willingness to offer of 15% affordable housing is a welcome element of the scheme and would satisfy local plan and NPPF requirements in that respect, but as it would amount to just 4 dwellings it is not a factor that carries any significant weight to outweigh the fundamental conflict with the local plan policies and aims of the NPPF to create sustainable patterns of development.
35. For the reasons above, it is concluded that while the smaller brownfield part of the site may have been considered suitable for a small scale of development, possibly coherent with the Brown Jug site, the scale of development proposed for the whole of the site, extending onto the greenfield land, out to the north along Evenwood Lane, does not constitute a sustainable form of development for which the NPPF would have any favourable presumption.

Access and Highway Safety

36. The means of vehicular access into the site is a matter for detailed consideration as it has not been reserved. The proposal would introduce a new vehicular access to Evenwood Lane and the Parish Council and some local residents have raised concerns with the amount of traffic entering Evenwood Lane. The existing dwelling has an access onto Evenwood Lane but the development would result in significantly greater number of vehicle movements. The Highways Authority have no objection in principle to this point of access, noting an acceptable sight visibility splay can be achieved to the south east from the proposed junction position and a minimum sight visibility splay of 2.4m by 120m will be required to the northwest along Evenwood Lane. A full-width footway will be required on Evenwood Lane along the full length of the site including around the junction with the A688.
37. The internal road layout is indicative and not for approval, but the Highways Authority have made comments which the developer would need to take into account when considering the design and layout of a detailed scheme if this application were to be approved. In particular, as also noted in some of the objections from local residents, the car parking provision at many dwellings appears to be a single space only, which is unacceptably low for a site where residents are likely to have to rely on car journeys to access services and employment. Local residents themselves acknowledge their reliance on car travel. These factors are likely to affect the final design and may even require a reduction in the number of dwellings, or changes to dwelling types.
38. As far as the point of vehicular access into the site is concerned, the proposal would not result in a severe cumulative impact on highway safety and accords with Teesdale Local Plan Policy GD1, as well as the provisions of the NPPF in respect of highway safety.

Other Matters

39. Although the application is submitted in outline form it does include a design and access statement and an indicative housing layout plan. These details are not fixed but are intended to demonstrate that an acceptable form of development could be achieved for this site.
40. The layout is however considered to be poor in terms of its relationship with the main road, which bounds the site's north-eastern boundary. The development would essentially be inward facing, turning its back upon the main highway. The rear gardens would need to be defined by enclosures of sufficient height to give security and privacy. This is likely to result in 1.8m high fencing immediately abutting the highway edge for the length of the site along Evenwood Lane, which would not be acceptable in the main street scene.
41. As mentioned previously, the level of off street parking would need to be increased for any detailed application and this together with other highway considerations is likely to require amendments in the layout and possibly even reduction in dwelling numbers, or changes to house types and sizes.
42. In addition, the site would be devoid of any public landscaping or open space. The scale of development is subject to on-site open space requirements, or where appropriate, S106 contributions towards off-site provision/maintenance, which have not been offered. The development site is certainly large enough for open space to be provided within the site and given this proposal would lead to an increase in the number of dwellings in Evenwood Gate by more than 50%, it should therefore be expected on site, as opposed to an off site S106 contribution, because there are currently no such facilities in Evenwood Gate and the NPPF recognises that residents of new development should have access to opportunities for recreation. Although site ownership is different, it could have been beneficial to include the brownfield section of the site in a coherent scheme with the Brown Jug site and provide some play/recreation space on the site, or within the northern part of the site. Despite pre-application negotiation on this matter, a more appropriate cohesive scheme across both sites has failed to materialise. Instead, the development, apart from the small frontage onto the A688, is proposed as a separate entity and fails to deliver any on-site play/recreation space.
43. The indicative design and layout described in the application is therefore considered to fall short of the requirements of Policies GD1 and H1A of the Local Plan, as well as the aims of the NPPF in terms of good design and access to high quality open spaces and opportunities for sport and recreation. This is in addition to the harm to the character and appearance of the open countryside that would be caused by a large intrusion of housing running northwards along Evenwood Lane against the linear form of the settlement.
44. The Archaeology Section considers that there should have been further archaeological evaluation prior to determination. Part of the site has recently been developed with a dwelling, however, the larger northern section of the site is greenfield land and the submitted archaeological assessment suggests that part of the site may contain remains most likely of the medieval or post-medieval periods, based on the background data recorded for the wider area. Had the application been viewed more favourably then further evaluation would have

been sought, however it was considered onerous given the circumstances and recommendation. If Members were minded to grant permission for this scheme it is requested that the decision is deferred to allow a scheme for further investigation to be agreed and submitted for consideration.

45. The proposal would involve demolition of 2 buildings, which could potentially be used by bats, a protected species. It is also noted that there were active swallow nests in the barns in September, and there is a risk of other bird species using the buildings and surrounding scrub, trees and hedges for breeding purposes. The Ecology Section have confirmed that the submitted survey information adequately assesses the impact in respect of protected species and habitats and subject to adherence to the mitigation within the assessment, it is considered that the proposal would not have an adverse impact on protected species, their habitat, or breeding birds. The mitigation includes provision of 4 bat roosts in the new buildings. The proposal is not therefore subject to Natural England licensing requirements, or the derogation tests of the Habitat Regulations and accords with Teesdale Local Plan Policies GD1 and ENV8. However, a condition to ensure the development takes place in accordance with the submitted mitigation would be appropriate if the application were to be approved.
46. Some objections have referred to existing surface water drainage issues and Northumbrian Water Ltd have requested further details about surface water drainage. This is a matter that can only really be addressed in the final design and layout when the drainage scheme would be designed. The site is not in an identified area of flood risk and therefore a condition requiring further details would suffice in this case if the application were to be approved.

CONCLUSION

47. Scope exists for a much smaller development on the brownfield land within the development limits, as well as potential integration with the adjacent land at the Brown Jug. However, this application is for a much larger proposal where more than 70% of the site is greenfield land outside the development limits. It is considered that the erection of 28 dwellings on this larger site in a small hamlet of only 42 houses with no community infrastructure of its own, particularly when there is an adjacent scheme for 13 dwellings recommended for approval, represents a disproportionate and unsustainable enlargement of the settlement. The resultant substantial increase in the size of Evenwood Gate, using greenfield land which is in open countryside, beyond the recognised development limits, is considered unacceptable in terms of the significant encroachment into open countryside, and would represent an unsustainable form of development in terms of its remoteness from infrastructure needed to meet everyday requirements for employment, education, shopping, leisure and social and community activity. The proposal would not comply with Teesdale Local Plan Policies GD1, ENV1 and H6 and would be contrary to the aims of the NPPF to create sustainable patterns of development.
48. With regards to consideration of the means of access into the site, this has been examined by the Highways Authority who have no objections in this respect. This aspect of the proposal is in accordance with Teesdale District Local Plan Policy GD1. Comments have been made about inadequate parking provision within the

development and other highways adjustments, but these are matters reserved for future consideration and can be addressed in reserved matters or detailed applications.

49. Whilst this is an outline proposal, the indicative details of the layout in respect of the way the development would be inward looking and the resultant likely boundary treatment along Evenwood Lane, in addition to the lack of any public open space/play provision, are not considered acceptable. Because of the size of the site, number of dwellings proposed and lack of any public open space/play provision in Evenwood Gate, the expectation in this case is for such facilities to be provided on-site as opposed to an off-site S106 contribution. The indicative design and layout described in the application is therefore considered to fall short of the requirements of Policies GD1 and H1A of the Local Plan, as well as the aims of the NPPF in terms of good design and access to high quality open spaces and opportunities for sport and recreation. It cannot therefore be established that a satisfactory form of development could be achieved on the site through this proposal.

50. It is suggested that further archaeological investigation would be required to satisfy the requirements of the NPPF if Members were minded to approve the application, but other matters of ecology and drainage could be dealt with by condition.

51. The proposal is therefore considered to conflict with Policies H6, ENV1, H1A and GD1 of the Teesdale District Local Plan, as well as the provisions of the NPPF in respect of creating sustainable patterns of development and good design.

RECOMMENDATION

That the application be **REFUSED** for the following reasons;

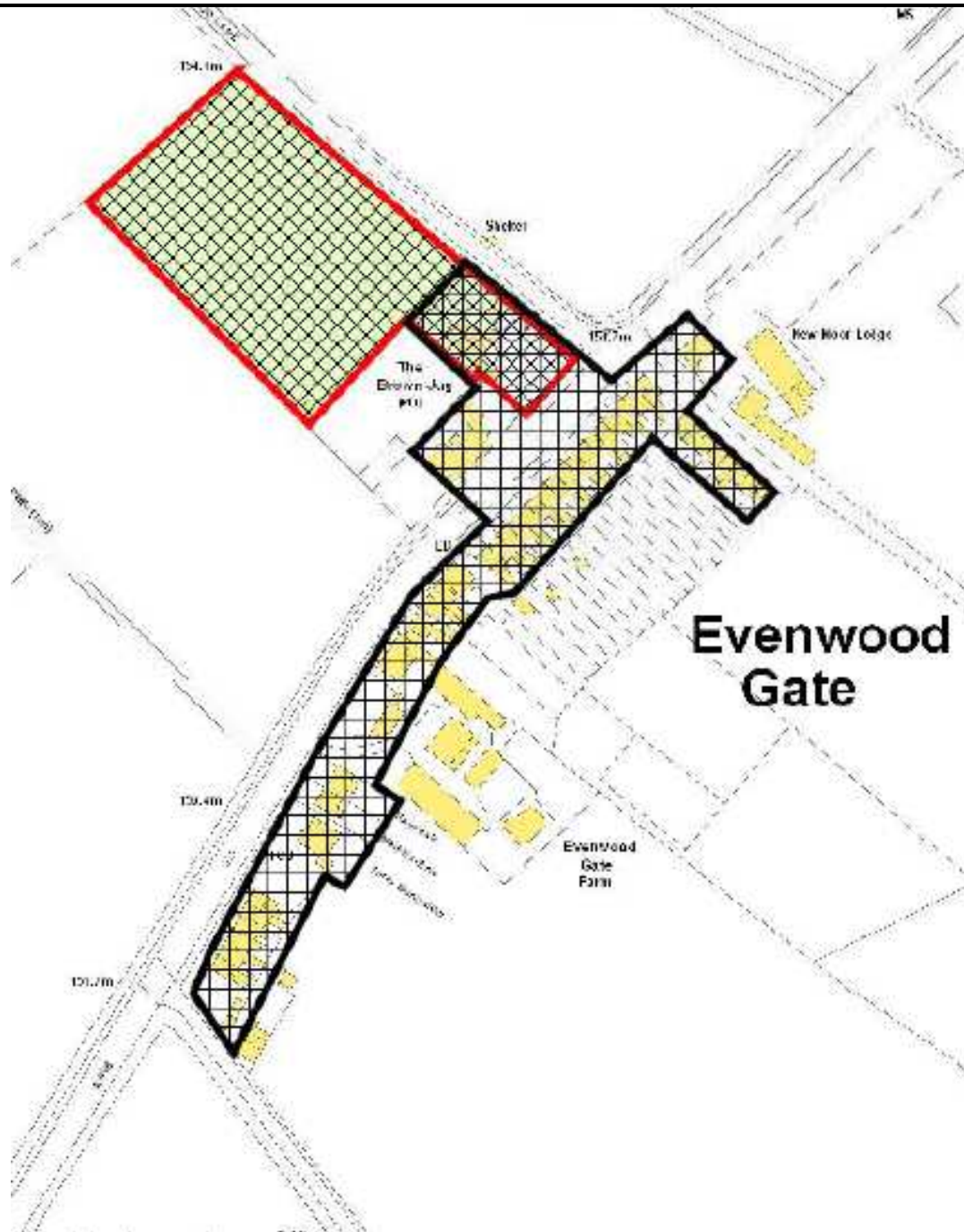
1. The proposed development would predominantly lie beyond the development limits of Evenwood Gate, on land which has not previously been developed and where it would represent an intrusion into the open countryside, not in keeping with the linear form of the settlement. This, in addition to the travelling distances from the site to essential facilities such as employment, education, shopping, leisure and social and community activity, as well as the failure to make provision towards new community open space/recreation infrastructure within the scheme, mean that the proposed development does not represent a sustainable form of development. Accordingly, the proposal is considered to be contrary to Policies GD1(A), H1A, H6 and ENV1 of the Teesdale District Local Plan 2002, as well as the aims of the NPPF to create sustainable patterns of development.

STATEMENT OF PROACTIVE ENGAGEMENT

The local planning authority engaged with the applicant in a proactive manner through pre-application discussions, which aimed to reduce the scale of the development and encourage a more cohesive form of development across the application site and the adjacent site of the former Brown Jug public house.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
The National Planning Policy Framework (NPPF)
Teesdale District Local Plan 2002
Response from Planning Policy Section
Response from Highways Section
Response from Landscape Section
Response from Archaeology Section
Response from Ecology Section



Planning Services

6/2013/0146/DM/OP
 LAND SOUTH OF EVENWOOD LANE,
 EVENWOOD GATE

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OCTOBER 2013



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2013/0147/DM/OP
FULL APPLICATION DESCRIPTION:	Outline application for demolition of derelict former public house and residential development of the site including formation of vehicle access
NAME OF APPLICANT:	Mr Currell and Mr Johnson
ADDRESS:	Former Brown Jug Public House, Evenwood Gate, Bishop Auckland, County Durham, DL14 9NW
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Steve Teasdale Planning Officer 03000 261055 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The site lies to the north-west of the classified road A688 at Evenwood Gate. It comprises a total of 0.27 hectares of land and presently contains the derelict public house, as well as the rear car parking area and garden area to the southwest. The parking area and garden lie outside the development limits of Evenwood Gate, but the whole of the site is the curtilage of the Brown Jug and can be regarded as previously developed land.

The Proposals

2. The proposal is an outline planning application for the erection of 13 dwellinghouses, with vehicular access from the A688. The application is in outline form, and all matters other than access would be reserved for future consideration if planning permission was to be granted. However, the public house would be demolished and an indicative layout plan which forms part of the application suggests that the development would comprise 12 terraced dwellings in three blocks and a single detached dwelling. A draft Section 106 agreement has been submitted in respect of the provision of affordable housing.
3. An application for outline planning permission to redevelop the adjacent land to the east and north for 28 dwellings is subject of a separate item on the agenda.

4. The application is reported to the planning committee in accordance with the Scheme of Delegation because the number of dwellings proposed means it is classed as a major application.

PLANNING HISTORY

5. The following planning applications are relevant to the application site and its surroundings:

6/2011/0351/DM – Residential development (outline application) - REFUSED

6/2010/0425/DM – Erection of detached bungalow – APPROVED

6/2010/0050/DM – Erection of two static caravans for 18 months – APPROVED

6/2008/0318/DM – Erection of bungalow and garage – APPROVED

6/2008/0174/DM – Erection of bungalow – REFUSED

6/2007/0587/DM – Erection of 13 dwellings on site of the Brown Jug (outline) - APPROVED

6/2006/0192/DM – Conversion of barns to two dwellings – APPROVED

PLANNING POLICY

NATIONAL POLICY:

6. 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 NPPF can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>.

LOCAL PLAN POLICY:

7. The following saved policies of the Teesdale District Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this application:

H4 – Infill Development On Sites Of Less Than 0.4 Hectare

H6 – New Housing in the Open Countryside

H1A – Open Space in New Development

ENV1 – Protection of the Countryside

ENV8 – Safeguarding Plant and Animal Species Protected by Law

H12 – Design

GD1 – General Development Criteria

H14 – Provision of Affordable Housing

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

8. *Evenwood Parish Council:* Welcomes the redevelopment of the site in principle, but expresses concerns about the position of the vehicular access because despite the recently introduced speed restriction, traffic volumes are still high. A high standard of design is expected if permission is granted.
9. *The Highways Authority:* Has no objections subject to imposition of conditions relating to the agreement of visibility splays, public footway details, and junction radii. The indicative layout would suggest only one car parking space per dwelling, which is substandard.
10. *Northumbrian Water Ltd.:* There is insufficient information regarding surface and foul water drainage. Such information should be conditional if planning permission is granted.

INTERNAL CONSULTEE RESPONSES:

11. *Planning Policy Section:* The main theme of the NPPF is a presumption in favour of sustainable development. Evenwood Gate performs poorly in terms of sustainability given its lack of facilities and services with the likely reliance on private transport for future occupiers to reach services and facilities. The improvement in the appearance of the area by removal of the derelict building is however a material consideration which should be taken into account in arriving at a recommendation.
12. *Landscape Section:* No objection is made subject to appropriate tree protection measures being implemented following approval by the local planning authority.
13. *The Archaeology Section:* A written scheme of archaeological investigation would be required prior to determination if the recommendation is to approve the application.
14. *Ecology Section:* The recommended bat emergence survey has now been carried out and no objections are made to the proposal.
15. *Design and Conservation Section:* The proposal to demolish the derelict public house is welcome as an environmental improvement. Comments can subsequently be sought on a detailed proposal for the development.

PUBLIC RESPONSES:

16. The proposal was advertised by site and press notices and neighbour letters to 47 households. This has resulted in 35 letters of objection or concern. The reasons for the objections or concern can be summarised as follows:

Too many houses are proposed for the size of the site

There is no amenity space or play space within the layout

There is insufficient parking within the layout

Concern about the access

17. Nine letters and a 56 name petition in support of both outline applications at Evenwood Gate have been received.

APPLICANT'S STATEMENT:

18. This planning application has been made to seek outline planning permission for the redevelopment of the derelict site of the former Brown Jug Public House, and it is made in conjunction with the complementary application for residential development on the adjoining land, part of this latter proposal removing the derelict buildings standing adjacent to the former Brown Jug. Instructions were provided to prepare these proposals and that of the adjoining land as complementary and mutually supportive schemes.
19. The former Brown Jug site has had previously the benefit of outline permission for residential development, but because of circumstances, including the economic climate, this permission had been allowed to lapse. In dealing with the proposals in 2012 for the adjacent land, officers had urged that proposals be brought forward for the derelict pub site, and after lengthy negotiations with the Receivers for the property, this present application has materialised. Both the Receivers and Mr & Mrs Fenwick for the adjoining land have recognised that an overall, comprehensive proposal for the land on the western side of the A688 could achieve the removal of what has been a derelict and unsightly blemish on the village of Evenwood Gate.
20. The proposed scheme for the former pub site is for 13no. dwellings, built in three short terraces to harmonise with the frontage dwellings in the companion application by Mr & Mrs Fenwick, as well as those existing dwellings on the eastern side of the A688. Although the earlier permission, in March 2008, made no requirement for affordable housing, the current scheme recognised the changed, current circumstances, and thus a draft S106 Agreement has been prepared with regard to the provision of affordable housing.
21. Part of the application site lies within the development limits identified in the Teesdale District Local Plan, whilst the entire site has to be recognised as brownfield. Thus the proposal in the application would bring back land into a productive and beneficial use. In terms of sustainability, the site, as with the adjacent land proposed for complementary development, lies within 400 metres of the edge of Evenwood and employment sites, and within a further 400 metres of an extensive number of shops, services and facilities. These are within comfortable walking time (10 minutes) or much less in cycling time, strongly suggesting that accessibility to local facilities is not at issue. Nor is wider accessibility by public transport to other local facilities at West Auckland, Tindale Crescent and the larger urban area of Bishop Auckland.
22. In terms of location, the site is close by a wide range of facilities, all of which are accessible on foot, cycling or by the use of public transport. Para 55 of NPPF quite clearly states that 'where there are groups of smaller settlements, development in one village may support services in a village nearby.'

23. It is strongly suggested that in terms of sustainability the relationship between Evenwood and Evenwood Gate should be considered in a positive light.
24. Members of the Committee are asked to recognise the positive contribution which this site can make to the improvement in the appearance of Evenwood Gate by the removal of an area of dereliction, and to further recognise the sustainable credentials of the site in delivering new housing, including affordable homes, to the village of Evenwood Gate.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file.

PLANNING CONSIDERATIONS AND ASSESSMENT

25. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 relevant guidance, development plan policies and all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development of the site, access and highway safety, as well as other matters concerning open space, archaeology and ecology.

The principle of development

26. The NPPF makes it clear that there should be a presumption in favour of sustainable development, but does not alter the statutory requirement that applications for planning permission must be determined in accordance with the development plan unless material conditions indicate otherwise. Furthermore, the NPPF does not change the statutory status of the development plan as a starting point for decision making, and paragraph 12 makes it clear that proposed development that conflicts with an up to date Local Plan should be refused unless material conditions indicate otherwise. The Teesdale District Local Plan was adopted in 2002, and is only 11 years old. Paragraph 211 of the NPPF states that local plan policies should not be considered out of date simply because they pre-date this new national planning policy.
27. The emerging County Durham Plan will in due course replace existing district local plans. A second round of engagement with stakeholders is due between mid-October and early December. The anticipated adoption date is August 2014. Whilst no weight significant enough to override existing local plan policy can be attributed to the CDP at this point in time, reference is made where appropriate on specific issues and the relevance of future development plan policy.
28. Policy H4 of the Teesdale District Local Plan permits, in principle, the residential development of previously developed sites up to 0.4 hectares which lie within the development limits of settlements, including Evenwood Gate.
29. The application site is brownfield, comprising the derelict public house and front forecourt, a large rear tarmac car park and a small side garden. The public house and its front forecourt area lies within the development limits of Evenwood Gate as defined in Inset Map 13 of the Teesdale District Local Plan. Despite being previously developed, the rear car park and side garden are however

beyond the development limits. The proposal is therefore only in part compliant with Policy H4.

30. The sections of the application site which lie outside the development limits are within the countryside, where Policy H6 normally only permits housing development which is justified as being essential to the needs of agriculture and forestry. The previously developed nature of this land is however a material planning consideration in this regard.
31. Similarly, whilst Policy ENV1 seeks to protect the countryside from inappropriate development, this land cannot be regarded as being suitable for agriculture and forestry, rural diversification projects, nature conservation, tourism or recreation developments.
32. The development would take place entirely within the existing Brown Jug curtilage and would not therefore be viewed as an encroachment into the countryside. Local plan policies ENV1 and H6, which relate primarily to development in the open countryside are therefore of little relevance in this case.
33. It is of some relevance that the County Durham Plan, when adopted, is unlikely to prescribe development limits to existing towns and villages, placing more emphasis on sustainability and settlement form as the judgements for new housing proposals on the edge of settlements. The application site is well contained within the existing settlement form.
34. In terms of sustainability, the application site would constitute a small extension to the hamlet of Evenwood Gate, which has no community infrastructure of its own and residents are mainly reliant on car travel to access facilities in Evenwood and further afield in Bishop Auckland. It is therefore not a sustainable location for large scale new development, however it is important to balance all material planning considerations, and the principle of allowing relatively small scale of development entirely on previously developed land, partly within the development limits, is more difficult to resist where there would be a significant environmental benefit to the settlement in terms of removing an unsightly derelict building and where the public house would in the past have generated a significant number of vehicle movements itself.
35. It is noted that Evenwood had 5 sites identified in the Strategic Housing Land Availability Assessment (SHLAA) as being suitable for residential development. These include the application site because it is previously developed land lying partly within the development limits of Evenwood Gate. It is noted that outline planning permission was previously granted for a similar number of dwellings on the site. Whilst this has lapsed, it is only 5 years since that consent was granted and therefore this is a material consideration that can be given some weight. One of the identified sites in Evenwood is Kays Hall Farm, which is in the centre of Evenwood and would benefit from short term redevelopment because it currently detracts from the amenity of the area. The proposed scheme is not of a scale that is likely to prejudice redevelopment of Kays Hall Farm and would itself bring benefits to the amenity of the area.
36. The application is also supported by a draft S106 agreement which proposes in principle the provision of affordable units within the 13 dwelling scheme. The Planning Policy Section has confirmed that the most recently agreed target for

the Western delivery area is 15%, equivalent to 2 affordable homes in the indicative 13 dwelling layout. This would of course be negotiated further with the applicant prior to completion of the S106 agreement and the formal grant of outline planning permission. This factor carries some favourable weight, but is not significant given the small number of units.

37. Therefore, notwithstanding the poor sustainability of the location, the proposal would be for a reasonable scale of development, partly within the existing development limits and entirely on previously developed land, while also facilitating removal of the derelict Brown Jug public house. The removal of the derelict Brown Jug building would be of significant benefit to the visual amenities of the area. The development would be contained entirely within the curtilage of the Brown Jug and therefore while the proposal would not comply with Teesdale Local Plan Policies ENV1 and H6, the development would not represent an intrusion into open countryside and would generally be in keeping with the existing settlement form. The principle of development is therefore, on balance, considered to accord with the aims of the NPPF.

Access and Highway Safety

38. The means of vehicular access into the site is a matter for detailed consideration as it has not been reserved. The proposal would introduce a new vehicular access to the A688 and the Parish Council and some local residents have raised concerns with the position of the new access. However, there is already an existing access to the pub car park immediately next to where the proposed new access would be formed and permission has previously been granted for an access in this position. The Highways Authority have no objection in principle to this point of access, however there will be a requirement for revision to A688 road markings, which can be secured by condition.
39. The internal road layout is indicative and not for approval, but the Highways Authority have made comments which the developer would need to take into account when considering the design and layout of a detailed scheme. In particular, as also noted in some of the objections from local residents, the car parking provision at many dwellings appears to be a single space only, which is unacceptably low for a site where residents are likely to have to rely on car journeys to access services and employment. Local residents themselves acknowledge their reliance on car travel. The parking is also shown as being within the adoptable service margin and will have to be moved behind it. Carriageway widening will also be required at the first internal (10m radius) bend. These factors are likely to affect the final design and may even require a reduction in the number of dwellings.
40. As far as the point of vehicular access into the site is concerned, the proposal would not result in a severe cumulative impact on highway safety and accords with Teesdale Local Plan Policies GD1 and H4.

Other Matters

41. Although the application is submitted in outline form it does include a design and access statement and an indicative housing layout plan. These details are not fixed but are intended to demonstrate that an acceptable form of development could be achieved for this site.

42. The layout indicates terrace style housing along the main road frontage of the site which would reflect the general character of existing housing to the south east. The application site is reasonably well screened from the west by a large mature tree and peripheral shrubbery and hedges. Whilst the residential development would take place on the rear car park which has historically been devoid of built development, it is considered that its impact would not be significant upon the landscape if existing landscape features are retained, replaced or supplemented.
43. As mentioned previously, the level of off street parking will need to be increased and this together with other highway considerations is likely to lead to amendments in the layout and possibly even reduction in dwelling numbers. In addition, the site would be built to a high density and the proposal is devoid of any landscaping or open space, which needs improvement for a detailed application where layout will be considered.
44. The scale of development is subject to on-site open space requirements, or S106 contributions towards off site provision/maintenance, which have not been offered. Although the layout is indicative, there is still perhaps a missed opportunity to integrate redevelopment of this site with redevelopment of the adjacent derelict buildings, which form part of a separate application for a larger site. This indicative proposal has been designed as a separate and self contained development to the adjacent proposal, but had it been considered coherently it may have been easier to provide some on-site open space. On site provision would be more preferable in this case because of the lack of play facilities in Evenwood Gate and the nearest facilities in Evenwood are beyond reasonable walking distance at 1km from the site. The proposal does not however make any such provision and in its current form it is unlikely that the layout could accommodate 13 dwellings and open space. The NPPF recognises the importance of access to high quality open spaces and opportunities for sport and recreation and therefore a S106 contribution should be sought for off site provision or maintenance of existing facilities in the local area, which includes Evenwood. The equivalent of £1000 per dwelling would be a reasonable amount taking into account the cost of provision of play/recreation space in the area and requirements for other developments in the area, amounting to a total of £13,000 for this development. It is still however preferable for the detailed scheme to consider on-site provision within or on adjacent land if possible.
45. The comments of the Archaeology Section are noted. However, considering the site is already previously developed and planning permission has been granted in the past for development of the site, it is considered appropriate to impose conditions relating to archaeological recording and reporting rather than to require investigations prior to determination of the application.
46. The proposal would involve demolition of a building which could potentially be used by bats, a protected species. The building is however fire damaged which would normally deter bats and the Ecology Section have confirmed that the submitted survey information adequately assesses the impact in respect of protected species and habitats. It is considered that the proposal would not have an adverse impact on protected species or their habitat. The proposal is not therefore subject to Natural England licensing requirements, or the derogation tests of the Habitat Regulations. However, a condition has been requested to

ensure the development takes place in accordance with the submitted method statement. Subject to these measures the proposal complies with Teesdale Local plan Policies GD1 and ENV8.

47. Northumbrian Water Ltd have requested further details about drainage. This is a matter that can only really be addressed in the final design and layout when the drainage scheme would be designed. The site is not in an identified area of flood risk and therefore a condition requiring further details would suffice in this case if the application were to be approved.
48. Issues of residential amenity will be considered at detailed application stage, but the indicative layout does not give rise to any concerns in this respect.

CONCLUSION

49. Whilst Evenwood Gate is a small settlement with no community infrastructure of its own and would not normally be considered a sustainable location for more than minor development, the proposal for the erection of 13 dwellings would be partly within the existing development limits and entirely on previously developed land, while also facilitating removal of the derelict Brown Jug public house. The removal of the derelict Brown Jug building would be of significant benefit to not only the visual amenities of the existing local residents but also give a more positive impression to people travelling along the busy A688 and is therefore a factor that carries significant weight in favour of the proposal. The development would be contained entirely within the curtilage of the Brown Jug and therefore while the proposal would not comply with Teesdale Local Plan Policies ENV1 and H6, the development would not represent an intrusion into open countryside. In addition, although the development is likely to generate a significant number of car journeys, there would already have been a large number of car journeys associated with the Brown Jug public house. The provision of affordable housing as indicated in the draft S106 agreement is also welcome and would ensure compliance with Policy H14 of the Local Plan and the NPPF. The principle of development is therefore not entirely in accordance with the Teesdale Local plan, but on balance, the proposal would contribute to improvements in the quality of the environment while bringing brownfield land back into beneficial use.
50. With regards to consideration of the means of access into the site, this has been examined by the Highways Authority who have no objections in this respect. This aspect of the proposal is in accordance with Teesdale District Local Plan Policy GD1. Comments have been made about inadequate parking provision within the development and other highways adjustments, but these are matters reserved for future consideration and can be addressed in reserved matters or detailed applications. The developer should nevertheless be aware of the potential design implications.
51. The scale of development is subject to a requirement to provide open space/play facilities within the site, or for a S106 contribution towards off-site provision/maintenance. On-site provision would be preferable in this case because of the lack of nearby facilities, but in the absence of this an off-site contribution of £13,000 should be sought by S106 agreement to satisfy the aims of the NPPF and Teesdale Local Plan Policy H1A.

52. Other matters of archaeology, drainage and ecology can be dealt with by condition.

RECOMMENDATION

That the application be **APPROVED** subject to completion of a S106 agreement in respect of the provision of 15% affordable housing and a contribution of £13,000 towards off-site provision/maintenance of play/recreation space in the local area, and subject to the following conditions:

1. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved in so far as the means of access shall be carried out in strict accordance with the following approved plans:-

Plan Reference Number	Date received
Site location plan	21st May 2013
Proposed site plan P029-01 rev.A	21st May 2013

Reason: To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

4. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall 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 District Local Plan 2002.

5. No development shall take place until a tree protection plan as per British Standard 5837:2012 and measures for the protection of existing trees and

hedgerows have been submitted to and approved in writing by the Local planning authority. The agreed tree protection measures shall be implemented prior to start of demolition or construction works and retained for the duration of site works or in accordance with the programme agreed with the local planning authority.

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

6. No development shall take place until full details of both hard and soft landscape works, including new planting, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

Reason: To achieve a satisfactory form of development and in the interests of visual amenity in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

7. No development shall take place until all details of 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.

8. No development shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

9. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To prevent pollution of the water environment in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

10. Notwithstanding the information shown on the submitted plans, no development shall be commenced until further details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local planning authority, and the building(s) hereby permitted shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

Reason: In the interests of highway safety and to comply with Policy GD1 of the Teesdale District Local Plan 2002.

11. All contractors shall be given the method statement contained within Section E of the "Bat Survey for Development Purposes at the Brown Jug, Evenwood Gate, Bishop Auckland, County Durham", dated 16th August 2013, by Dendra Consulting Ltd. Demolition works shall be carried out in accordance with the method statement.

Reason: To conserve protected species and their habitat in accordance with Policy ENV8 of the Teesdale District Local Plan 2002.

12. The existing road markings must be amended in accordance with details to be submitted and approved in writing by the Local Planning Authority prior to the commencement of the proposed development.

Reason: In the interests of highways safety and to accord with Policy GD1 of the Teesdale District Local Plan 2002.

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work as defined in a specification prepared by the County Durham Archaeology Team. It will require a written scheme of investigation (WSI) setting out:
- i., Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii., Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii., Post-fieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
 - iv., Report content and arrangements for dissemination.
 - v., Archive preparation and deposition with recognised repositories.
 - vi., A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii., Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - viii., A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- The written scheme of investigation must be submitted by the developer, and approved in writing by, the Local Planning Authority. The written scheme of investigation shall be carried out in accordance with the approved details and timings.

Reason: To comply with saved policies BENV12 of the Teesdale District Local Plan 2002, and para. 135 of the NPPF.

14. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the agreed programme of archaeological work shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission.

Reason: To comply with para. 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

STATEMENT OF PROACTIVE ENGAGEMENT

The local planning authority engaged with the applicant's agent in a proactive manner through pre-application discussions which aimed to encourage a cohesive form of development across the application site and the adjacent larger site subject of a separate application.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
The National Planning Policy Framework (NPPF)
Teesdale District Local Plan 2002
Consultation responses and representations



Planning Services

6/2013/0147/DM/OP
 SITE OF THE FORMER BROWN JUG,
 EVENWOOD GATE

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