

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/02313/OUT
FULL APPLICATION DESCRIPTION:	38 no. residential units, access & public open space (Outline all matters reserved)
NAME OF APPLICANT:	Mr John Linsley
ADDRESS:	Kays Hall Farm The Green Evenwood Bishop Auckland County Durham DL14 9QR
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The 1.55-hectare application site comprises of the former Kays Hall Farm, and associated land to the south west of the Village Green in Evenwood. Residential property lies to the south east at Neville Close and to the north west at Alpine Terrace. The site is not in current agricultural use. It sits at a slightly higher level than the adjacent village green
2. Outline planning permission is sought for a residential development of 38no. dwellings, access and public open space. All matters are reserved for future consideration at this stage although indicative details have been submitted relating to housing layout and access. These indicate that housing would be provided at both ends of the site separated by a central area of public open space. A new adoptable highways access would run across the southern end of the Village Green, from the C30a road and joining the application site on its south eastern corner.
3. The application is reported to the Planning Committee as it constitutes a proposal for major development.

PLANNING HISTORY

4. Planning approval was previously granted in 2012 on the north western part of the site for the conversion of existing farm buildings into 9 dwellings. This permission has since expired and most of the buildings which previously occupied this part of the site have been demolished.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
6. *NPPF Part 5 - Delivering a sufficient supply of homes.* To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
7. *NPPF Part 8 - Promoting healthy and safe 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.
8. *NPPF Part 9 - Promoting sustainable transport.* Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised. In assessing applications for development it should be ensured that, among other things, safe and suitable access to the site can be achieved. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
9. *NPPF Part 12 - Achieving well-designed places.* The creation of highquality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
10. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
11. *NPPF Part 15 - Conserving and enhancing the natural environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

12. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

LOCAL PLAN POLICY:

13. The following saved policies of the Teesdale Local Plan are relevant to the application:

14. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.

15. *Policy ENV1: Protection of the Countryside.* This policy restricts the type of development that would be permitted in the Countryside. Tourism and recreation developments would be considered acceptable where compliant with other policy and where they do not unreasonably harm the landscape and wildlife resources of the area.

16. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided

17. *Policy ENV10: Development Affecting Trees or Hedgerows:* Development will only be permitted where it avoids unreasonable harm to or loss of: Any tree or hedgerow protected by a preservation order; or A tree within a conservation area; or Any trees, tree belts or hedgerows which do, or will when mature, contribute significantly to any of the following A. Landscape diversity B. The setting of nearby existing or proposed buildings C. A protected species habitat D. Visual amenity.

18. *Policy ENV15 Development Affecting Flood Risk:* Development (including the intensification of existing development or land raising) which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted. Where appropriate, new development should incorporate a sustainable drainage system in order to manage surface water run-off.

19. *Policy BENV11: Archaeological Interest Sites.* Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved. Developments which affect sites of regional or local importance will only be approved where the applicant has secured a scheme of works which will in the first instance preserve archaeological remains in situ or where this is not possible by excavation and record.

20. *Policy H1A: Open Space within Developments*: In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.
21. *Policy H14: Provision of Affordable Housing within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan -

22. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. *Highways Authority*: No objections. Full engineering details will need to be supplied in due course in relation to the estate road.
24. *Northumbrian Water*: No objections provided the development is carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy.
25. *Coal Authority*: No objection, satisfied that the site is or can be made safe and stable for development.
26. *Evenwood and Barony Parish Council*: Object to the application and raise concerns about highways safety at the access point for the new road and general highway safety issues. Compensatory village green within the application site is not considered to be appropriate and there are also concerns over boundary treatment, and removal of a lime tree near to the access road.

INTERNAL CONSULTEE RESPONSES:

27. *Education*: There are enough school places available, no contributions are required.
28. *Design and Conservation*: There are concerns regarding the need for a new vehicular access through the village green which would have a significant impact on the historic plan form of this part of the village.

29. *Archaeology*: No objections. The applicant has submitted an interim report detailing the works carried out to assess the archaeological potential of this site which has been confirmed as very low. A condition is required to ensure that details of the work undertaken is submitted for the County Durham Historic Environment Record.
30. *Housing*: The Strategic Housing Market Assessment (SHMA) sets out the affordable housing requirement across the County, the West delivery area has an affordable housing requirement of 15%, equating to 6 affordable units across this development.
31. *Drainage and Coastal Protection Team*: No objections to the principle of the drainage scheme proposed but the SuDS system on the site would require further development.
32. *Ecology*: No objections subject to additional bat surveys being undertaken, the provision of mitigation within the development and biodiversity improvements both on and off the site.
33. *Landscape*: The revised plans for the access road show the mature lime tree situated on the Village Green being retained. This tree is a positive feature in the vicinity and its retention and protection is important. There are concerns that development of the site would limit views that are currently available from the green out towards the countryside.
34. *Landscape: Trees*: It should now be possible to retain the prominent lime tree (T29) which is close to the access road for the development subject to receiving further details which could be submitted via condition. Concern expressed that T22, sycamore is in reasonable condition and should be retained.
35. *Environmental Health (Noise)*: No objection but a condition should be attached requiring the submission of a construction management plan.
36. *Environmental Health (Contaminated Land)*: No objection, but a contaminated land condition is required.
37. *Planning Policy*: The competing benefits and harm should be weighed up when coming to a decision on the scheme.
38. *Public Rights of Way*: There are no recorded rights of way within the site that would be directly affected by development. Any Section 106 agreement should include contributions towards the maintenance and enhancement of the nearby footpath network.

PUBLIC RESPONSES:

39. The application has been publicised by way of neighbour notification letter, press and site notice. Letters of objection and concern have been received from 11 addresses in the area. These can be summarised in relation to 3 main areas.
40. Highways – concern expressed in relation to highways safety of the new access road, the potential for increased traffic, congestion and related impacts particularly in relation to the safety of users of the village green.

Village Green – concerns voiced about the impact the development and the access in particular would have on the village green. Concerns that a section of the village green would be lost, and the historic layout of the green would be altered. Open

space proposed within the development would not provide a suitable alternative and the development to the west of the green would alter its character and remove its open aspect. Concerns were also expressed in relation to the loss of the prominent lime tree.

Impact of development on nearby property – concerns raised relating to impact on privacy, outlook, loss of light, overshadowing and loss of view.

Further objections put forward suggest that the new properties are not needed and that the development will have a negative impact on property value. Concern is also expressed in relation to the impact of the development on local wildlife and ecology habitats.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/>

APPLICANTS STATEMENT:

41. Outline planning permission is being sought for residential development on land at Kays Hall Farm Evenwood which lies on the western edge of the village. As Members will be aware Evenwood is classified as forming part of the 'Ramshaw Cluster' in the Council's Settlement Hierarchy. Evenwood is by far the largest settlement in that cluster and has a good range of local services and a number of significant local employers, such as the CA Group who are continuing to invest in village. It is a sustainable local settlement on which other nearby settlements also rely.
42. Like all rural settlements however it is at risk from population decline which in turn would lead to a reduction in the number/ vitality of existing shops and services, and its attractiveness to businesses, that would directly affect the population as a whole. It is vitally important therefore that the Council takes positive steps to support new housing development in the village which will help to retain and even grow the local population and secure the long-term sustainability of the village. Granting planning permission for this housing development at Kays Hall Farm will help to deliver this objective.
43. The application site comprises the site of the former farmhouse, (now demolished), farmyard and outbuildings, and a small field to the south. In total the site extends to approx. 1.5ha.
44. The Council has previously granted planning permission for housing development on the northern part of the site when the farm house and outbuildings were still standing. The application site lies within the urban area of Evenwood and does not project into the open countryside. The site is bounded to the north and south by housing development and the village green to the east, which itself is already enclosed by housing on three sides.
45. It is estimated that the site will have a capacity of approx. 38 dwellings and that these will comprise a mix of two three and four bed properties of which 15% will be affordable in line with current policy. House designs will be traditional in character and reflect the local vernacular.
46. The submitted Illustrative Layout plan shows that the development will be accessed from the south east and that it is anticipated that housing on the site will be split into

two areas (North and South) separated by a large central green wedge that retains a visual link through the site to the surrounding countryside and provide for appropriate SUDS measures. Housing will face onto the village green and the central open space to best 'frame' these open areas, in line with best urban design practice thereby providing an attractive and welcoming residential environment and complimenting the existing pattern of development around the Green.

47. Access to the site will be follow the route of the exiting track that crosses the Green, at its southern end. The track will be improved to adoptable standards, and a safer junction will be created onto Raby St/Evenwood lane. Revised designs for this road, submitted in response to feedback following the public consultation exercise ensure that it will avoid the mature line tree that lies close to the main road. Further pedestrian/cycle access will be available at the north end of the site
48. The applicant has secured the consent of the Church Commissioners, who are the owners of the Village Green, to upgrade the access road to adoptable standards. The land take required to achieve this improved link, will be compensated for through the dedication of an equivalent area of land along the eastern boundary of the application site as Village Green, meaning there will be no overall loss of Village Green.
49. Specialist reports submitted with the application demonstrate that the site is: of low ecological, arboricultural and archaeological value; is not at risk of flooding; will not increase flood risk elsewhere; can be drained; and that that the proposed access will be safe
50. Overall, we believe the current proposals represent a sympathetic and proportionate response to the context of the site; the future housing needs in Evenwood, and the need to support the vitality and viability of this important rural settlement.
51. The proposal accords with relevant, saved local plan policy, guidance in NPPF on housing development in rural settlements, and the emerging policies in the County Durham Plan – specifically Policy 6.
52. It is clear that this development is sustainable and will have a number of social, economic and environmental benefits and that these significantly outweigh concerns about the development. As such planning permission should be granted.

PLANNING CONSIDERATIONS AND ASSESSMENT

53. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, impact on the character and appearance of the area, highways issues, ecology, flooding and drainage and affordable housing and open space.

Principle of Development

Policy Context

54. Given the age of the Teesdale Local Plan its housing policies cannot be considered as up to date, and the emerging County Durham Plan is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

55. This engages Paragraph 11 of the NPPF which requires that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking this means either:

56. Approving development proposals that accord with an up-to-date development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework (NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework (NPPF) taken as a whole.

Housing Land Supply

57. On the 13th June 2018, the 'Preferred Options' of the County Durham Plan (CDP) was presented to the Council's Cabinet and endorsed for consultation. The CDP is aligned with the Government's standardised methodology for calculating OAN, which is now reflected in paragraph 60 of the NPPF, and formally endorses the use of 1,368 dwellings per annum (dpa) as the OAN. The Council is now able to demonstrate in excess of 6 years supply of deliverable housing land against this figure.

58. Although the supply has not yet been established in a recently adopted plan, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.

59. Although in a recent written representations appeal involving land to the south of Castlefields, Esh Winning, the Inspector took the view that supply had not been demonstrated by the Council in the terms of paragraph 74 of the Framework, the Council's view is that the Inspector applied paragraph 74 prematurely in this appeal because paragraph 74 does not allow for submission of an Annual position statement on 5 YHLS until April 2019 at the earliest. It was, therefore, impossible for the Council to have such an annual position statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals (3213596, 3215357 & 3215186), the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.

Location

60. Evenwood is grouped together with Ramshaw in the County Settlement Study and classed as a local service centre due to a reasonable range of services and facilities being available and accessible. On this basis there is no conflict with the housing location aims of the NPPF.

Impact on the Character and Appearance of the Area and Amenity

61. The application site is technically located within the countryside under the Teesdale Local Plan, however, the site falls between residential development to the north west and south east and is not in current agricultural use and has a different character to the open countryside to the south and west and the village green to the north and east. The site contains an open sided hay barn and the remnants of previously demolished farm buildings. Residential development would not be out of keeping with the character or appearance of the area and the site is well related to the Evenwood settlement, representing appropriate infill between existing areas of development.
62. As the application is in outline, the submitted layout plan is being treated as indicative, but it nevertheless demonstrates that the proposed development could be accommodated on the site. As such while public concern in relation to impact on amenity to nearby property is noted, this would be a matter which would be addressed at reserved matters stage along with finer details such as boundary treatment etc. An indicative separation distance of 12mtrs (likely blank side gable to elevation containing habitable windows) is shown on the south eastern side of the site adjacent to the rear of the nearest properties on Neville Close. This distance would be in line with generally accepted separation standards, but can be addressed finally in a reserved matters application. The application site is also situated to the north west of Neville Close, which would limit the impact on these properties.
63. The application proposes an adoptable access to serve the site which would be taken from the C30a and enter the main development site at its south eastern corner. The access would cross part of the southernmost section of the Evenwood village green.
64. The village green is a prominent and historic landscape feature in the centre of Evenwood. The main section sits to the west of the C30a comprising mown grass intersected by tracks and pathways. The Green is shown on the first edition OS Maps and is considered a non-designated heritage asset in its own right, its significance derived through its evidential, historical, aesthetic and communal value. It reflects the historic plan form of the village. Its importance to the village has been borne out through the consultation response on the scheme.
65. The NPPF at paragraph 197 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining an application. It advises that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
66. The access would change the character of this part of the village green. The adoptable access would replace a track which runs across the green, however the appearance of this access would be much more formal and although details are indicative at this stage, it would likely be slightly raised as the area proposed for the access sits within a dip in the landscape. This would have a slight urbanising effect on the southern end of the green.
67. However, given the access relates to a small section of the green overall, it is considered that the harm to its significance would be limited, due to the extensive village green that would remain unaltered. The historic plan form of the village would remain clearly legible.

68. The village green would also lose its rural backdrop as a result of the development limiting views out across the green towards the countryside and landscape comments in this respect are noted. Nevertheless, the application does take account of wider landscape issues raised and through provision of open space on the central part of the site seeks to retain some views outwards from the green towards the countryside. However, the layout is indicative, and this could be given further consideration at reserved matters stage. It is felt that an acceptable layout could be achieved. Although some tree removal is proposed within the application site, the Mature Lime Tree, which is a prominent landscape feature adjacent to the proposed access road, can be retained as part of the scheme. This serves to address significant concern that was previously expressed in relation to its potential removal.
69. Accordingly, there is no conflict with Teesdale Local Plan Policy GD1, ENV1 or NPPF Part 16 in terms of landscape impact.
70. Separate consent would be required for development on a registered village green and there is no guarantee such consent would be given. However, this is a matter for the applicant to resolve outside of the planning process.

Highways

71. The application proposes an adoptable access road to serve the site which would be taken from the C30a and enter the main development site at its south eastern corner. Indicative details of this access have been supplied.
72. The local concerns over the highway safety aspects of the proposed development are noted, however The Highway Authority is satisfied that the access proposed would be suitable to serve the development and that the traffic generated would not exceed local capacity.
73. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given that the proposals are accepted by the Highways Authority the application is in accordance with Teesdale Local Plan Policy GD1 and Part 9 of the NPPF in respect of Highways Safety.

Ecology

74. The site consists mainly of semi improved neutral grassland with rank and ruderal vegetation, which is a relatively common habitat, with no significant plant communities present. The site as a whole is of relatively limited ecological interest but is of some value to local biodiversity.
75. Potential impacts on bats do however need to be carefully considered. Two Mature Ash Trees which are proposed for removal have a medium/high bat roost potential due to cavities within their structure. Consequently, parts of the site could also be used for bat commuting routes. All British bat species are European protected species and are afforded protection under both the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.
76. Circular 06/2005 states that it is essential that the presence or otherwise of protected species and the extent to which they may be affected by development is established before planning permission is granted. The submitted ecology report has been completed outside of the bat survey season. Therefore, further bat surveys in relation

to these higher risk trees are required. These would be covered by a condition specifying that no works should be carried out to these trees until the surveys have been undertaken and any relevant actions have been taken as a result of these surveys.

77. Given that the scheme is in outline with all matters reserved it has flexibility both in terms of timescale and in terms of layout. This will allow sufficient time to complete the necessary surveys and determine whether a Natural England License would be required prior to the removal of the trees. If for any reason the trees were of such ecological importance that their removal could not be justified, arrangements would have to be made to retain them within a final layout.
78. Circular 06/2005 states that additional surveys can only be covered by a condition in exceptional circumstances. Given the above and the wider benefits associated with the application, exceptional circumstances which justify conditioning additional survey work in this case are considered to be in evidence.
79. The NPPF at Paragraph 170 seeks to provide net gains for biodiversity. Some improvements are proposed on site, including the creation of hedgerows and a small woodland/wetland. However, it is felt that these would not on their own provide the level of biodiversity benefit that is required to offset the overall losses associated with the proposals.
80. The Ecology section have advised that in order to compensate for the remaining losses, 1ha of species-rich grassland will need to be created offsite. A financial contribution of £13,326 is sought which can be used by the Council towards biodiversity enhancements, these will be delivered in the vicinity of the development where opportunities are available.
81. Mitigation measures are proposed on the site including the provision of bat roost boxes within the development, the installation of a barn owl nest box and provision of a detailed lighting strategy.
82. Overall, it is felt that the final development can be made acceptable in Ecology terms. While some survey work remains outstanding in relation to impacts on bats, the outcome and requirements could be accommodated on the site at reserved matters stage. The enhancement features also have the potential to provide a net gain in biodiversity compared to the existing site conditions in accordance with NPPF paragraph 170(d). There is no objection from the Council's Ecology Section.
83. On this basis, the development would accord with Policies GD1 and ENV8 of the Teesdale Local Plan and part 15 of the NPPF.

Flooding and Drainage

84. The application site is located within Flood Zone 1 with a low flood risk probability. It is proposed that the majority of the surface water attenuation will be accommodated within a detention basin.
85. There are no objections from the Council's Drainage and Coastal Protection Team although they feel the drainage strategy could be improved through the provision of permeable drives and access ways, and through the provision of swales, small basins and filter drains along with the detention basin. Further drainage details are therefore requested via condition and these features would only be appropriate to finalise once the final layout was presented.

86. Foul water and some surface water runoff would be disposed of to the existing sewerage network, to which Northumbrian Water raise no objections.

87. The development would therefore satisfy Teesdale Local Plan policies GD1 and ENV15 in respect of flood risk and drainage provisions. Accordingly, the proposal would also be consistent with Part 14 of the NPPF in these respects.

Affordable Housing and Open Space

88. In line with saved Policy H14 of the Teesdale Local Plan there is a need for the provision of affordable housing in the area, equating in this case to the delivery of 6 affordable units on the development. This Policy is consistent with the NPPF in respect of delivering a wide choice of high-quality homes and to create sustainable communities.

89. The applicant is willing to enter into a S106 agreement to secure the provision of affordable housing and this would be required to be provided at an 80:20 ratio for Affordable social rented housing and intermediate tenure.

90. Policy H1A seeks the provision of open/play space within developments of 10 or more dwellings. This is in accordance with the aims of NPPF Part 8, which recognises the important role planning can play in facilitating social interaction and creating healthy communities through delivery of social and recreational facilities.

91. The development of 38 family homes would increase the need and use of open space and recreation facilities. It is proposed to provide amenity/natural greenspace on site. This would be open and publicly accessible and would provide alternative public open space in compensation for that lost due to the creation of the access road. An offsite contribution of £60,102 towards the maintenance or improvement of open/recreation space in the locality is proposed. This can be secured through the S106 agreement and conditions.

Other Issues

92. Investigations at the site have confirmed that the archaeological potential of the site is low. However, a condition requires that the findings of the investigations are logged with the Historic Environment Record. The Noise Action team have requested that a construction management plan be submitted due to the close proximity of the site to other residential property. Concerns relating to loss of property value cannot be afforded weight in the decision-making process. Concerns as to whether additional housing is required in Evenwood are noted and the application has been determined in line with the current housing land supply position.

CONCLUSION

93. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. The acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF.

94. The proposal would provide social and economic benefits by adding 38 dwellings to the mix and supply of housing, but in light of the Council's healthy land supply, this factor is attributed less weight than would be the case if there had been a shortfall in housing land supply.

95. Affordable Housing would be provided which would be a significant social benefit. There would be economic benefits through the support for local services and facilities which would arise from the development. There would be further economic benefits associated with the construction process although these would be temporary.
96. There would be some visual improvement, particularly at the north west end of the site which hosts the existing and former farm buildings, and this can also be afforded weight.
97. The ecological enhancements and open space provision/contributions are required to mitigate the impacts of the development and therefore these are neutral factors not benefits.
98. In line with NPPF paragraph 197, a balanced judgement has been made in relation to impact on the village green which is a non-designated heritage asset. Due to the small area of the green that would be affected, the scale of harm to the significance of the heritage asset is considered to be limited.
99. Having considered all matters, there are no adverse impacts that would significantly and demonstrably outweigh the benefits, and no specific policies in the NPPF indicate that the development should be restricted. When assessed against the development plan and the NPPF considered as a whole, the overriding consideration is that the scheme would represent sustainable development. The application is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a S106 Agreement to secure 6 affordable homes, the on-site provision of a minimum of 1260m² amenity/natural greenspace, £60,102 towards the maintenance or improvement of open/recreation space in the locality, £13,326 towards off-site biodiversity enhancement and the following conditions:

1. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the 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.

2. 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.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans in respect of those matters not reserved for later approval or otherwise required by any conditions:

Revised Site Location Plan rec. 19th March 2019

Proposed Layout SK01(excluding detailed housing layout) rec. 31st July 2019

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Teesdale Local Plan Policies GD1, ENV1, ENV8, ENV10, ENV15, BENV11, H1A, H14 and NPPF Parts 5, 8, 9, 12, 14,15 and 16.

4. Prior to the submission of reserved matters, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 199 of the NPPF which ensures information gathered becomes publicly accessible.

5. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, d or e are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 1 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

(a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) is required to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(c) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

(d) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(e) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 11.

6. The details to be submitted for reserved matters approval in accordance with condition 1 shall include full engineering details of the design and construction of the estate road and associated footways, accesses, parking, lighting and highway drainage. The access road shall be completed in accordance with the approved details.

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

7. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include provision for a minimum of 1260m² of amenity open space/semi natural greenspace and include details of the timing of provision and management arrangements. Thereafter the development shall take place in accordance with the approved details, timings and management arrangements.

Reason: To ensure the appropriate provision of open space to serve the development in accordance with Policy H1A of the Teesdale Local Plan and NPPF Part 8.

8. Notwithstanding those already submitted, the details to be submitted for reserved matters approval in accordance with condition 1 above, shall include a detailed scheme for the disposal of foul and surface water from the development. Thereafter the development shall take place in accordance with the approved drainage details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

9. The development shall take place in accordance with tree protection measures, including protective fencing, within the Arboricultural Impact Assessment and tree protection plan by All About Trees Ltd rec. 02nd January 2019. The approved protective fencing shall be erected before commencement of development and retained throughout the construction period and no storage shall take place inside the protective fencing.

Reason: To minimise the impact of the development upon existing mature trees in accordance with Policies GD1 and ENV10 of the Teesdale Local Plan.

10. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include an Arboricultural Method Statement and watching brief relating to T29 (Lime). The Method Statement shall include details of the implementation, supervision and monitoring by a suitably qualified person of the excavation, decompaction and reinstatement of the ground around T29, as well as the contact details for the person who will be overseeing the protection of trees during construction works. The RPA shall be fenced using post and rail fencing for the duration of development. Development shall thereafter be carried out in accordance with this method statement.

Reason: To minimise the impact of the development upon existing mature trees in accordance with Policy GD1 and ENV10 of the Teesdale District Local Plan.

11. The details to be submitted for reserved matters approval in accordance with condition 1 above shall include details of the provision of ecology enhancement measures to include hedgerows, woodland and a wetland, the provision of 7 integrated bat roosts, the provision of a barn owl nest box and the provision of a detailed lighting strategy in order to limit impact on any existing bat flightpaths, including details of the timing of provision and management arrangements. Thereafter the development shall take place in accordance with the approved details which shall be retained for the lifetime of development.

Reason: To conserve protected species and provide ecological enhancement in accordance with Policy ENV8 of the Teesdale Local Plan and Part 15 of the NPPF.

12. The details to be submitted for reserved matters approval in accordance with condition 1 shall include 2no. dusk and 1no. dawn bat surveys which shall be carried out by a suitably qualified person following the Bat Conservation Trust Bat Surveys - Good Practice Guidelines (2nd Edition 2012) and the results of the survey along with a schedule and implementation timetable for any mitigation measures shall be submitted to and approved in writing by the local planning authority. All recommendations and mitigation measures agreed shall be implemented in accordance with the agreed schedule and timetable. Notwithstanding the details shown on the AIATPP REV A by All About Trees Ltd rec. 02nd January 2019, neither T23 nor T25 shall be removed until the necessary surveys have been carried out in accordance with the above schedule and any mitigation measures agreed.

Reason: To conserve protected species and their habitat in accordance with Policy ENV8 of the Teesdale Local Plan and Part 15 of the NPPF.

13. In view of the proximity of the proposed development to nearby residential premises the applicant shall prepare and submit a Construction/Demolition Management Plan (CDMP) to the local planning authority for approval. The CDMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014

- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.

- Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.

- Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council's accepted hours for construction/demolition activities that generate noise are 8am – 6pm Monday – Friday, 8am – 1pm Saturday and no noisy working on a Sunday or Bank Holiday.

- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.

- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

No works, other than site investigation works, shall be permitted to start on site until the CDMP has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the plan.

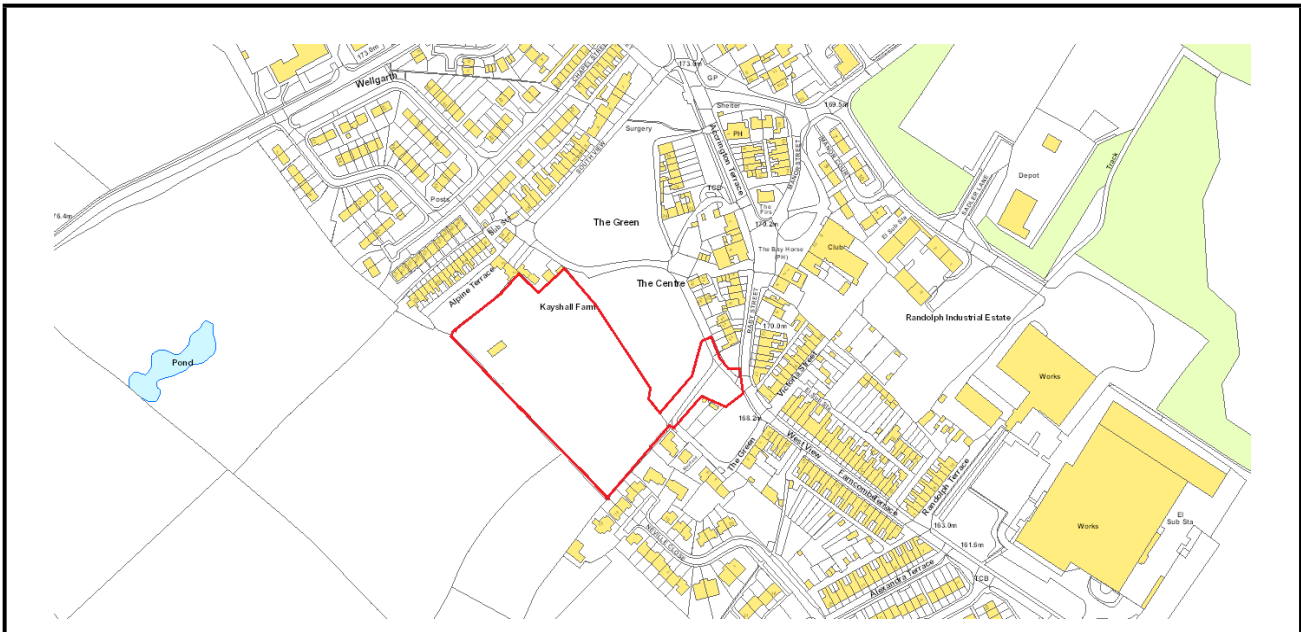
Reason: In the interests of amenity in accordance with Policy GD1 of the Teesdale Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

BACKGROUND PAPERS

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



Planning Services

38 no. residential units, access & public open space (Outline all matters reserved)

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18th April 2019