

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/03634/FPA
Full Application Description:	Proposed bungalow, boundary wall and associated access (resubmission)
Name of Applicant:	Mrs Gayle Dugdale
Address:	Land West Of The Garth, Old Eldon, DL4 2QT
Electoral Division:	Shildon and Dene Valley
Case Officer:	Hilary Sperring (Planning Officer) Tel: 03000 263 947 Email: hilary.sperring@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site is located to land to the west of the residential property of The Garth, Old Eldon. The site relates to a parcel of land in an agricultural use roughly rectangular in shape measuring approximately 0.15 hectares in area. A larger agricultural field to the north also within the ownership of the applicant. The boundary is demarked by various markers, including stone walling, and post and rail fencing. The residential property of The Garth, with associated land and buildings lies to the east and a residential dwelling 8, Old Eldon to the west, with the boundary to the application site demarked by a stepped brick wall approximately 1.8 metres in height. Other residential properties lie to the south across the highway C 34 (Moor Lane). The land within the application site rises slightly across the site and towards the north west corner.
2. In terms of planning constraints, the site lies outside of the Area of Higher Landscape Value (AHLV), a Public Rights of Way (Footpath no.19) runs approximately 70 metres to the west and Bridleway 20 approximately 100 metres to the south east (beyond existing properties). The site also lies within a Coalfield Development High Risk Area and the Teesmouth and Cleveland Nutrient Neutrality constraint Area.

The Proposal

3. Full planning permission is sought for the erection of 1 no. detached 2 bed bungalow on the site, along with associated access and front boundary wall. The dwelling would measure 14.5 metres by 10.2 metres, approximately 2.7 metres in height to eaves and 6 metres to the ridge and includes a hipped roof design, along with chimney detail. The dwelling is to be constructed from brick under a grey Redland pantile roof with uPVC windows and doors in grey, with stone head and cill detailing to the windows. The dwelling would include a sitting room, open plan dining room/ kitchen area, separate utility room, WC, bathroom and 2 bedrooms along with storage space. The submitted plans show new, improved access taken from the existing. A parking and turning area are proposed within the site and visitor parking also shown to the front of the site between the wall and road. The proposals also include the addition of a proposed 2 metre boundary wall and railings to the front.
4. The application is being reported to Planning Committee upon the request of Eldon Parish Council who offer support the application and would like representations to be made in person from interested parties.

PLANNING HISTORY

5. An application for a proposed bungalow, boundary wall and associated access was withdrawn in November 2023 (DM/23/03014/FPA).

PLANNING POLICY

National Policy

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
8. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

9. *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.
10. *NPPF Part 6 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.
11. *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.
12. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 12 Achieving Well-Designed Places* - 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.
14. *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.
15. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - 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.

<https://www.gov.uk/guidance/national-planning-policy-framework>

National Planning Practice Guidance:

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; public rights of way and local green space; planning obligations; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

Local Plan Policy:

The County Durham Plan (CDP)

17. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
18. *Policy 6 (Development on Unallocated Sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
19. *Policy 10 (Development in the Countryside)* states the development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of a design and scale suitable for intended use and well related to existing settlement.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes; changes of use of existing buildings, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

20. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
21. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
22. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
23. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* States amongst its advice that new residential and commercial development should be served by a high speed broadband connection or appropriate infrastructure for future installation if direct connection is not appropriate, practical or economically viable.
24. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
25. *Policy 31 (Amenity and Pollution)* sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

26. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
27. *Policy 35 (Water Management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
28. *Policy 36 (Water Infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and wastewater infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
29. *Policy 39 (Landscape)* states that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts
30. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
31. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
32. *Policy 42 (Internally Designated Sites)* states that development that has the potential to have an effect on internationally designated sites, either individually or cumulatively with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely, and, if so, will be subject to an Appropriate Assessment.
33. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected

sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

34. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.
35. Residential Amenity Standards SPD (January 2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
36. Parking and Accessibility Supplementary Planning Document (October 2023)

<https://www.durham.gov.uk/cdp>

Neighbourhood Plan:

37. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

38. *Eldon Parish Council* – Support the application, highlighting that there is an established and growing community at Old Eldon. The Parish Council note that in respect of landscape and visual impact there are properties of different appearance in the immediate vicinity and existing vehicular access is provided so that adjoining vehicles would have unrestricted views, comparative to vehicular access at properties opposite. They understand that Nutrient Mitigation would be applied for, and other recommendations adhered to. They request that the application is considered by the Planning Committee.
39. *Highways Authority* – Object to the application. In summary consider that the proposals constitute new housing in the countryside. Given the poor

sustainable location, poor access for motorised vehicles and unsafe accessibility for pedestrian movements from the site to the wider network, objections are raised from the highways road safety perspective.

40. *Coal Authority* - Concurs with the recommendations of the Preliminary Investigation of Land report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Should planning permission be granted pre commencement conditions are requested and informative advice offered.
41. *Natural England* - The application could have potential significant effects on Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

Non-Statutory Responses:

42. *Spatial Policy* – Offers key policy observations. The site is located at a sporadic group/cluster of houses in the countryside. Policy 10 (Development in the Countryside) is therefore applicable and there would need to be a robust justification for a new house to be permitted in this location. The site fronts on to the C34 which has no footpaths or street lighting. This will make walking and cycling from the site towards settlements with facilities (Newton Aycliffe (Eastwards) and Shildon to the south via an unclassified road) both unattractive and potentially dangerous. Residents of this new property are going to be highly dependent on the private vehicle to access everyday services and facilities, which conflicts with principles of sustainable development.
43. *Ecology* – It is recommended that in order to ensure that a net gain in biodiversity is achieved by the proposals, at least 1 integrated bat box should be included in the completed development. This should be appropriately sited and clearly shown on the proposed elevation plans prior to determination. It is also noted that the applicant is seeking to purchase Nutrient Neutrality credits from the National Mitigation Scheme. Until a provisional certificate (signed) has been provided, cannot complete the HRA and determine the application.
44. *Landscape Section* – The site does not lie in an area covered by any national or local landscape designations. Trees within the site are / are not covered by a Tree Preservation Order (TPO). The site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Conservation Priority Area with a strategy of conserve and restore. Key visual receptors will be users of the lane to the South of the site. The proposed development will cause the loss of open agricultural field, the existing stone boundary wall will be replaced, a new access introduced, and remaining boundary trees impacted. The local character of the lane will be negatively impacted by the loss of existing site boundary and introduction of a domestic boundary wall. The proposed development may not be compliant with criterion I of Policy 10.
45. *Environmental Health Nuisance* – The proposed development is a detached plot. The locality maybe regarded as rural, with some residential properties nearby, surrounded by agricultural land. There are no major roads near to the site, therefore relevant noise levels should be relatively low and comply with the

thresholds, stipulated in the TANs (Technical Advice Notes). Considering, the scale of the development, the construction phase is likely to be relatively brief and assuming works are kept within suitable hours (via an appropriate condition), it is not expected that the impact of this phase likely to lead to a breach of the levels stated in the TANS (Technical Advice Notes). Advise that they would have concerns regarding impact on nearby residential properties during the construction phase. To help mitigate against relevant impacts suggest a Construction Management Plan should be submitted. Subject to condition the development is unlikely to cause a statutory nuisance.

46. *Environmental Health Contamination* – The Phase 1 has identified the need for further site investigation. Given this, a contaminated land condition and informative should apply in the event of approval.
47. *Trees* - No objection
48. *Archaeology* – Given the modest nature of these proposals, there is no objection from an archaeological point of view.

Public Responses:

49. The application has been advertised by way individual notification letters being sent to neighbouring properties and a site notice.
50. Two letters of support have been received. One, in summary, believe that a new dwelling and owners will bring lifeblood to Old Eldon and will encourage and lift the small but close knit community and help give it longevity.
51. The second, do not object to the bungalow being built, noting that the place has been made nice and tidy.
52. One letter of objection has also been received noting a temporary fence has been erected reducing the size of the road. Objections include overlooking, loss of natural light, noise and disruption and loss of view and lowering property values.

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 <https://publicaccess.durham.gov.uk/online-applications/>

Applicants Statement:

53. We have submitted a planning application for a single detached bungalow on land west of The Garth at Old Eldon. This infill plot fronts onto Moor Lane and is located to the north of the highway with an existing access and layby. There are residential properties located to both sides of this infill plot and directly opposite. The application site is located between 'The Garth' to the east and 'No.8' to the west but we have been informed the site is considered to be development in the open countryside, with no services or facilities and the proposal is unacceptable.

54. Old Eldon is a village settlement of residential properties with a strong vibrant resilient healthy and growing community as noted in the Sustainable Development Statement.
55. This application supports the County Durham Plan Adopted 2020 core principles of the development of a prosperous rural economy, delivering a wider more diverse choice of high quality homes in the village and promoting a healthy community within Old Eldon to join the existing development and regeneration of this village. The application also meets a number of policy's within the County Durham Plan Adopted 2020. In addition the residents have fully supported the application as it supports Old Eldon becoming more sustainable and resilient.
56. Although planning objections to the development have been raised, a recent scheme to convert seven barns to dwellings opposite the site and for a new four bedroom detached house opposite the site were approved along with fifteen new car parking spaces. The development was recently completed and all new dwellings are occupied and are integrated as part of this growing community. More recently we note the adjoining neighbour in The Garth has applied for planning permission for a single storey annexe together with five new parking spaces which Highways have supported.
57. Highways have stated the existing access onto the highway does not meet modern highways standards and is deemed to be an unsuitable means of safe access for the development. An improved safe access into the site, together with a visitors parking area is now proposed between the application site and the highway as detailed on the portal. There is a staggered junction close to the site which would indicate the speed of traffic to slow on approach to this site along with the SLOW markings on the road directly outside this site. There is street lighting along this road from each end of the village and also directly at the opening of the site's existing access. The nearest facilities are less than 1.5km in the next village of Eldon. There is a 4-5 metre verge leading to the outskirts of the village and an overgrown footpath leading from that point into Eldon. In addition there are two public rights of way at the end of the village leading to Shildon and Eldon supporting one of the Spatial vision points of promoting walking.
58. We have addressed all environmental issues associated with the development. A Preliminary Ecological Appraisal and Nutrient neutrality requirements have all been addressed.
59. Landscape comments state a visual impact with the loss of boundary trees, we would query this point as there are no boundary trees and we have submitted photographs to the portal to identify the site.
60. The proposal also includes air source heat pump, solar panels and electric car charging point to support the Spatial Vision of promoting renewable energy.
61. We currently travel and access this site a minimum of three times per day which would reduce dramatically if we were on site each day as we would both be retired.

PLANNING CONSIDERATION AND ASSESSMENT

62. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of the development; locational sustainability; landscape and visual impact; scale and design; highway safety and access; ecology; nutrient neutrality; residential amenity; drainage; ground conditions; sustainable construction and other matters.

Principle of Development

63. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date.
64. NPPF Paragraph 11c requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
65. The application site relates to an undeveloped parcel of land between two residential properties known as 'The Garth' and '8 Old Eldon.' The application site is not allocated for housing under CDP Policy 4. A review of historic mapping of the site indicates that this site has remained free from development for over 100 years.
66. The CDP sets out requirements for considering development proposals on unallocated sites and for where sites lie on the edge or outside of the built-up area under CDP Policies 6 and 10.
67. CDP Policy 6 relates to 'Development on Unallocated Sites' and states:
- The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a) is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;

- b) does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
- c) does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
- d) is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
- e) will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
- f) has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within the settlement;
- g) does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
- h) minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
- i) where relevant, makes as much use as possible of previously developed (brownfield) land; and
- j) where appropriate, it reflects priorities for urban regeneration.

68. The issues relating to the compatibility of the proposals to adjacent land uses(s), the ecological contribution of the land and its contribution to the character of the locality, scale, design and layout along with highways safety issues are considered in more detail below. In terms of principle a key issue relates to access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within the settlement.
69. It is acknowledged that Old Eldon is identified as a settlement within the County Durham Settlement Study. However, scores 0 and it is considered more akin to sporadic group/cluster of houses in the countryside. The area includes a number of residential properties however does not include any shops, facilities or services or any bus stops. In this respect the development would conflict with criterion f of CDP Policy 6.
70. For the purposes of CDP Policy 6 the built-up area is defined as contained within the main body of existing built development of a settlement or within a settlement boundary defined in a neighbourhood plan. When assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration.
71. It is recognised that paragraph 83 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby. It is also appreciated that representations in support of the application highlight that a new dwelling and owners will bring life to Old Eldon and will encourage and lift the small but close knit community and help give it longevity.

72. To the north west are Eldon, Close House, Coundon Grange which include limited services. Middridge is located over 2 km to the south east of the site by road, and includes a Public House and Hall. Larger settlements of Shildon lies to the south west and Newton Aycliffe to the south east which include a range of schools, facilities and wider services. In the context of NPPF paragraph 83 it is not considered that the addition of 1 dwelling in the location proposed would enhance or maintain the vitality of these communities.
73. CDP Policy 10 (Development in the Countryside) is also considered applicable which sets out that that development in the countryside will not be permitted unless it relates to exceptions linked to economic development infrastructure development or the re-development of existing buildings or specifically allowed by other policies in the Plan. It is considered that the application does not comply with any of the specific development exceptions policies outlined in CDP Policy 10. There are no provisions for market housing in the countryside and it is considered that the proposal would draw no support from CDP Policy 10.
74. The acceptability of the application relates to the sustainability credentials of the development and the specific impacts of these individual proposals, considered further below. Given the location of the site within the countryside and lack of services in Old Eldon it is considered that on the face of it the proposals would be in conflict with Policy 6 while also not representing an appropriate for on development in the countryside in conflict with Policy 10 of the County Durham Plan.

Locational Sustainability of the Site

75. Criterion p of CDP Policy 10 sets out that development must not be solely reliant upon unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport.
76. Criterion f of CDP Policy 6 sets out that development must have good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and level of service provision within that settlement.
77. CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Paragraph 114 of the NPPF states that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
78. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. As outlined, when assessing this, Old Eldon scores 0 and Old Eldon is considered more akin to a sporadic cluster of residential development in the countryside.

79. There are no services and facilities within the immediate area. IHT Buses in Urban Environment section A. 4.4' publication advises journeys on foot distances to public transport links should be easily safe and accessible and within a short 400m walking distance of the site. The nearest bus stops to the site are over 1.4km away in either direction however this would mean walking along the rural roads which do not have footways and are not lit by means of street lighting. It is considered that the practice of sustainable transport options will not to be fulfilled with a sole reliance of journeys by means of private motorised vehicle.
80. In conclusion, the application site is considered to be within the countryside in a location where there are no services or facilities within 400 metres, as such this will lead to reliance upon the private motorised vehicle. The site is therefore not considered to be located in a sustainable location and therefore fails to comply with Policies 6, 10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Landscaping, Design and Visual Impact

81. CDP Policy 6 sets out that development must not result in the loss of open land that recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for.
82. CDP Policy 10 under the general design principles states that development in the countryside must not give rise to unacceptable harm to the heritage, biodiversity, geodiversity, intrinsic character, beauty or tranquillity of the countryside either individually or cumulatively, which cannot be adequately mitigated or compensated for;
83. CDP Policy 39 states proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals would be expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Development affecting Areas of Higher Landscape Value will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of development in that location clearly outweigh the harm.
84. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside and optimise the potential use of the site. Paragraph 135 of the NPPF also states that planning decisions should ensure developments function well and add to the overall quality of the area, are visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting.
85. The application site does not lie in an area covered by any national or local landscape designations.
86. As outlined above, the site is located within a sporadic group/cluster of houses in a countryside location. The area is currently a grassed field.

87. The Council's Landscape Team have been consulted on the application. They advise that the proposed development will cause the loss of open agricultural field, the existing stone boundary wall will be replaced, a new access introduced, and remaining boundary trees impacted. They consider that the local character of the lane will be negatively impacted by the loss of existing site boundary and introduction of a domestic boundary wall and visual impacts will be generated by impacts on existing trees. They consider that there will be potential impacts from associated domestic uses and parking and that the proposed development may not be compliant with criterion I of CDP Policy 10.
88. The proposal would result in the loss of the open field, replaced by residential development. The site is clearly visible from the road to the south however it is not considered that the effects of a residential dwelling, in the form of the bungalow proposed, would be adverse at local level. Concerns are however raised with regard to the proposed boundary wall, which would replace the existing stone wall. The proposed brick wall and railings, at a height of 2 metres are considered to introduce a suburban form of development and it is considered that a revised boundary treatment would be more suitable in this location. It is recognised that this element of the development could be refined by a suitably worded condition.
89. With regard to trees, the proposals would result in the removal of trees to the front of the site between the wall and road to facilitate the proposed visitor parking space. The proposed dwelling itself is unlikely to have any direct impact on trees.
90. On balance, subject to a condition to secure revised boundary details, it is considered that the proposal could accord with Policies 10, 29 and 39 of the CDP and Parts 12 and 15 of the NPPF in this regard.
91. CDP Policy 6 also requires development to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of, the settlement. Whilst CDP Policy 10 under criteria o requires new development in the countryside, by virtue of their siting, scale, design and operation to not impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement which cannot be adequately mitigated or compensated for.
92. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
93. The site is not located within a conservation area and contains no designated heritage assets, nor is the site is located within and AHLV.
94. The surrounding area is characterised by a mix of housing, of varying age, size, form, proportion, fenestration, materials and detailing. The proposals include a brick bungalow with pantile roof, which subject to condition, it is considered could be accommodated within the site, in terms of its design and appearance. The proposals could be considered acceptable in these regards.

Highway Safety/Access

95. Part 9 of the NPPF requires new development to provide safe and suitable access to the site for all users and that significant impacts from development on the transport network or on highways safety should be mitigated to an acceptable degree.
96. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.
97. CDP Policy 6 criterion e. advises that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Whilst CDP Policy 10 criterion p. advises development shall not be solely reliant upon, or in the case of an existing use, significantly intensify accessibility by unsustainable modes of transport. New development in countryside locations that is not well served by public transport must exploit any opportunities to make a location more sustainable including improving the scope for access on foot, by cycle or by public transport; and CDP Policy 10 criterion q. be prejudicial to highway, water or railway safety.
98. Development should also have regard to the recently approved Parking and Accessibility Supplementary Planning Document (October 2023), which sets out specific parking standards for different types of development.
99. Paragraph 115 of the NPPF states that the 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.
100. The development proposes to utilise and adapt an existing unsurfaced field access which currently serves the field to provide access to the proposed dwelling. In curtilage car parking is proposed for the new dwelling and a visitor car parking space shown between the proposed front boundary wall and the roadside.
101. The Highway Authority have reviewed the proposals and object to the application, advising that new build dwellings should be in close proximity to community, education, and shopping facilities where realistic opportunities exist for sustainable travel modes rather than place reliance on the private motor car, as covered above.
102. However, in relation to highway safety, they advise that the site is located on the north side of the C34 Moor Lane which is unlit and subject to a derestricted (60mph) speed limit with high traffic speeds due to a relatively straight alignment. In terms of access to the site, whilst this would use an existing field access, the use and associated number of trips would intensify. For a 60mph restricted road, the set visibility splays of 2.4m x 215m would apply. This can be reduced and based on the 85th percentile speeds, where an up to date speed

survey is submitted. No speed survey has been submitted in support of the application.

103. A visibility splay of 2.4m x 215m could be achieved to the west, subject to the removal of a proposed parking bay to the front of the dwelling where a parked vehicle would obstruct visibility. However, to the east a maximum visibility splay of approximately 2.4m x 70m could only be achieved to the east, due to the presence of existing dwellings and boundary treatment outside of the application site. This would equate to a 31mph 85th percentile speed. The Highways Authority advise that given their knowledge and observations of this road, given its relatively straight geometry they consider that a 31mph 85th percentile speed to be highly unlikely. It is therefore advised that the access serving the development is considered unsafe and would lead to adverse loss of highway safety for vehicles existing the site.
104. The development of new housing at this location would also mean vehicles waiting on the highway to turn into and exit the access which is substandard in highway terms due to poor visibility.
105. As above concerns are also raised regarding the location of the dwelling and the lack of lit foot paths serving the site. The C34 is a relatively narrow rural lane with sections of winding and undulating geometry restricting forward visibility yet with maintained high vehicle speeds. There are narrow and uneven verges which are often overhung by roadside vegetation and bushes which does not afford a pedestrian easy safe refuge from passing vehicles. This is not considered to be an attractive or safe option for pedestrians. This could give rise to additional pedestrians on the highway, further leading to a loss of highway safety.
106. Whilst the application form indicates that there are 2 parking spaces, these are not indicated on the submitted plans although there would appear to be adequate space to accommodate the required level of parking.
107. In summary they consider these proposals constitute new housing in the countryside. Given the poor sustainable location, poor access for motorised vehicles and unsafe accessibility for pedestrian movements from the site to the wider network, a loss of highway safety would arise. The proposals are therefore considered contrary to Policies 6,10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

Ecology

108. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
109. Paragraph 186 of the NPPF sets out the Government's commitment to biodiversity. Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.
110. In line with this, CDP Policy 41 seeks to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and

features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or geodiversity.

111. CDP Policy 43 sets out that development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts while adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European Protected Species.
112. The Council's Ecology Officer had recommended that in order to ensure that a net gain in biodiversity is achieved by the proposals, at least 1 integrated bat box should be included in the completed development and that this should be appropriately sited and clearly shown on the proposed elevation plans prior to determination. During the consideration of the application plans have been provided which include the provision of a Harlech Woodstone Bat Box (or equal) on the western elevation of the proposed dwelling and this is considered acceptable.
113. Therefore, it is considered a biodiversity net gain can be achieved on the site to comply with Policies 41 and 43 of the County Durham Plan.

Nutrient Neutrality

114. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs), the Local Planning Authority must consider the nutrient impacts of any development proposals on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. In this respect Natural England have identified that the designated sites of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is in unfavourable status due to excess Nitrogen levels within the River Tees.
115. In this instance the development proposes the formation of 1 additional dwelling, which would ultimately give rise to additional loading of Nitrogen into the Tees catchment. Given the advice provided by Natural England, it is likely that in combination with other developments, the scheme would have a significant effect on the designated SPA/RAMSAR sites downstream both alone and in-combination. The Habitat regulations therefore require the Authority to make an 'Appropriate Assessment' of the implications of the development on the designated sites in view of the sites conservation objectives. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest (IROPI) and the necessary compensatory measures can be secured.
116. Nutrient Neutrality advice is provided by Natural England, including the provision of a Neutrality Methodology. This requires a nutrient budget to be calculated for all types of development that would result in a net increase in

population served by a wastewater system including residential development that would give rise to new overnight accommodation.

117. Natural England have been consulted and initially advise that the application could have potential significant effects on Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. They therefore require further information in order to determine the significance of these impacts and the scope for mitigation. Without this information, Natural England may need to object to the proposal.
118. In utilising the nutrient budget calculator produced by Natural England, mitigation is identified as being required which amounts to 1.33 credits in order to achieve Nutrient Neutrality.
119. In reviewing the application, the Councils Ecology Officer notes that the applicant is seeking to purchase Nutrient Neutrality credits from the National Mitigation Scheme, which is an acceptable form of mitigation. However Natural England have advised that at this time, there is a limited supply of mitigation credits available and demand is outstripping supply. Therefore, whilst the purchase of credits is an acceptable means of mitigation there is a high risk that credits could not be secured before a permission expires. It is therefore considered that it would not be appropriate to secure the purchase of credits by condition and the lack of secured mitigation would form a reason for refusal, despite the mitigation strategy being acceptable in principle.
120. Therefore, the proposal will fail to accord with Policies 41 and 43 of the County Durham Plan and Paragraph 188 of the National Planning Policy Framework. The Authority cannot also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations (2017).

Residential Amenity

121. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
122. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
123. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long. In considering this, the proposals are considered to provide suitable private amenity space for the proposed dwelling with the proposed rear garden in excess of the required 9 metres distance set out in the Residential Amenity Standards SPD.
124. The Residential Amenity Standards SPD also sets out the following separation distances for new development to comply with:-

- 'A minimum distance of 21.0m between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0m between habitable room windows and both dwellings are single storey.
- Where a main facing elevation containing a habitable room windows is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0m shall be provided where either dwelling exceed single storey or 10.0m where both dwellings are single storey.'

125. To the north of the application site is a field (within the ownership of the applicant). To the south, separated by the road and intervening boundary treatments are various residential dwellings. It is appreciated that an objection has been received from occupiers of 3 Old Eldon, with concerns, amongst others, relating to overlooking and loss of natural light. Windows on the front elevation of the proposed dwelling would serve the sitting room and bedrooms and there is in excess of 21 metres between the existing dwellings and front of the proposed dwelling. Given the size and position of the proposed dwelling and relationship with neighbouring properties, both opposite and adjoining, it is not considered that the proposals would result in over shadowing or loss of light to sustain refusal.
126. 8 Old Eldon is positioned to the west of the application site, the boundary with this dwelling demarked by a stepped brick wall, approximately 1.8 metres in height. This dwelling includes habitable room windows which face towards the application site. The gable of the proposed bungalow would include double doors serving the dining room. There is in excess of 21 metres between the proposed gable and existing dwelling at 8 Old Eldon. Taking into account the existing boundary wall, the proposal would be acceptable in terms of amenity upon this property and its associated amenity space.
127. To the east is positioned the residential dwelling, The Garth. This two storey property includes gable windows at ground and first floor level which would face toward the application site. (It is believed that the first floor window serves a bedroom). The proposals include windows and a door on the gable elevation facing towards this property which would serve a utility room and bedroom. Given the nature of the proposed and separation distances the proposals are considered acceptable in terms of its relationship with this adjoining property.
128. There are currently a number of conifer trees within the boundary of this neighbouring property. It is also noted that an application is currently being considered for this neighbouring site for the demolition of the existing garage and outbuildings and for the erection of a single storey annex and associated external works. These proposals include the removal of the existing conifers and creation of car parking area to the west of The Garth (DM/23/03491/FPA).
129. Taking into account the above given the nature of the proposals, position and existing relationships it is not considered that the proposals will not result in a material loss of privacy or overlooking, nor is it considered that the proposals would result in material overbearing or overshadowing effects.
130. Colleagues within Environmental Health (Nuisance) have also provided comments considering, the scale of the development, the construction phase is

likely to be relatively brief and assuming works are kept within suitable hours (via an appropriate condition), it is not expected that the impact of this phase likely to lead to a breach of the levels stated in the TANS (Technical Advice Notes). They also advise that they would have concerns regarding impacts on nearby residential properties during the construction phase and to help mitigate against relevant impacts suggest a Construction Management Plan should be submitted. Subject to condition the development is unlikely to cause a statutory nuisance. The addition of such conditions are also likely to address concerns regarding possible noise and disruption.

131. In terms of the amenity of future occupiers, the dwellings would provide 2 bedrooms and would be compliant with the Nationally Described Space Standards (NDSS) which requires a 2-bedroom 4 person dwelling (single storey) to have a 70 sqm gross internal floor area. The proposed dwelling would have a gross internal floor area of 147.9 sqm.
132. Overall, the proposals are considered to provide a good standard of amenity for existing and future residents, according with Policies 29 and 31 of the County Durham Plan and Part 12 and 15 of the National Planning Policy Framework.

Drainage

133. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and any residual risk can be safely managed.
134. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
135. The site is not located within a flood zone. Information submitted within the application form advises that foul water will be disposed of via the mains sewer and in relation to surface water this will be disposed of via a soakaway. Details of the drainage for both foul and surface water can be controlled by a planning condition. Therefore, the application through the use of planning conditions, can ensure that acceptable foul water and surface water drainage is secured on the site to comply with Policies 35 and 36 of the County Durham Plan.

Ground Conditions

136. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 189 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
137. The Coal Authority have been consulted and concurs with the recommendations of the Preliminary Investigation of Land report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted they recommend pre commencement conditions and informative advice.
138. In addition, the Council's Contaminated Land Team have been consulted and advise that given the submitted report Phase 1 has identified the need for further site investigation. Given this, contaminated land conditions should apply.
139. Therefore, based on the comments from the Coal Authority and Contaminated Land Team, subject to conditions the proposal could be considered to comply with Policies 32 and 56 of the County Durham Plan and Paragraph 189 of the National Planning Policy Framework.

Sustainable Construction

140. CDP Policy 29 requires new development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable water and prioritising the use of local materials.
141. No information in relation to this has been provided within the submitted application form or plans. In the event of an approval of the application, a conditional approach can be adopted to secure the submission of this information to show how the proposal would comply with this policy requirement, including the use of renewable energy and carbon reduction measures.
142. CDP Policy 27 states that any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
143. According to the OFCOM availability checker, the site has access to standard broadband in accordance with Policy 27 of the County Durham Plan.

Other Issues

144. CDP Policy 14 states that the development of the best and most versatile agricultural land, will be permitted where it can be demonstrated that the benefits of the development outweigh the harm, taking into account economic and other benefits. Best and most versatile agricultural land is classified by the NPPF as grades 1, 2 or 3a.

145. A site-specific agricultural land classification has not been submitted in support of the application. However, the application site is identified as 'Grade 4' in the Agricultural Land Classification which identifies the land as 'Poor' under the standards. Therefore, it is considered that the proposals would not lead to a loss of best or most valued agricultural land.
146. It is appreciated that the objection received also raises the issues of loss of view and property value. It is appreciated that the views of the site will change should the application be approved, however loss of view is not a material planning consideration that the application could be refused on. Similarly, a refusal could not be sustained on loss of property value.

CONCLUSION

147. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. NPPF Paragraph 12 states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate the plan should not be followed.
148. In this instance the development is supported by Policy 6. It is also considered that the proposals do not comply with any of the exceptions set out under Policy 10 of the CDP for development within the countryside, nor does it comply with any other specific policy in the plan which would allow for development in a rural location.
149. It is identified that there are no services and facilities within proximity of the application site with a reliance upon private means of motorised vehicles to access services and amenities further afield. The site fronts on to the C34 which has no footpaths or street lighting which will make walking and cycling from the site towards settlements with facilities unattractive and potentially dangerous. It is likely that residents of this new property are going to be highly dependent on private vehicles to access everyday services and facilities, which conflicts with principles of sustainable development. The site is therefore not considered to be in a sustainable location for development contrary to Policies 6, 10 and 21 of the County Durham Plan.
150. Noting concerns from the Highways Authority the access is not considered to be a safe means of access for the intensification of use for residential vehicular traffic due to its substandard site visibility onto the C34.
151. In terms of design and landscape terms, subject to conditions the proposals could be accommodated within the site. Additionally, subject to condition, the development could be considered acceptable in terms of residential amenity, drainage, ground conditions and ecology.
152. In relation to nutrient neutrality, whilst the purchase of credits is an acceptable means of mitigation, there is a high risk that credits could not be secured before a permission expires. It is therefore considered that it would not be appropriate to secure the purchase of credits by condition and the lack of secured

mitigation, despite the mitigation strategy being acceptable in principle. The proposal will fail to accord with CDP Policies 41 and 43 and Paragraph 188 of the NPPF. The Authority cannot also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations (2017).

153. It is recognised housing can support services in other nearby villages, particularly in rural areas, however it is not considered that in the context of the relationship of the site with neighbouring settlements of Shildon, Newton Aycliffe, Middridge and Coundon etc, that the addition of 1 dwelling in the location proposed would enhance or maintain the vitality of these communities to support approval of the application. The development would also result in a temporary economic uplift during construction and provide an additional unit of housing in the locality. However, these benefits are not considered sufficient to outweigh the policy conflict and harm identified above. There are no other material considerations which indicate a decision should be otherwise and therefore the application is recommended for refusal.

Public Sector Equality Duty

154. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
155. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

RECOMMENDATION

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

1. The application site is located within an unsustainable countryside location where future residents would be dependent on private motor vehicles to access services, facilities and employment opportunities, contrary to Policies 6, 10 and 21 of the County Durham Plan and Parts 5 and 9 of the National Planning Policy Framework.
2. The development would result in an adverse impact on highway safety due to the intensification of the existing access, the inability to provide adequate visibility splays and the likely increased use of the highway by pedestrians contrary to Policies 6, 10 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.
3. The development has not provided evidence that it could mitigate its impacts in respect of Nutrient Neutrality and therefore, adverse impacts on the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) cannot be ruled out in regard to nitrates. The development would fail to comply with Policies 41 and 43 of the County Durham Plan, Part 15 of the National Planning Policy

Framework and the Authority cannot also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations (2017).

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
 National Planning Policy Framework
 The County Durham Plan (CDP)
 Residential Amenity Standards Supplementary Planning Document January 2023
 Parking and Accessibility Supplementary Planning Document (October 2023)
 Statutory consultation responses
 Internal consultation responses
 Public Representations



<p>Planning Services</p>	<p>Construction of 1 no. dwelling Land West Of The Garth, Old Eldon</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>		
	<p>Date: March 2024</p>	