



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

Application No:	DM/23/02174/OUT
Full Application Description:	Outline application for the erection of up to 10no. dwellings and associated works (all matters reserved)
Name of Applicant:	Mr M Fenwick
Address:	Land to the West of Five Arches, Evenwood Lane, Evenwood
Electoral Division:	Evenwood
Case Officer:	Gemma Heron (Senior Planning Officer) Tel: 03000 263 944 Email: gemma.heron@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

The Site

1. The application site relates to a parcel of land which approximately measures 0.3 hectares located between Evenwood and Evenwood Gate. To the east is the A688, with open countryside to the north and west, and existing residential development to the immediate south. The land is relatively flat with existing hedgerows and shrub planting along its eastern boundary.
2. In terms of planning constraints, there is a pond located to the southwest of the site and a Public Right of Way (PROW) in the form of Footpath 6 to the southwest boundary.

The Proposal

3. The application seeks outline planning permission for the erection of up to 10no. dwellings and associated works with all matters (access, layout, landscaping, scale, and appearance) reserved to be considered as part of a future reserved matters application.

4. An indicative site plan has been submitted to show 10 dwellings set out in a courtyard arrangement, with the site to be accessed from the A688 to the southeast through an existing residential development which has been partially built out under permission DM/16/02668/FPA.
5. The application is being reported to the South West Planning Committee in accordance with the Council's Scheme of Delegation as it constitutes a major housing development of 10 dwellings.

RELEVANT PLANNING HISTORY

6. The following planning applications are relevant to the current application:

Application Site

7. Outline application 6/2011/0351/DM/OP for the erection of 37 dwellings, with access to be considered and all other matters reserved, was refused in May 2012 for two reasons. Firstly, due to concerns that the proposed development would predominantly lie beyond the development limits of Evenwood Gate in the open countryside and would have poor sustainability credentials due to distance to services. Secondly, the indicative details of layout and design were considered unacceptable in terms of the poor interface of housing with the site boundaries and the inadequate structural landscaping.
8. Following on from this Outline application 6/2013/0146/DM/OP was refused in October 2013 based on the first refusal reason. Full planning application DM/14/03503/FPA for the erection of 7no. 4 bed dwellings was then withdrawn in January 2015. Outline application DM/15/00210/OUT with all matters reserved for the construction of 7no. detached dwellings on the site was approved in May 2015 but has since expired.
9. Application 6/2011/0458/DM which sought the retention of a pigeon loft, storage container and shed was refused in September 2012 due to concerns over the impact on the character of the surrounding landscape.

To the South of the Application Site

10. 6/2006/0192/DM – Proposed conversion of redundant farm buildings to two dwellings. Approved December 2006. 6/2009/0368/DM – Renewal of extant permission 6/2006/0192/DM for conversion of redundant farm buildings to two dwellings. Approved January 2010.
11. 6/2010/0425/DM – Erection of detached bungalow (known as Five Arches) with detached garage (part retrospective). Approved February 2011.
12. Outline application 6/2007/0587/DM for the erection of 13no. dwellings on the site of the former Brown Jug public house was approved in March 2008. Subsequently, application the same proposals were resubmitted under

application DM/16/02668/FPA which was approved subject to a S106 agreement in September 2017. The dwellings have subsequently been constructed but the development remains incomplete with discrepancies between what has been built and the approved plans. Application DM/23/00246/FPA sought to regularise these, including through the retention of 2no. bungalows to replace 2no. two storey dwellings and is currently pending consideration.

PLANNING POLICY

National Planning Policy Framework

13. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
14. *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.
15. *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.
16. *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.
17. *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.
18. *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.

19. *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.
20. *NPPF Part 10 Supporting High Quality Communications* - The development of high-speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high-speed broadband.
21. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
22. *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.
23. *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.
24. *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 Page 73 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:

25. 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: air quality; 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; noise; 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)

26. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
27. *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.
28. *Policy 10 (Development in the Countryside)* states that 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.
29. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities, and the circumstances in which the specialist housing will be supported.
30. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.

31. *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.
32. *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.
33. *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.
34. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* requires all residential and commercial development to 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.
35. *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.
36. *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.

37. *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.
38. *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.
39. *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.
40. *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.
41. *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.
42. *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.
43. *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.

Supplementary Planning Documents

44. Development Viability, Affordable Housing and Financial Contributions SPD (2024) – Provides guidance on how CDP Policy 25 and other relevant policies requiring planning obligations for affordable housing or other infrastructure will be interpreted and applied.
45. Trees, Woodlands and Hedges SPD (2024) – Provides guidance on good practice when considering the impacts of development on trees, woodlands, and hedgerows, as well as new planting proposals.
46. Residential Amenity Standards SPD (2023) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
47. Parking and Accessibility SPD (2023) – Provides guidance on parking requirements and standards.
48. County Durham Building for Life SPD (2019) – Provides guidance on the application of the Building for Life standards and the Design Review process referenced in CDP Policy 29 to ensure well-designed major residential development proposals.

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

Neighbourhood Plan:

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

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham>

CONSULTATION AND PUBLICITY RESPONSES

Statutory Consultee Responses:

50. *Evenwood and Barony Parish Council* – Advise that they do not object to the application but raise concerns regarding to the access arrangements and the flow of traffic entering or exiting the site as the development is considered likely

to cause issues on the main roads surrounding the site and exacerbate the existing parking issues.

51. *Highways Authority* – Advise that the applicant intends to access the site through the partially completed access from the A688 Staindrop Road and questions whether the applicant has agreement from the landowner to utilise this. Consider the access to be satisfactory for the quantum of generated vehicle trips for the 10no. units and for the existing 13no. partially completed dwellings. Consider it likely that an adoptable layout can be achieved at the reserved matters stage and advise that parking, cycling storage and electric vehicle charging points must be provided in accordance with DCC Parking and Accessibility SPD 2023, including three visitor parking and bin collection points at the end of the private shared drives.
52. *Lead Local Flood Authority (Drainage and Coastal Protection)* – Advise that the principles of the surface water drainage strategy are generally acceptable, subject to the submission of further details, which could be secured via condition.

Internal Consultee Responses:

53. *Spatial Policy* – Advise that the principle of the development needs to be assessed against CDP Policies 6 and 10 with the key issues being in relation to countryside encroachment, the relationship of the development to the settlement pattern and form, landscape impacts, highways impacts, and the sustainability of the proposal. It is advised that the site is within the medium value viability area and accordingly, 15% of the dwellings would need to be secured as affordable, equating to 2 affordable units comprising 1 First Home and 1 Affordable home for rent. A financial contribution of £17,391 would be required to mitigate the developments impacts in regard to open space.
54. *Design and Conservation* – Advise that the proposed development lies beyond the settlement edge. The indicative layout shows dwellings turning their back on the settlement edge and Evenwood Lane, poorly addressing those areas with rear boundary treatment. The applicant should ensure that the settlement edge and Evenwood Lane are appropriately addressed through landscaping and dwelling frontage.
55. *Landscape Section* – Advise that the site is not covered by any national or local landscape designations and is not covered by a Tree Preservation Order (TPO). The key visual receptors of the site will be users of Public Right of Way (PROW) 6 and Evenwood Lane. The proposed development will result in the loss of open pasture and will extend an isolated residential development along Evenwood Lane. Advise that boundary planting should be retained and adequate additional structural landscape provision made to the north western and south western boundaries.
56. *Arboricultural Officer (Trees)* – Advise that the submitted Arboricultural Report has identified a number of trees and groups across the site for removal. The hedgerows along the southwestern and northwestern boundaries are identified

for retention. Consider the smaller trees/scrub within the interior parts of the site to be small and of low quality to which there would be no objection to their removal but recommend mitigation planting within the site to reduce the impact of the development. As this is an outline application, a further Arboricultural Impact Assessment would be required at the reserved matters stage to confirm any impact of the final layout/design and mitigation methods.

57. *Ecology* – Advise that that based on the information provided it is likely that a 10% net gain can be achieved. As this is an outline application, the metric must be updated in accordance with the full and final designs, including on-site and off-site information, at the reserved matters stage. A draft Habitat Management and Monitoring Plan to show how the habitats will be managed over 30 years would also be required. However, confirm that further survey works are required in relation to Great Crested Newts, bats, and invasive/protected plant species, the results of which would be required prior to determination.
58. *Public Rights of Way Section* – Advise there are no registered public rights of way affected by this proposal.
59. *Environmental Health and Consumer Protection (Nuisance)* – Advise that a housing development is noise sensitive. 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 planning condition), it is not expected that the impact of this phase will likely lead to a breach of the levels stated in the Technical Advice Notes (TANs). The development is considered unlikely to cause a statutory nuisance.
60. *Environmental Health and Consumer Protection (Contamination)* – Advise that a Phase 1 Preliminary Risk Assessment has been submitted which identifies a Phase 2 is required. Therefore, a planning condition should apply requiring the submission of further information.
61. *Environmental Health and Consumer Protection (Air Quality)* – Advise that with only 10 dwellings, operational impacts can be scoped out. The residences are set back more than 50 metres from the A688, the only likely emission source in the area, so air quality at the site is likely acceptable. Due to adjacent residences, a construction dust risk assessment/dust management plan will be required.
62. *Education Provision Lead Officer* – No response received.
63. *Affordable Housing Team* – Advise that the scheme is for 100% affordable housing comprised of a rented tenure and that there is a need in the wider area for this product. However, insufficient information has been provided to demonstrate that a local Registered Provider (RP) is involved in the scheme as given the lack of amenities in the immediate area, the properties may not be suitable to meet local needs.
64. *Sustainable Development Team* – No response received.

External Consultees

65. *NHS North East and North Cumbria Integrated Care Board* – Confirm they have no comments to make on the application.
66. *Northumbrian Water* – No response received.

Public Responses:

67. The application has been advertised in the local press (Teesdale Mercury), by site notice and individual notification letters sent to neighbouring properties.
68. No letters of representation have been received.

Elected Members

69. No comments from Councillors received.

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/search.do?action=simple&searchType=Application>

Applicants Statement:

70. The new application for 10 new build 2 bed bungalows for social housing on the site at Five Arches has previously had planning granted, thus we believe confirming the site suitability for a new application, the new design follows on from the previous site layout and aims to provide good quality homes which can become an important homes under a Collaborative Partnership with the Fairhome Property Group, the Fairhome Group enables and facilitates collaborative partnership working to co-ordinate the provision of specialist housing in collaboration with Local Authorities and registered Housing Associations. This allows us to source and develop the right property solutions within communities, fostering independent living and improving overall wellbeing. Our approach empowers Local Authorities to provide accommodation that effectively meets local community needs and ensures much-needed independent living options.
71. Community Support - We are pleased to report that we had a productive meeting with the parish and ward council, which resulted in their full support for our application. A letter from Councillor James Cosllet is anticipated, further solidifying this backing.
72. Ecological Considerations - We recognize the discrepancies in the BNG metric provided and will correct these to ensure that the areas of lost and created habitats are accurately reflected. Our aim is to achieve a net gain of over 10%. In addition, we will prepare a draft Habitat Management and Monitoring Plan (HMMP) to manage significant habitats effectively over a minimum duration of ten years.

73. Surveys and Assessments - We acknowledge the need for further surveys, including a return visit during the peak botanical season to assess invasive or protected plant species. We will also conduct the necessary surveys for Great Crested Newts (GCN) to ensure compliance with ecological standards.
74. Design and Aesthetics - The development's design will incorporate elements that respect the surrounding environment. We plan to create a boundary design that includes soft planting and thoughtful design elements. Upon receiving planning permission, we will submit a comprehensive design package for review.
75. Landscape Implementation - Our approach to landscape design will ensure compliance with planning policy and stakeholder needs. We will incorporate boundary planting and adhere to recommendations from our ecological reports, aiming for a final design that exemplifies best practices in environmental sustainability and aesthetics.
76. Collaborative Partnership - Fairhome Property Group enables and facilitates collaborative partnership working to coordinate the provision of specialist housing in collaboration with Local Authorities and registered Housing Associations. This allows us to source and develop the right property solutions within communities for vulnerable adults, fostering independent living and improving overall wellbeing. Our approach empowers Local Authorities to provide accommodation that effectively meets local community needs and ensures much-needed independent living options.
77. Forward Planning – Our hopes are that the committee recognises the positive aspects and local support of social housing on this site, and approves our application. We appreciate the guidance received and remain dedicated to ensuring our application will meet all necessary standards and community expectations.

PLANNING CONSIDERATION AND ASSESSMENT

78. 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.
79. 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, along with advice set out in the Planning Practice Guidance notes. Other material considerations include representations received.
80. In this context, it is considered that the main planning issues in this instance relate to the Principle of Development, Locational Sustainability, Highway Safety Issues, Design and Layout, Landscape and Visual Impact, Residential

Amenity, Drainage and Flood Risk, Ecology and Biodiversity Net Gain, Ground Conditions and Land Stability, Planning Obligations, Other Matters, and Public Sector Equality Duty.

Principle of Development

81. 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 NPPF Paragraph 12. 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.
82. 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.
83. The site has been assessed within the Strategic Housing Land Availability Assessment (SHLAA) under site reference: 6/EG/02 and has a suitable green classification under this assessment but is categorised as 'not currently achievable'. The outcome of the SHLAA for the site states: *'No significant issues affecting the suitability of the site for housing purposes have been identified. The acceptability of this site for housing purposes has previously been accepted through an outline planning permission for seven dwellings. This has since lapsed posing uncertainty over delivery.'* Whilst the site has been identified in the SHLAA as having a green classification, this was based on an extant planning permission of the time which has since lapsed. The previous planning application does not represent a fallback position for the proposal.
84. Since the publication of the SHLAA in 2019, the County Durham Plan has been adopted and has up to date policies for assessing planning applications. Therefore, as set out in the SHLAA Report 2019, all planning applications for residential development will continue to be determined against current development plan policies and other material planning considerations and assessed on their own merits. Being classified as green 'suitable' within a SHLAA does not grant a site planning permission and does not mean that the development of the site would be acceptable when matters of detail are formally submitted by an applicant.
85. Overall, whilst the site is shown as 'suitable' but not deliverable within the SHLAA, the previously approved planning permission has since lapsed and therefore there is no fallback position on the site. The SHLAA does not establish the principle of the development of the site for residential development.

86. Accordingly, the proposal would need to be assessed against the most up to date development plan for the area, the County Durham Plan 2020 and the National Planning Policy Framework, as well as relevant SPDs and guidance.
87. Turning to an assessment against the relevant County Durham Plan (CDP) Policies, the site is located next to Evenwood Gate which is a cluster of residential properties sited approximately 575 metres from the closest boundary of Evenwood to the north of the site.
88. Whilst Evenwood and Ramshaw are identified in the Council's Settlement Study (2018) as a settlement cluster (Ramshaw Cluster), it is recognised that Evenwood Gate itself is not identified in the Study. However, in considering the characteristics of Evenwood Gate, it is a cluster of residential development that does have the characteristics of a settlement. It previously hosted a public house (Brown Jug Inn) which has since been demolished and re-developed for housing. Therefore, on balance, whilst it is not identified in the Settlement Study in its own right, it is considered to constitute a settlement.
89. CDP Policy 10 sets out that development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal relates to one or more listed exceptions. In this instance, there is no neighbourhood plan relating to the application site and none of the exceptions contained within Policy 10, which relate to economic development, infrastructure development or the re-development of existing buildings, are relevant.
90. In considering whether the development is allowed by other policies in the Plan, Policy 6 (Development on Unallocated Sites) is relevant which sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan (i) within a built-up area; or (ii) outside the built-up area but well-related to a settlement will be permitted where they accord with all relevant development plan policies, and which:
 - a. *are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;*
 - b. *do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;*
 - c. *do 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. *are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;*

- e. *would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;*
 - f. *have 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 that settlement;*
 - g. *do 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. *minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;*
 - i. *where relevant, make as much use as possible of previously developed (brownfield) land; and*
 - j. *where appropriate, reflect priorities for urban regeneration.*
91. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. The supporting text to this policy at Paragraph 4.110 advises that 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.
92. The application site does not fall within the built-up area of the closest settlement of Evenwood Gate and so the issue of whether it is well-related to a settlement is engaged. In this regard, the application site is physically connected to the existing housing site to the south east and it is proposed to utilise the vehicular access through this site from the A688. Therefore, the scheme is considered to meet the initial purpose of CDP Policy 6, however a more detailed assessment, including against the criteria of the policy, will be undertaken under the Locational Sustainability and Landscape and Visual Impact headings below.
93. For completeness, no conflict is identified with (a), (c), or (g) of CDP Policy 6 as the development would be a compatible with the existing residential development immediately adjacent to meet (a); it would not result in the loss of open land which can be adequately mitigated for to meet (c); and it would not result in the loss of a valued facility or service (g). In addition, no conflict is identified with criteria (i) or (j).
94. Notwithstanding the above, if it is considered that the proposed development conflicts with or is not permitted under CDP Policy 6, it should be assessed against the requirements of CDP Policy 11 (Rural Housing and Employment Exception Sites), as the applicant proposes the scheme to be 100% affordable housing. CDP Policy 11 states:

'Where housing is proposed it must be shown that:

- a) The development is well-related to a settlement;*
- b) There is an identified local need for affordable or specialist housing sufficient to justify the scale and nature of the development;*
- c) Any market housing is only included where it can be robustly demonstrated that this is essential to support the viable delivery of affordable housing. Only the minimum necessary should be included; and*
- d) the affordable housing is made available to the local community identified as being in need, with priority given to the occupation by households with a local connection.'*

95. In assessing CDP Policy 11, the application is presented as 100% affordable. However, no evidence of a Registered Provider or the local need for the extent of this type of affordable housing in this location has been supplied by the applicant to justify the development under Policy 11. The Council's Affordable Housing Officer has been consulted on the application and they advise there is a general need in the wider area for affordable rented units. The properties are stated to be made available for affordable rent, however no information or evidence to demonstrate that a local Registered Provider (RP) is involved in the scheme to manage the properties has been submitted. Insufficient information has been provided to demonstrate that there is an identified local need for the scale and nature of the affordable housing proposed in this location (b), or how priority for the occupation of the properties would be given to households with a local connection (d). Therefore, without this information this development does not meet the criteria of CDP Policy 11.
96. Overall, in considering the principle of the development, the key policies for consideration are 6 and 10. The site is physically connected to the existing development to the south and so the scheme is considered to meet the initial purpose of Policy 6. However, a more detailed analysis is carried out under the Locational Sustainability and Landscape and Visual Impact headings below as these matters are intrinsically linked to the principle of the development. If the proposals are considered to not meet the requirements of CDP Policy 6, neither do they meet the requirements of CDP Policy 11. There are no other policies within the plan that would permit the proposed development in this countryside location.

Affordable Housing Provision

97. CDP Policy 15 requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, adaptable and meets the needs of those residents unable to access the open housing market. CDP Policy 19 seeks to ensure that an appropriate mix and tenure of housing is secured in developments. Since the CDP was adopted, the Government's First Homes policy has come into force and requires a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected

to be an affordable home ownership product on major developments as set out in the NPPF.

98. In regard to affordable housing provision, the site is located within the medium housing needs viability area and accordingly, 15% of the total dwellings need to be affordable. The Council's Spatial Policy Team have been consulted on the application and they advise that the scheme is required to provide two affordable units comprised of 1 First Home and 1 Affordable home for rent to meet the above requirements.
99. However, information has been submitted to state that the scheme is for 100% affordable housing comprised of a rented tenure. The Council's Affordable Housing Team have been consulted on the proposal and they advise there is a general need in the wider area for affordable rented units. However, no information or evidence to demonstrate that a local Registered Provider (RP) is involved in the scheme has been provided and there is a lack of amenities in the area for future occupiers and so the properties may not meet local needs. Therefore, given the lack of evidence or support from a local RP, the Affordable Housing Team are not satisfied that there is a local need for the number of affordable homes for rent proposed in this location. Therefore, it is not considered necessary to secure all of the properties to be of an affordable rent tenure via a Section 106 legal agreement.
100. Despite this, in this case it is considered that a Section 106 agreement could be utilised to secure the policy requirement of 1 First Home and 1 Affordable Home for Rent to meet the requirements of Policy 15 of the CDP. Therefore, it is not recommended that the application be refused on this basis.

Locational Sustainability

101. Turning next to sustainability, CDP Policy 21 provides greater clarity on what the CDP requires in respect of sustainability, with Policy 21 considering more than just public transport connections. CDP Policies 6 (f) and 10 (p) build upon these areas and cover public transport connection considerations.
102. CDP Policy 6 (f) requires development to have 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.
103. CDP Policy 10 (p) sets out that new development must 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.
104. CDP Policy 21 requires the delivery of sustainable transport by facilitating investment in safe sustainable modes of transport, 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. The Policy requires all development to have regard to the policies set out in the County Durham's Strategic Cycling and Walking Delivery Plan and, where possible, contribute to the development of a safe strategic cycling and walking network and in particular the routes set out in Local Cycling and Walking Infrastructure Plans. It also requires development to have regard to the Parking and Accessibility Supplementary Planning Document. CDP Policy 21 supports a modal shift towards sustainable transport.

105. These policies are in line with the following sections of the NPPF. NPPF Paragraph 96 seeks for planning decisions to aim to achieve healthy, inclusive and safe places and beautiful buildings which include street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, that are safe and accessible.
106. NPPF Paragraph 109 advises that the planning system should actively manage patterns of growth and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, it acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and advises that this should be taken into account in both plan-making and decision-making.
107. In addition, NPPF Paragraph 114 states that appropriate opportunities to promote sustainable transport modes should be taken, whilst NPPF Paragraph 116 a) advises that priority should first be given to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. Part b) also seeks to ensure that the needs of people with disabilities and reduced mobility are addressed in relation to all modes of transport.
108. CDP Policy 21 first requires the transport implications of development to be addressed as part of any planning application, where relevant this could include through Transport Assessments, Transport Statements and Travel Plans. This is discussed in the highway safety section of this report.
109. Turning to CDP Policy 21 criteria a) and b), it is noted that these criteria prioritise pedestrian connectivity ahead of cycling and bus transport. Officers are mindful of the CIHT's Planning for Walking (2015) guidance which states under Section 6.4:

“Building Sustainable Transport into New Developments (DfT, 2008) gives the following advice on pedestrian catchment areas: Traditional compact town layouts: Walking neighbourhoods are typically characterised as having a range of facilities within 10 minutes’ walking distance (around 800 metres). However, the propensity to walk or cycle is not only influenced by distance but also the quality of the experience; people may be willing to walk or cycle further where their surroundings are more attractive, safe and stimulating. Developers should

consider the safety of the routes (adequacy of surveillance, sight lines and appropriate lighting) as well as landscaping factors (indigenous planting, habitat creation) in their design. The power of a destination determines how far people will walk to get to it. For bus stops in residential areas, 400 metres has traditionally been regarded as a cut-off point and in town centres, 200 metres (DOENI, 2000). People will walk up to 800 metres to get to a railway station, which reflects the greater perceived quality or importance of rail services.”

110. Active Travel England’s standing advice in regard to Active travel and sustainable development (June 2024) also advises that a mix of local amenities should be located within 800m walking and wheeling distance (using well-designed routes) of all residential properties or staff entrances for workplace facilities.
111. Officers note that CDP Policy 21 (a) requires proposed development to deliver, accommodate and facilitate investment in safe sustainable modes of transporting in the following order of priority:
 - Those with mobility issues or disabilities.
 - Walking.
 - Cycling.
 - Then bus and rail transport.
112. There are no facilities or services within Evenwood Gate that would serve the occupiers of this development. The nearest shop, school and health centre would all be sited within the settlement of Evenwood itself which is located to the northwest of the application site accessed via Evenwood Lane. It is noted that Randolph Industrial Estate is located on the eastern outer edge of Evenwood and lies approximately 500 metres away from the centre of the application site.
113. To walk from the centre of the site to the nearest local shop would be approximately 890 metres; to Evenwood Health Centre would be approximately 1000 metres; and to the nearest school (Evenwood Primary School) would be approximately 1380 metres. Other services within Evenwood include a café, public house, church, nursery, community centre, post office and a hot food takeaway all between 890 metres to 1500 metres away from the centre of the site. As such, there are no services or facilities within the recommended 800m distance or 10 minute walk time.
114. In addition, Active Travel England have published standing advice in regard to Active travel and sustainable development (June 2024) which sets out that footpaths/ways to local amenities should conform to the National Design Guide standards of being safe, direct, convenient and accessible for people of all abilities. In considering this, the footpath which links the site to the services of Evenwood would be via an unlit footpath which could raise usability concerns in the evenings/nights for users which is not desirable in such a location. The walking route from the site into Evenwood is along an unlit footpath located to the north side of Evenwood Lane. This would not provide a safe or attractive

route for prospective residents to walk along to access the amenities within Evenwood.

115. Taking into account of advice contained within the CIHT's Planning for Walking 2015 Guidance document and the Active Travel England Guidance document, by virtue of the limited range of facilities nearby, and the distance and route to access them, prospective residents of the proposed development are considered unlikely to walk into Evenwood.
116. In terms of public transport options, it is noted that there are two bus stops within 400 metres of the centre of the site which provide access to Bishop Auckland and Barnard Castle via the bus service no.85 ran by Weardale Travel. However, the bus service runs infrequently at one every two hours and the footpath connecting the site to the bus stops is unlit. Therefore, prospective residents of the proposed development are considered unlikely to access services and facilities by bus and instead be reliant upon the private car.
117. Overall, it is considered that the future occupiers of the proposed development would be reliant upon unsustainable modes of transport to access services and facilities, and education and employment opportunities. Therefore, the proposed development is contrary to criterion (f) of CDP Policy 6, criterion (p) of Policy 10 and Policy 21 of the County Durham Plan, Part 9 of the NPPF, and the guidance set out by Active Travel England and CIHT's Planning for Walking 2015.

Highway Safety Issues

118. 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. CDP Policy 6 criterion (e) requires development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. This is echoed by CDP Policy 10 criterion (q).
119. An indicative site plan has been submitted which indicates access will be taken via the existing highway access from the A688 through the existing residential development. However, as access is a reserved matter, this is indicative only.
120. The Highways Authority have been consulted on the proposal and they advise that the indicative access through the partially completed access from the A688 through the existing residential development would be satisfactory from a highway safety perspective. As part of the reserved matters application, parking, cycling storage and electric vehicle charging points must be provided in accordance with DCC Parking and Accessibility SPD 2023. Three visitor parking spaces must be provided as well as bin collection points at the end of the private shared drives. As access and layout are reserved matters, this

would need to be assessed further at that stage. However, it is considered likely that an acceptable arrangement could come forward in this regard.

121. It is noted that planning application reference DM/16/02668/FPA for the existing 13no. partially completed dwellings, required the turning head to be constructed prior to the occupation of the dwellings but that the turning head has not been constructed and is not shown on the plans associated with application DM/23/00246/FPA. If the proposed development were to go ahead, a turning head could be provided within the current application site to resolve this concern.
122. Overall, based on the advice of the Highways Authority, it is likely that an acceptable site access and parking arrangement can be designed as part of the reserved matters application to comply with criterion (e) of Policy 6, criterion (q) of Policy 10 , and Policy 21 of the County Durham Plan, Part 9 of the NPPF, and the Parking and Accessibility SPD 2023.

Design and Layout

123. 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. In total, CDP Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; 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.
124. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 135 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
125. The application is an outline application with details of layout, scale and appearance to be reserved for future consideration should this application be approved. Accordingly, an indicative site layout plan has been provided, but no details of the elevations or floor plans of the dwellings have been submitted.
126. The Design and Conservation Team have been consulted and they advise that the indicative plan shows dwellings turning their back on the settlement edge and Evenwood Lane which poorly addresses those areas with rear boundary treatment. Given this application is an outline application, consideration of the design and layout would be made under the reserved matters application, and this would be an opportunity to consider the comments made by the Design and Conservation Team.
127. Overall, the scale, appearance and layout of the scheme is a reserved matter and would be considered under a subsequent application. However, it is

considered likely that an appropriate scheme could be designed to meet the requirements of Policy 29 of the County Durham Plan and Part 12 of the NPPF.

Landscape and Visual Impact

128. CDP Policy 6 criterion (b) does not permit the development of unallocated sites where it would contribute to coalescence with neighbouring settlements, or result in ribbon development, or inappropriate backland development. CDP Policy 6 criterion (d) also requires development to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement.
129. 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.
130. CDP Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided.
131. The site is not within a locally or nationally designated landscape. It is visible from the public highway (A688) to the southeast, from Evenwood Lane to the east and Public Right of Way (PROW) Footpath 6 to the west which are the primary receptors of the development.
132. Evenwood Gate is a small linear settlement predominantly comprising a row of dwellings along the southern side of the A688, with the site of a former public house along the northern side having been granted permission to be redeveloped for housing which has since been partially constructed.
133. The site is surrounded by open fields to three sides: to the south west, north west, and the north east beyond Evenwood Lane. Development in this location to the rear of the existing residential properties does not reflect the linear character of Evenwood Gate and is considered to represent inappropriate backland development that would be of an inappropriate location to the character of the settlement, contrary to CDP Policy 6 criteria (b) and (d). Overall, the site is not considered to be visually well related to a settlement.
134. The Council's Landscape Team have been consulted on the proposal and they advise that the development will result in the loss of open pasture and will extend an isolated residential development along Evenwood Lane. They advise that existing boundary planting must be retained, and adequate additional structural landscape provision made to the north western and south western boundaries. It is considered that it would be feasible to design a layout capable of incorporating the above which would help to screen the development from the highway and PROW no.6.
135. At this stage, layout and landscaping are reserved matters and only an indicative site layout plan has been provided. The landscaping would need to

be fully assessed under the reserved matters stage and is not being considered under this outline application. Subject to an appropriate landscaping scheme coming forward, the proposals would not be considered to cause unacceptable landscape harm in the context of CDP Policy 39. It is considered that it would be feasible for an appropriate landscaping scheme to come forward. However, this would not overcome the harm caused by the development to the linear character of Evenwood Gate

136. The Council's Tree Officer has reviewed the submitted Arboricultural Report which has identified a number of trees and groups across the site for removal with the hedgerows along the southwestern and northwestern boundaries identified for retention. They advise that any gaps within the hedgerows should be stocked up. They advise that the smaller trees/scrubs within the interior part of the site are small and of low quality and there would be no objection to their removal. These details could come forward as part of a subsequent reserved matters application and so no conflict with CDP Policy 40 is identified.
137. Overall, the proposed development would conflict with CDP Policy 6 criteria (b) and (d) and is not considered to be visually well related to the settlement. The submission of a detailed landscaping scheme is not considered capable of overcoming this harm.

Residential Amenity

138. 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.
139. 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.
140. 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.
141. The Residential Amenity Standards SPD also sets out separation distances for new development to comply with. It states that a minimum distance of 21.0 metres between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0 metres between habitable room windows and both dwellings are single storey should be achieved. Where a main facing elevation containing a habitable room window is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0 metres shall be provided where either dwelling exceeds single storey or 10.0 metres where both dwellings are single storey.

142. An indicative proposed site plan has been submitted with the application to demonstrate how the site could accommodate 10 dwellings. The indicative plan indicates that 10 dwellings could be built on the site whilst achieving the required separation distances set out under the Residential Amenity Standards SPD. This would ensure there would be no issues in regard to an overbearing impact, overshadowing or overlooking.
143. In regard to garden lengths, the indicative layout shows that some of the plots would have a substandard garden space which would not comply with the Residential Amenity Standards SPD. However, this application is outline only and the layout, scale and appearance of the dwellings would be fully assessed at the reserved matters stage where a full assessment of the residential amenity could be made. This would present an opportunity to design the dwellings in such a manner to ensure that the required 9 metre garden lengths are achieved.
144. Overall, it is considered that the indicative site layout demonstrates how a scheme of up to 10 dwellings could be accommodated on the site to comply with the separation distances and garden lengths required by the Residential Amenity Standards SPD. Given the application is outline, this would be fully assessed at the reserved matters stage when the appearance, scale and layout of the scheme is considered. However, it is likely it can be designed to be acceptable in regard to the residential amenity to comply with CDP Policy 31 and the Residential Amenity Standards SPD.

Drainage and Flood Risk

145. 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 advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 175 of the NPPF goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
146. 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. CDP Policy 6 criterion (h) states development should '*minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding*'.
147. The application has been supported by a Surface Water Drainage Strategy. Accordingly, the Lead Local Flood Authority have been consulted on the

application and they advise that generally the principles of the strategy are acceptable, however, they request additional information to be submitted in this regard.

148. It is acknowledged that there is outstanding information required to be submitted for the surface water and foul water drainage of the site. However, as the principles of the strategy have been agreed by the LLFA, and as the application is an outline planning application, it is considered to be reasonable and necessary to impose a planning condition to resolve the drainage matters on the site. This could be informed by the layout of the site which would be considered under the reserved matters application stage.
149. Overall, subject to planning conditions, the surface water and foul water drainage for the site could accord with Policies 35 and 36 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

Ecology and Biodiversity Net Gain

Impact on Protected Species and their Habitats

150. CDP Policy 41 states: *'Proposals 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.'*
151. CDP Policy 43 advises: *'In relation to protected species and their habitats, all development which, alone or in combination, has a likely adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution will not be permitted unless:*
- a) Appropriate mitigation, or as a last resort compensation, can be provided, which maintains a viable population and where possible provide opportunities for the population to expand; and*
 - b) Where the species is a European protected species, the proposal also meets the licensing criteria (the legal tests) of overriding public interest, no satisfactory alternative and favourable conservation status.'*
152. The application is accompanied by a Preliminary Ecological Appraisal (PEA), which identifies that additional survey works are required to establish whether bats are present in the building and trees on the application site. Bats have legal status as protected species under Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended). This means it is a criminal offence to damage or destroy a place used by bats for breeding or resting. In this instance, it is unknown whether bats are present on the site. Therefore, the risks to bats are unknown, as is whether any mitigation measures would be required to protect bats during the works and if so what measures would be suitable. Planning guidance and case law set out that it would be inappropriate to secure further survey work by condition. Therefore, the development would fail to accord with Policy 41 and 43 of the County Durham Plan.

153. In addition, there is also a pond in close proximity to the site and as such, a survey of the pond is required to determine the presence or absence of any Great Crested Newts in proximity to the site. Without this survey, it is unknown whether the development will impact upon any Great Crested Newts or not. As Great Crested Newts are a European Protected Species, Local Planning Authorities must consider if the developer has taken appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects on GCN. Without this survey, the LPA cannot assess the impact of the development upon GCN and therefore, the development would fail to accord with Policies 41 and 43 of the County Durham Plan.
154. Furthermore, the Council's Ecologist advises that the PEA states that the site has good suitability for reptiles in the form of basking, foraging, shelter and hibernation potential and therefore advises that further survey works are required to establish the impacts of the development in reptiles. In addition, the baseline survey for the PEA was undertaken in the winter and so a return visit to the site is required to check for any invasive/protected plant species in the peak botanical season.
155. Overall, insufficient information has been submitted to demonstrate the impact of the development upon European Protected Species in terms of Great Crested Newts and Bats. Therefore, the Local Planning Authority cannot assess whether appropriate measures to avoid, mitigate or as a last resort compensate for any negative effects are proposed or required. Given this, the proposal fails to accord with Policies 41 and 43 of the County Durham Plan and Part 15 of the NPPF.

Biodiversity Net Gain

156. From the 12th of February 2024, the requirements of Schedule 14 of the Environment Act 2021, as inserted into Schedule 7A of the Town and Country Planning Act 1990, apply to all planning applications for major development unless falling under one of the listed exemptions. This application was valid from the 9th of May 2024 and so is legally required to deliver biodiversity net gains of at least 10%.
157. In addition to the above, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks, and NPPF Paragraph 180 d) advises that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. NPPF Paragraph 186 d) also advises that 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 or enhance public access to nature where this is appropriate.
158. The application is supported by a Biodiversity Net Gain Assessment and a completed version of DEFRA's Biodiversity Metric. The submitted information has been reviewed by the Council's Ecologist who has indicated that there is an error in the BNG Metric around the total area of habitat. Despite this, they

advise that based on the information provided a 10% net gain can be achieved for the site, subject to the submission of a revised Metric and a draft Habitat Management and Monitoring Plan to show how the habitats will be managed over 30 years.

159. Based on this, for the purposes of an outline planning application, it has been demonstrated that a 10% biodiversity net gain could be achieved on the site. Therefore, the application fulfils the requirements of Schedule 14 of the Environment Act 2021 (as inserted into Schedule 7A of the Town and Country Planning Act 1990), CDP Policy 41 and NPPF Paragraphs 180 d) and 186 d).

Ground Conditions and Land Stability

160. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 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.
161. The application has been supported by a Phase 1 Risk Assessment. The Council's Contaminated Land Team have been consulted on the report supplied and they confirm that a Phase 2-4 Report may be required for the development as there is a need for further site investigation. This can be secured via planning condition.

Planning Contributions

162. CDP Policy 25 states that new development will be approved where any mitigation necessary to make the development acceptable in planning terms is secured through appropriate planning conditions or planning obligations. Such mitigation will relate to the provision, and/or improvement, of physical, social and environmental infrastructure taking into account the nature of the proposal and identified local or strategic needs.
163. Policy 25 goes on to state that developers will be required to enter into Planning Obligations which are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind to the development, in order to secure the mitigation that is necessary for a development to be acceptable in planning terms. In this regard, CDP Policy 25 reflects NPPF Paragraphs 55 and 57.

Public Open Space Provision

164. In relation to open space provision, the Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration

factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.

165. In this respect, the proposal would need to make a financial contribution of £17,391 in relation to off-site open space which would be secured via Section 106 Agreement which the applicant has agreed to.

Education

166. NPPF Paragraph 97 recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Paragraph 99 goes on to advise that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities.
167. The Council's Education Provision Lead Officer has been consulted on the application and no comments have been provided. Therefore, in this instance, no financial contributions are required to provide additional school places.

Health Care

168. The NHS North East and North Cumbria Integrated Care Board have been consulted on the application and they have no request for any financial contributions. Therefore, in this instance no financial contributions are required to provide additional / extended accommodation to provide additional capacity for local GP surgeries.

Planning Obligations Summary

169. NPPF Paragraph 55 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
170. Under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the applicant has agreed to a financial contribution of £17,391 regarding open space provision and to secure affordable housing on the site.
171. NPPF Paragraph 57 and Paragraph 122 of the Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. The contributions sought are considered to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Therefore, the planning obligations sought accord with these three tests.

Other Matters

Meeting the Needs of Older People and People with Disabilities

172. CDP Policy 15 states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Furthermore, on sites of 10 or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that would increase housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- Level access flats;
 - Level access bungalows; or
 - Housing products that can be shown to meet the specific needs of multi-generational family.
173. In this regard, the applicant has advised that all of the units would be built to M4(2) Standard of Building Regulations. The proposal would provide 10no. bungalows which would be in excess of the policy requirement for one unit to be suitable for older people. These are benefits of the scheme to be weighed in the planning balance.
174. The applicant has indicated the intention that the scheme would provide 100% bungalows which would exceed the requirement of CDP Policy 15 in regard to meeting the needs of older people and people with disabilities. However, this application is in outline only and the scale, layout and appearance of the scheme is not under consideration at this stage and would be a reserved matter. In considering this, a planning condition could be imposed to require at least 66% of the dwellings to be M4(2) compliant and at least 10% to be of a type to meet the needs of older people to meet the requirements of CDP Policy 15.

Measures to Minimise Carbon Emissions

175. CDP Policy 29 criterion (c) requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
176. CDP Policy 29 criterion (d) requires all 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 waste and prioritising the use of local materials.

177. In addition, NPPF Paragraph 164 advises that in determining planning applications, Local Planning Authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights).
178. No details regarding how the proposed development would comply with the above have been provided, however the application is in outline it would be considered appropriate in this instance to impose a condition to secure further details in this regard.
179. Subject to this condition, the proposed development accords with the requirements of Policy 29 of the County Durham Plan and accords with Part 2 of the National Planning Policy Framework.

Broadband Connection

180. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
181. In considering this policy requirement, due the location of the development, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. A condition is recommended requiring the precise broadband details to be submitted to comply with CDP Policy 27.

Air Quality

182. In relation to Air Quality, CDP Policy 31 sets out: "Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibrations 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."
183. The Air Quality Team have been consulted on the proposal and they advise that as the dwellings are set back more than 50 metres from the A688, this is the only likely emission source in the area. Given this, the air quality at the site is likely to be acceptable. They advise that a construction dust risk assessment/dust management plan is required for the proposal which can be controlled via planning condition.

CONCLUSION

184. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning applications be determined in accordance with the development plan

unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

185. In this instance, the site lies within the open countryside and so it needs to be considered whether there are any other policies within the plan that would permit the proposed residential development. It is concluded that the proposed development would represent a form of inappropriate backland development that does not reflect the linear form of Evenwood Gate, with the location of the site not visually well related to the character and form of the settlement.
186. In addition, the site is not considered to be a sustainable location as future occupiers would be reliant upon unsustainable modes of transport to access services and facilities. Therefore, the proposal conflicts with Policy 6 (f), Policy 10 (p) and Policy 21 of the County Durham Plan, Part 9 of the NPPF, and the guidance set out by Active Travel England and CIHT's Planning for Walking 2015.
187. Therefore, it is concluded that the site is located outside and in a position not well related to a settlement the proposed development cannot draw support from CDP Policy 6.
188. No evidence or information to demonstrate a local need for the type and number of affordable homes proposed in this location has been provided, or confirmation of any support from a local Registered Provider, and so the proposals also fail to meet the requirements of CDP Policy 11.
189. There are no other relevant policies within the plan permissible towards residential development in this location and so the proposals are contrary to CDP Policy 10 regarding development in the countryside. Consequently, the principle of the development is unacceptable.
190. In addition, insufficient information has been submitted to demonstrate that the proposed development would not adversely impact European Protected Species in terms of Great Crested Newts and Bats, as well as other species including reptiles. Therefore, the Local Planning Authority cannot assess whether appropriate measures to avoid, mitigate or as a last resort compensate for any negative effects are required or feasible. Given this, the proposal fails to accord with Policies 41 and 43 of the County Durham Plan.
191. It is considered that suitable details of access, scale, appearance, layout, and landscaping could come forward to meet the requirements of CDP Policies 15, 19, 21, 25, 26, 29, 31, 32, 35, 36, 39 and 40 and the Residential Amenity Standards and Parking and Accessibility SPD's.
192. The benefits of constructing up to 10 affordable bungalows on the site are acknowledged. However, as no evidence of the local need for the number and type of affordable rented homes in this location have been provided, with no details of support from a local Registered Provider who would be responsible for managing the properties, the weight to be afforded to this is limited.

193. Overall, the benefits associated with the development are not considered sufficient to outweigh the significant harm and policy conflict identified and so the application is recommended for refusal.

Public Sector Equality Duty

194. 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.

195. 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 proposed development lies within the open countryside in a position not well related to a settlement and the future occupiers would not have good access by sustainable modes of transport to services and facilities, leading to them being reliant upon unsustainable modes of transport. The proposals are contrary to Policies 6, 10, 11 and 21 of the County Durham Plan, and Part 9 of the National Planning Policy Framework.
2. Insufficient survey work has been undertaken to establish whether the development would have an impact on the populations of Bats, Great Crested Newts, and/or Reptiles, and if necessary whether any adequate mitigation could be secured. Therefore, the proposal fails to accord with Policy 41 and 43 of the County Durham Plan and Paragraph 185 b) of the National Planning Policy Framework.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents

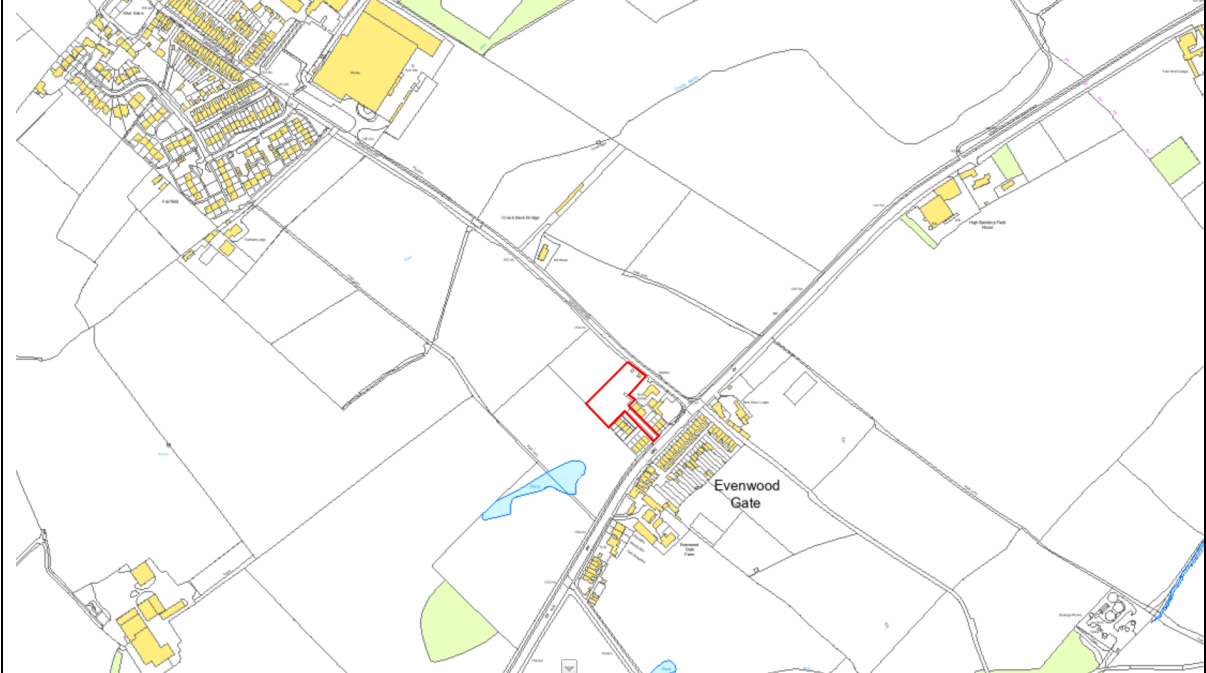
National Planning Policy Framework

National Planning Practice Guidance Notes

County Durham Plan (2020)

- Trees, Woodlands and Hedges SPD (2024)
- Development Viability, Affordable Housing and Financial Contributions SPD (2024)
- Residential Amenity Standards SPD (2023)
- Parking and Accessibility SPD (2023)
- County Durham Plan Strategic Housing Land Availability Assessment (2019)
- County Durham Building for Life SPD (2019)

- Durham County Council Open Space Needs Assessment (2018)
- CIHT Better Planning, Better Transport, Better Places (2019)
- CIRIA The SuDS Manual (2015)
- Statutory consultation responses
- Internal consultation responses
- External consultation responses

					
<p>Planning Services</p>	<p>Outline application for the erection of up to 10no. dwellings and associated works (all matters reserved)</p>				
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