

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2011/0351/DM/OP
FULL APPLICATION DESCRIPTION:	Proposed residential development (outline application)
NAME OF APPLICANT:	Mr & Mrs M Fenwick
SITE ADDRESS:	Land south of Evenwood Lane, Evenwood Gate, Bishop Auckland, County Durham, DL14 9ND
ELECTORAL DIVISION:	Evenwood ED
CASE OFFICER:	Steve Teasdale 03000 260834/ 261055 steve.teasdale@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site comprises almost 1 hectare of predominantly agricultural pasture land immediately to the south-west of Evenwood Lane and north-west of the classified road A688 at Evenwood Gate. The site is roughly rectangular and presently contains a range of unused and derelict stone built agricultural buildings and a more recently constructed bungalow. It adjoins the site of the former Brown Jug public house, which is in a derelict condition following a major fire a few years ago.

The Proposals

2. The proposal is an outline planning application for the erection of 37 dwellinghouses, with vehicular access from Evenwood Lane. The application is in outline form, and all matters other than access would be reserved for future consideration if planning permission was to be granted. However, all buildings, including the recently constructed bungalow, would be demolished and an indicative layout plan which forms part of the application suggests that the development would comprise a mixture of detached, semi-detached and terraced houses. A draft Section 106 agreement has recently been submitted in respect of the provision of affordable housing.

PLANNING HISTORY

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

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

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

Expires on 30 December 2011

6/2008/0318/DM – Erection of bungalow and garage – APPROVED
6/2008/0174/DM – Erection of bungalow – REFUSED
6/2007/0587/DM – Erection of 13 dwellings on site of the Brown Jug (outline) - APPROVED
6/2006/0192/DM – Conversion of barns to two dwellings - APPROVED

PLANNING POLICY

NATIONAL POLICY

4. The Government has now published its *National Planning Policy Framework (NPPF)*, which replaces all *Planning Policy Statements and Guidance notes*. The Framework sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. The Framework sets out the presumption in favour of sustainable development. In terms of implementation, the Framework sets out that for the 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In particular it is of note that at paragraph 12, it is highlighted that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The NPPF can be accessed at:

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

REGIONAL PLANNING POLICY

5. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. In July 2010, however, the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention.
6. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The following policies are considered relevant:
7. *Policy 4* Sets out a sequential preference for development of sites with an emphasis on redevelopment of previously developed land.
8. *Policy 24* Places an emphasis on sustainability of development in terms of its design, location and accessibility

LOCAL PLAN POLICY:

H6 – New Housing in the Open Countryside

ENV1 – Protection of the Countryside

ENV8 – Safeguarding Plant and Animal Species Protected by Law

ENV10 – Development Affecting Trees of Hedgerows

H12 – Design

GD1 – General Development Criteria

H14 – Provision of Affordable Housing within Residential Areas

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=6619>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

9. *Evenwood Parish Council:* Objects on the grounds that the development would be too large for Evenwood Gate, access would be unsatisfactory, there is a lack of proposed facilities within the scheme, and there is no support from the residents of Evenwood Gate.
10. *The Highways Authority:* Has no objections subject to imposition of conditions relating to the agreement of visibility splays, public footway details, and junction radii.

INTERNAL CONSULTEE RESPONSES:

11. *Planning Policy Section:* Considers that the application should be refused on the grounds that it is not a sustainable location and that there are more appropriate sites located within the village of Evenwood where there is a greater level of services. It is considered that those sites should be explored first. It is also thought that the scale of the development is inappropriate as it would increase the housing in Evenwood Gate by 84% contrary to Saved Policy GD1, and that in spatial terms the village extension proposed would not consolidate the existing building line of the settlement. The relationship between the proposed housing and the derelict public house is also considered to be poor in amenity terms.
12. *Landscape Section:* Objects to the proposal on the grounds that it is contrary to Policies GD1 and ENV10 of the Local Plan, and does not accord with the aims of the County Durham Landscape Character Assessment in terms of maintaining and strengthening the rural character of the landscape between towns and villages. Concern is also expressed about loss of trees and hedgerows.

13. *Pollution Control Section:* Has no objections subject to conditions to minimise environmental pollution during construction.
14. *Archaeology Section:* Considered that there may be potential for archaeological features and requested further survey work as a result. Following examination of this updated report and it considers that emphasis should be placed on retention of the stone outbuildings rather than demolition. If the proposal were to be approved in its current form however, then a condition ought to be imposed to require appropriate recording prior to demolition.
15. *Ecology Section:* No objections subject to imposition of a condition requiring specified mitigation measures to be carried out. The application site and buildings thereon are considered low risk for protected species and the mitigation therefore is centred on precautionary working methods, timing of works to remove vegetation and demolish buildings, gapping up of hedgerows, and installation of bat tubes.
16. *Legal Section:* The submitted draft S106 agreement in relation to affordable housing is not considered satisfactory, but would be capable of amendment should planning permission be granted.

PUBLIC RESPONSES:

17. The proposal was advertised by site and press notices and neighbour letters to 34 households. This has resulted in 14 letters of objection and 8 letters of support. The reasons for the objections can be summarised as follows:
 - The proposal does not include the derelict Brown Jug site
 - There are no existing or proposed community facilities in Evenwood Gate
 - Too many houses are proposed
 - There are existing houses for sale in Evenwood Gate
 - Access to the site would be near a crest in the road with poor visibility
 - It is not a sustainable location for new housing
 - The proposal has little support from the local community
18. The letters of support are from local businesses, the primary school and medical practice in the village of Evenwood. The comments can be summarised as follows:
 - The development would bring trade to local shops, pubs, schools and other businesses
 - The site is presently an eyesore
 - The development would create jobs
 - The proposal would bring much needed housing to Evenwood and allow local people to stay in the area in better accommodation

APPLICANTS STATEMENT:

19. This planning application was submitted on 29th September 2011 for an area of land which is partly occupied by derelict farm buildings; partly by a relatively new dwelling; with the remainder being an area of scrubland not in any beneficial use. Attempts have also been made to bring the land occupied by the derelict, former Brown Jug public house into the proposal, but the owners of this property have failed to respond. The outline application has indicated the potential for 37 dwellings at this site, but it must be borne in mind that the proposal is only at outline stage, and the design and layout remain for future consideration.
20. The proposals recognise the need to make provision for a wide choice of high quality homes, as the new National Planning Policy Framework requires. As a result, the proposed site is one of a mixture of market housing and affordable homes, although there has been an element of conflicting advice on the requirement for affordable homes in the settlement of Evenwood. Notwithstanding this, a mixed housing development is proposed which can be regarded as sustainable, and as the new planning policy guidance makes clear, there is to be a presumption in favour of sustainable development. This Council has responded to this presumption in recent times with regard to other modestly sized residential schemes which have come forward, whilst this scheme, which is some 700 metres from the centre of Evenwood, benefits from a range of shops, a primary school, doctor's surgery, sports facilities, social and communal facilities as well as good, regular public transport links.
21. It is actually the case that some of these services and facilities have shown support for new development taking place which will, for example, enable the school and village generally to grow and flourish; or for other businesses to be supported. These organisations have put their support in writing, and a further 66 households in Evenwood and Evenwood Gate have expressed their support for the injection of new investment and new homes to provide vitality and prosperity.
22. The new National Planning Policy Framework advises that planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council has weighed this issue in the balance previously and determined that the positives to be gained from new investment in a mix of high quality homes in areas where such an injection of positive-thinking was required was of fundamental importance. It is believed that such a positive decision should also be made in respect of Evenwood Gate.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://teesdale.planning-register.co.uk/PlanAppDisp.asp?RecNum=20736>

PLANNING CONSIDERATIONS AND ASSESSMENT

23. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 relevant guidance, development plan policies and all material planning considerations, including representations received, it is

considered that the main planning issues in this instance relate to the principle of development of the site, design and layout, landscape impact, access, open space and affordable housing.

The principle of development

24. The NPPF makes it clear that there should be a presumption in favour of sustainable development, but does not alter the statutory requirement that applications for planning permission must be determined in accordance with the development plan unless material conditions indicate otherwise. Furthermore, the NPPF does not change the statutory status of the development plan as a starting point for decision making, and paragraph 12 makes it clear that proposed development that conflicts with an up to date Local Plan should be refused unless material conditions indicate otherwise. The Teesdale District Local Plan was adopted in 2002, and is only 10 years old. Paragraph 211 of the NPPF states that local plan policies should not be considered out of date simply because they pre-date this new national planning policy.
25. The application site comprises two areas of distinctly different character. The south-eastern area extends to approximately 0.15 hectare, and contains the recently erected bungalow and the old disused stone built barns previously approved for residential conversion. This area lies within the development limits of Evenwood Gate as defined in Inset Map 13 of the Teesdale District Local Plan.
26. The remainder of the site lying to the north-west extends to approximately 0.77 hectare, and lies entirely outside the development limits. Accordingly, over 70% of the application site lies within open countryside.
27. Policy H4 of the Teesdale District Local Plan permits, in principle, the residential development of previously developed sites up to 0.4 hectares which lie within the development limits of settlements, including Evenwood Gate. It is arguable that the smaller area of the site would be acceptable in principle for redevelopment, although it already contains a recently constructed dwelling and buildings previously approved for conversion.
28. Policy H3 permits, in principle, housing development of previously developed sites over 0.4 hectares, within the development limits of settlements, but Evenwood Gate is not an identified settlement for this policy, presumably because there are no sites over 0.4 hectares within the development limits.
29. The majority of the application site lies in open countryside, where Policy H6 only permits housing development which is justified as being essential to the needs of agriculture or forestry, and where such accommodation could not reasonably be met within an existing settlement.
30. Policy ENV1 seeks to protect the countryside from inappropriate development. Subject to meeting other policy requirements, developments relating to agriculture and forestry, rural diversification projects, nature conservation, tourism and recreation may be permitted. Housing development is not permitted under Policy ENV1. Accordingly, the proposal is contrary to Policies H6 and ENV1 of the Local Plan.

31. Policy 4 of the RSS prescribes a sequential test to be applied to selecting sites for development. In order of preference, these are; suitable previously-developed sites and buildings within urban areas, particularly around public transport nodes; other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes; suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.
32. As previously stated, over 70% of the application site comprises agricultural land in the countryside which has not previously been developed and the proposal therefore does not meet the objectives of Policy 4.
33. It is also noted that Evenwood itself has 5 sites identified in the SHLAA as suitable for residential development. These are much more sustainably located within or adjacent to the settlement boundary. For this reason they are coloured green under the SHLAA 'traffic light' classification system and should be developed in preference to the current, less sustainable proposal, which would be on a site coloured amber, which means it is considered unsuitable for development at the present time. The adjacent Brown Jug site has a 'green' classification in the SHLAA, because it is previously developed land which lies predominantly within the development limits. Its estimated yield of 13 dwellings is also very much less than the current proposal, and it has had outline planning permission which has now expired.
34. Policy 24 relates to delivering sustainable communities. It requires the Local Planning Authority to have regard to the nature of the development and its locational requirements; and recognises the sustainability benefits of concentrating the majority of the Region's development within the defined urban areas, utilising previously developed land wherever possible, locating development to reduce the need to travel, the accessibility of development sites to jobs and services, and ability to access all modes of transport, particularly walking, cycling and public transport.
35. The application site would essentially be an extension to the small hamlet of Evenwood Gate which has no community infrastructure of its own. The only social facility was the Brown Jug public house, but that has been lost through fire damage and is unlikely to be replaced, particularly at a time when public houses are closing in significant numbers.
36. The nearest range of community facilities are in Evenwood, the centre of which lies 1 kilometre away. The local primary school is even further away at 1.5 kilometres. The Tesco and Sainsbury supermarkets in West Auckland are 4.5 kilometres away, and the Bishop Auckland town centre is almost 7 kilometres distant. Visiting the towns of Barnard Castle and Darlington would also involve travelling at least 15 kilometres.
37. The proposed development would therefore be relatively isolated from the infrastructure needed to meet everyday requirements for employment, education, shopping, leisure and social and community activity.

38. Paragraph 55 of the NPPF states that to promote sustainable development, housing in rural areas should not be located in places distant from local services. Evenwood Gate has no local services. For all these reasons, it is concluded that the proposal fails to comply with Policies 4 and 24 of the RSS, and does not constitute sustainable development for which the NPPF would have any favourable presumption.

Design and Layout

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

40. The layout is considered to be poor in terms of its relationship with the main roads which bound the site's north-eastern and south-eastern boundaries. The development would essentially be inward facing, turning its back upon the main highway thoroughfares and indeed upon the existing terraced housing of Evenwood Gate. Some gables would be presented to the street scene, very close to the site boundary. Whilst it is accepted that design and detailing of the rear elevations could improve this to some extent, the private amenity spaces would need to be defined by enclosures of sufficient height to give security and privacy, and this would not be acceptable in the main street scene.

41. The indicative design and layout described in the application is therefore considered to fall well short of that required to comply with Policy GD1 of the Local Plan.

42. It is considered that the indicative design and layout could have been considerably improved if the application site had included the adjacent Brown Jug site. Furthermore, redevelopment of this previously developed land and a significant reduction in the extent of the application site beyond the northern development limits of Evenwood Gate might have gone some way towards satisfying policy conflicts referred to above. Regrettably, efforts to bring together different landowners to explore this alternative approach failed.

Landscape Impact

43. Most of the application site is in agricultural use as rough pasture and scrub land. This land is defined by hedgerows and contains individual, and groups of trees, many of which would be removed to facilitate development. Whilst the indicative layout plan shows that some replanting would take place, this would primarily be in the centre of the site, within a small area of landscaped amenity space. Landscaping would be a matter for future consideration if planning permission was granted but it is clear from the indicative layout that a dozen trees would be lost along the north eastern boundary along Evenwood Lane, with little in the way of replanting. No tree planting is also shown along the south western boundary which borders open countryside. As a result, any housing development would be prominent not only from the western approach to Evenwood Gate along the A688, but also from public footpath no.6 which runs parallel some 90 metres to the south west.

44. Having regard to the constraints of the site and the indicative layout it is therefore considered that there would be insufficient space in which to provide an acceptable level of tree planting to adequately screen or visually soften the edges of the housing development, particularly when viewed from the north west and south west. It is considered as a result that the proposal fails to provide adequate structural landscaping and it therefore contrary to Policy GD1 of the Teesdale District Local Plan.

Access

45. The indicative access arrangements are considered acceptable by the Highways Section, subject to the submission of further details relating to junction design.

Open Space

46. The indicative layout shows that the only open space area within the development would be a landscaped central area extending to about 270m². Using the criteria set out in Policy H1A of the Local Plan, this proposal would need to provide a minimum of 370m² of informal play space and 740m² of amenity space. Such on-site provision is made more important because of the lack of open spaces and play areas in Evenwood Gate and the nearest facilities being in Evenwood itself, almost 1km walk from the application site.

47. It is considered that the proposal fails to provide an adequate amount of informal play space and amenity space and there is no indication that this could be satisfactorily provided given the number of intended dwellings contrary to Policy H1A of the Teesdale District Local Plan.

Affordable housing

48. The application as submitted did not include the provision of affordable housing, which would be required at a rate of 30%, an equivalent of 11 dwellings on this proposed development of 37 houses. Following negotiations however, a draft S106 agreement has been submitted, but this is not considered acceptable by the Legal Section and would need further amendment before any planning permission could be issued.

CONCLUSION

49. It is considered that the substantial increase if the size of Evenwood Gate, using land which is in open countryside, beyond the recognised development limits, is unacceptable in terms of the significant encroachment into open countryside and the unsustainable location of the application site in terms of its remoteness from infrastructure needed to meet everyday requirements for employment, education, shopping, leisure and social and community activity.

50. The applicant, in his supporting statement, asserts that similar developments have previously been considered by the Council to be sustainable, but no examples have been provided. It is noted however that outline planning permission was granted in 2008 for redevelopment of the adjacent Brown Jug

site for housing This proposal involved land which was considered to be previously developed, and whilst partly outside the development limits, this was considered acceptable because of its previously developed status. This consent has now expired and it is unfortunate given the current state of this site that it has not been possible to consider this as part of any redevelopment. As proposed therefore, the erection of 37 dwellings in a small hamlet of only 42 houses represents a disproportionate and unsustainable enlargement of the settlement.

51. Whilst this is an outline proposal, the indicative details of layout, design, landscaping and open space and informal play provision are not considered acceptable. It cannot be established therefore that a satisfactory form of development could be achieved on the site through this proposal.

52. The proposal is therefore considered to conflict with Policies H6, ENV1, H1A and GD1 of the Teesdale District Local Plan, Policies 4 and 24 of the RSS, and paragraph 55 of the NPPF.

RECOMMENDATION

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

1. The proposed development would predominantly lie beyond the development limits of Evenwood Gate, on land which has not previously been developed and in the open countryside. The lack of existing community infrastructure and the travelling distances to essential facilities such as employment, education, shopping, leisure and social and community activity mean that the proposed development has poor sustainability credentials. Accordingly, the proposal is considered to be contrary to Policies H6 and ENV1 of the Teesdale District Local Plan 2002, policies 4 and 24 of the RSS, and paragraph 55 of the NPPF.
2. The indicative details of layout and design are considered unacceptable in terms of the poor interface of housing with the site boundaries, the inadequate structural landscaping along the north east, north west and south west boundaries of the site, and the substandard provision of amenity open space and informal play space within the development. As such the proposal is considered to be contrary to policies H1A and GD1 of the Teesdale District Local Plan.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
The National Planning Policy Framework (NPPF)
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
Teesdale District Local Plan 2002
Response from Planning Policy Section
Response from Highways Section
Response from Landscape Section
Response from Pollution Control Section
Response from Archaeology Section

Response from Ecology Section

Durham County Council GIS



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Planning Services

6/2011/0351/DM/OP
LAND AT EVENWOOD LANE
EVENWOOD GATE

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Comments

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Scale NTS