



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site

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

#### The Proposals

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

Expires on 22 August 2013

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

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## **PLANNING HISTORY**

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

6/2011/0351/DM – Residential development 37 dwellings (outline application) - REFUSED  
6/2010/0425/DM – Erection of detached bungalow – APPROVED  
6/2010/0050/DM – Erection of two static caravans for 18 months – APPROVED  
6/2008/0318/DM – Erection of bungalow and garage – APPROVED  
6/2008/0174/DM – Erection of bungalow – REFUSED  
6/2007/0587/DM – Erection of 13 dwellings on site of the Brown Jug (outline) - APPROVED  
6/2006/0192/DM – Conversion of barns to two dwellings – APPROVED

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). This supersedes all previous PPS and PPG documents. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

*The NPPF can be accessed at:*

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

### **LOCAL PLAN POLICY:**

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

H3 – Housing Development On Sites Of More Than 0.4 Hectares  
H6 – New Housing in the Open Countryside  
H1A – Open Space in New Development  
ENV1 – Protection of the Countryside  
ENV8 – Safeguarding Plant and Animal Species Protected by Law  
H12 – Design  
GD1 – General Development Criteria  
H14 – Provision of Affordable Housing

## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

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

### **INTERNAL CONSULTEE RESPONSES:**

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

## **PUBLIC RESPONSES:**

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

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

Too many houses are proposed for the size of the village

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

It is not a sustainable location for new housing

Existing highway flooding in the vicinity would be made worse

The proposal has little support from the local community

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

## **APPLICANT'S STATEMENT:**

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

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

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

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://teesdale.planning-register.co.uk/PlanAppDisp.aspx?AppNo=6/2013/0146/DM/OP>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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

### The principle of development

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

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

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

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

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

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

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

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

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

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

#### Access and Highway Safety

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

## Other Matters

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



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

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

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## **CONCLUSION**

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

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

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

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

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

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## **RECOMMENDATION**

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

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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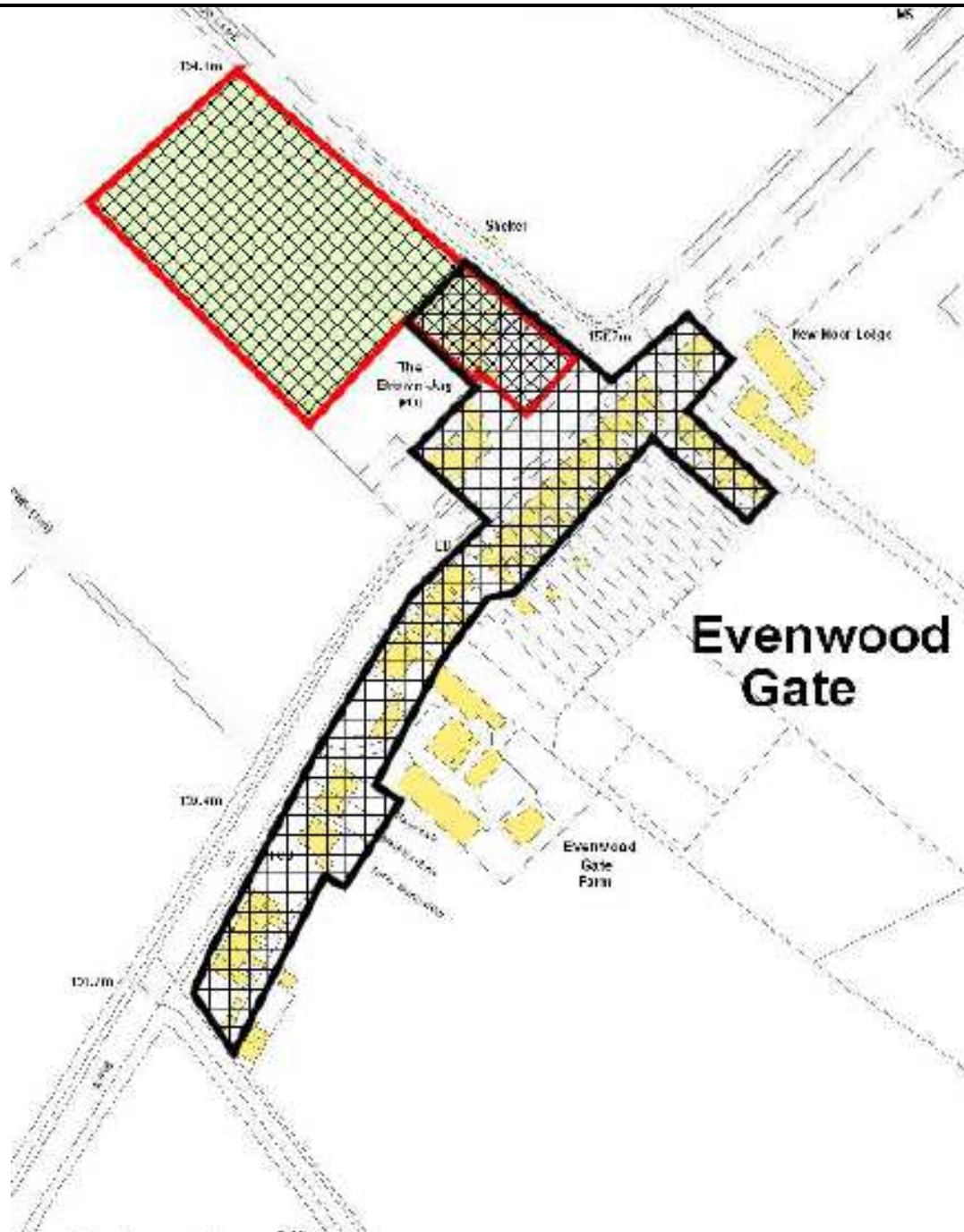
The local planning authority engaged with the applicant in a proactive manner through pre-application discussions, which aimed to reduce the scale of the development and encourage a more cohesive form of development across the application site and the adjacent site of the former Brown Jug public house.

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## **BACKGROUND PAPERS**

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



**Planning Services**

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

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**OCTOBER 2013**