

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/02668/FPA
FULL APPLICATION DESCRIPTION:	Erection of 13 dwellings
NAME OF APPLICANT:	Mr Mark Fenwick
ADDRESS:	Brown Jug 39 Evenwood Gate DL14 9NW
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site lies immediately adjacent to the A688 at Evenwood Gate on the north west side of the road. The site previously hosted the Brown Jug Inn which has now been demolished. To the north west of the former car park is an area of scrub and paddock land. To the north/north east is a residential property and former agricultural buildings. To the south west is agricultural land. Across the road to the south east is a line of Terraced properties. The parking, hardstanding and garden areas lie outside the development limits of Evenwood Gate, but the whole of the site can be regarded as previously developed land.
2. The application seeks full planning permission for the erection of 13no. residential properties which would be provided in a mixture of 3 bedroom terraced and semi-detached houses. Vehicular access would be provided from the A688.
3. The application is reported to the Planning Committee as it is a major development.

PLANNING HISTORY

4. Outline permission for 13 dwellings on the site has been granted twice previously ref: 6/2007/0587 & 6/2013/0147. The most recent permission was only issued in June this year after the S106 agreement was finalised. The site therefore benefits from extant outline permission for 13 dwellings.

PLANNING POLICY

NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy

Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

6. *NPPF Part 4 – Promoting sustainable Transport.* The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
7. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
8. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
9. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
10. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

LOCAL PLAN POLICY:

11. The following policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
12. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
13. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
14. *Policy H1A: Open Space within Developments:* In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.
15. *Policy H4 infill Development on sites less than 0.4ha.* Small scale housing will be permitted on sites less than 0.4ha comprising previously developed land within the development limits of named settlements (including Evenwood Gate).
16. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.
17. *Policy H14: Provision Of Affordable Housing within Residential Developments* The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.

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

RELEVANT EMERGING POLICY:

The County Durham Plan -

18. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the

High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

19. *Evenwood and Barony Parish Council:* The parish council has concerns over vehicle access straight on to the busy main road, and just by the island. The residents waited years to get a speed restriction put in through Evenwood Gate because of the speed and volume of vehicles. The volume remains high and this proposed access to any development is considered to be in the wrong place. A recent survey showed 85% of vehicles were speeding through Evenwood Gate. With that the parish council would like to see all appropriate measures to reduce possible dangerous access on to the road.
20. *Highway Authority:* Parking provision is acceptable. The internal road and footways are in principle suitable for adoption. A swept path exercise has demonstrated that the proposed A688 junction positioning is acceptable. New A688 footways will be required along the complete A688 frontage. These are not adequately shown however this can be covered by a planning condition related to the submission of full engineering details. Revisions are required to the A688 road markings in relation to the proposed access junction. This will also be part of such works as will the measures to backfill the cellar and remove the associated access doors which will become redundant.
21. *Northumbrian Water:* No objection.

INTERNAL CONSULTEE RESPONSES:

22. *Drainage and Coastal Protection:* There is no commitment to apply sustainable drainage techniques for discharging surface water and sustainable drainage systems should be applied unless demonstrated to be inappropriate.
23. *Affordable Housing:* The proposal is to deliver 13 units. The SHMA requires a 15% affordable housing requirement in the West of the County. Discount Market Sale product would be acceptable.
24. *Landscape Section:* The site is not within any locally or nationally designated landscape. The loss of trees T1 and T2 is not contested. Tree group G1 raises a number of issues. It makes a positive contribution to the locality, without being of any particular arboricultural merit. It is outside the site, is believed to be under separate ownership, and should normally be protected. Its roots may extend onto the site under the former car park. Tree Constraints Plan has not been submitted showing the Root Protection Area of this tree. Some replacement planting should be provided as part of a comprehensive landscaping scheme including details of the boundary treatments. The road frontage should retain, or replicate, the stone wall fronting the south west portion of the site.
25. *Design and Conservation:* The revised scheme is undoubtedly more cohesive and the palette of materials more closely related to the surrounding area. The use of a simple terraced approach to the highway edge of the site without the pitched gables would have helped considerably to integrate the development in to the

surrounding streetscape. This said this is not considered sufficient grounds to sustain reasons for refusal. The window and door detailing should be controlled by condition as it remains unacceptable. Overall subject to appropriate conditions there is no objection to this proposal.

26. *Environmental Health (Noise)*: The development would involve the introduction of housing to a potentially noisy environment adjacent to the A688. A condition should be attached which require the submission of a noise report to determine the need for mitigation measures within the properties.

27. *Ecology*: No objection. No further comment other than to say that should site works begin during the bird nesting season then a suitably qualified ecologist should carry out a pre-check for nesting birds.

28. *Contaminated Land* – Contaminated land condition required.

PUBLIC RESPONSES:

29. The application has been publicised by way of site notice and neighbour notification letters. Letters of objection from 5 addresses have been received.

30. Number of properties on site should be reduced. Concern in relation to highways safety aspect of proposed traffic joining the A688 and in relation to level of parking provided within the development. Concern over the impact of the development on wildlife and trees on and close to the application site. Suggestion properties should be set back further from the main road. Timber boarding would not be an appropriate material for the site. Development would offer a poor outlook for potential future residents.

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

APPLICANTS STATEMENT:

31. Marfen Homes Ltd would like the opportunity to develop the former Brown Jug to provide a high quality development of 3 bedroom family homes. The site has had a history of potential development but has never realised that potential but if planning is granted Marfen Homes are committed to build at the earliest opportunity, we hope and believe that the new development will be a positive contribution to Evenwood Gate and see the development finally reach its full potential.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

Principle of development

33. The principle of residential development of 13 dwellings on the site has already been established with the issue of outline permission in June this year.
34. However, as this proposal is a full application rather than a reserved matters submission, it is in effect a fresh application. Nevertheless, the recent outline permission was issued under the current planning policy context and therefore it is a factor that carries significant weight.
35. The need for a full application arises only out of the highways requirement for a turning head, which is to be provided on land that was not included in the outline permission. This small element does not significantly alter the nature and character of the proposal from that recently approved in outline.
36. The proposal will deliver economic and social benefits through construction jobs and provision of family homes with related support and use of local facilities and services in Evenwood and the wider area. The redevelopment of a previously developed site, which has for a long time detracted from the visual amenity of the area, is also a significant environmental benefit.
37. The proposal therefore represents a sustainable form of development in accordance with the NPPF aims of housing delivery and reuse of previously developed land. Accordingly, in light of the current context where there are no up to date local housing policies, the NPPF in paragraph 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The detailed matters will be considered below.

Impact on the character and appearance of the area

38. The houses would be contained wholly within the established boundaries of the previously developed site, closely associated with existing residential development which sits across the A688 from the development site. Only the new turning head would extend beyond the current site boundary, but this would be into an area of scrub and paddock associated with the adjacent bungalow, rather than an incursion into open countryside. Accordingly there would be no wider landscape impacts.
39. There is a Beech and a Birch tree on the south western side of the development site that would have to be removed. The roadside tree has high amenity value, but both trees are severely compromised by major decay and therefore their removal is not contested. The self-set multi stemmed group of trees on the north eastern boundary of the development site are category C categorised, which means they are of lower quality with limited landscape benefits. The benefits of redeveloping the site significantly outweigh the loss of those trees.
40. The two storey semi-detached and terraced properties proposed would generally relate appropriately in character, scale and materials types to existing properties. Samples of precise materials will however be necessary, particularly as the brick type chosen is a bit too light. This can be secured by condition. Enclosures are not specified so it will also be necessary to condition submission of details.

41. The design of the dwellings would have been better without the front gable feature; however it is not something that renders the proposal unacceptable. Design and Conservation would also prefer to see a different style and appearance of windows and doors, but in the context of the area which has no strong design character and where there is a wide variety of modern windows and doors in the terraces opposite, it would be against NPPF guidance to be overly prescriptive in the absence of strong justification. The contemporary design of the windows and doors are not wholly inappropriate to the nature of the proposed development.
42. The separation distance from the opposing terrace would be appropriate to ensure that there would be no significant impact on amenity of other residents nearby the site. Separation distances between properties within the development are generally in excess of those normally sought, although a slightly shorter separation distance of 16m would exist between the rear elevations of plots 5-7 and the front of plots 12 and 13. However, increasing this separation distance would require the shortening of already modest back gardens, or the loss of properties on the site. Private Garden areas would be modest, but not unusual for housing schemes towards the lower end of the market where this development would be placed.
43. Ultimately, it is acknowledged that this site desperately needs redevelopment having been in a derelict/transient state for a number of years and this proposal would deliver an appropriate form of development without any significant conflict with the design aims of NPPF Part 7 and Teesdale Local Plan Policies GD1 and H12.

Highways

44. The Parish Council and some neighbouring residents have expressed concerns about the new access and parking provision; however, the Highway Authority is satisfied that the internal parking provision, at two spaces per property, is acceptable, as is the new access onto the A688. The internal highway layout, including the provision of the turning head at the north of the site has responded to Highway Authority comments and is acceptable. Other local concerns raised about the speed limits through the village are beyond the scope of this application.
45. Conditions would secure the submission of full engineering details for the estate roads, footway provision and revised road markings, as requested by the Highway Authority.
46. The NPPF at Part 4 notes that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Such impacts are not identified in this instance.
47. On this basis and given the acceptance of the scheme by the Highway Authority, it is considered that the proposed development would not be prejudicial to highway safety. The proposal does not therefore conflict with Teesdale Local Plan Policy GD1 and NPPF Part 4.

48. The recent outline permission secured 15% affordable housing (2 units) and £13,000 off site open space contribution, in line with Teesdale Local Plan policies H14 and H1A.
49. This proposal still offers £13,000 open space contribution, but just 1 affordable unit, which the Housing Section agrees can be discount market sale. The reduction from 2 to 1 affordable units is on viability grounds and is supported by a detailed viability assessment which shows that providing two affordable dwellings on the site would render the project financially unviable. It is not unusual to re-evaluate schemes once the details have been finalised and given the development is aimed at the more affordable end of the housing market anyway, and in an area with low returns, the conclusions of the viability appraisal have been accepted. The scheme would still deliver one affordable dwelling and an appropriate open space contribution, along with the other social, economic and environmental benefits referred to earlier in this report. There is no conflict with Teesdale Local Plan Policies H1A and H14. The affordable unit and open space contribution will need to be secured by a new S106 agreement.

Other matters

50. The properties would be positioned closely adjacent to a busy road, and it is likely that associated road noise would affect the site. With this in mind a condition is attached requiring mitigation in this respect which will likely involve construction techniques/materials to reduce road noise impact within the dwellings.
51. The site is previously developed for commercial purposes and the dwellings proposed would be a more sensitive receptor, as such a contaminated land condition is included within the application.
52. The site has been subject to an Archaeological investigation but no significant archaeological resources have been identified meaning that no further archaeological investigation is considered necessary.
53. The Ecology section has considered the implications of the development on local ecology interests and has raised no objections to the application.
54. The drainage details submitted have not sufficiently demonstrated that appropriate consideration has been given to the sustainability hierarchy and therefore further details will be required, but these can be secured by condition.

CONCLUSION

55. The proposal represents a sustainable form of development on previously developed land that already benefits from extant outline permission for 13 dwellings. The scheme would relate appropriately to the character and appearance of the area and is acceptable in highways terms.
56. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the relevant policies of the Teesdale Local Plan.

RECOMMENDATION

That the application be **APPROVED** subject to the conclusion of a section 106 agreement to secure 1 affordable housing unit at discount market price at the site, £13,000 contribution towards open space provision in the Evenwood Electoral Division, and subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Proposed Site Plan 2016/MF2/02
Proposed Drainage Plan 2016/MF2/03
House Plans 2016/MF2/04
Typical Elevations 2016/MF2/05
House Plans 2016/MF2/10
Typical Elevations 2016/MF2/06 27th October 2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with NPPF Parts 4, 6, 7, 10 and 11 and Teesdale Local Plan Policies GD1, ENV3, ENV8, ENV15, H1A, H12 and H14.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of all proposed external walling materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of visual amenity having regards to Policy GD1 of the Teesdale Local Plan.

4. Prior to their installation, details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate and shall be retained for the lifetime of the development.

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

5. No development shall commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

6. No development shall take place until measures for protecting the future occupiers of the development hereby permitted from noise from the A688 have been submitted to and approved in writing by the Local planning authority. All works which form part of the scheme

shall be completed before any part of the development is occupied and shall thereafter retained.

Reason: In order to prevent noise disturbance in accordance with Policy GD1 of the Teesdale Local Plan.

7. No development shall commence until plans showing full engineering details of the proposed estate road, new A688 footway and revised A688 road markings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

8. No individual dwelling shall be occupied until its two allocated parking spaces have been made available for use and thereafter the parking spaces shall remain unobstructed and available for the parking of private vehicles at all times.

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

9. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

(a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

(b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

(d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out

safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

STATEMENT OF PROACTIVE ENGAGEMENT

In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The use of pre commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process.

BACKGROUND PAPERS

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



Evenwood Gate

Erection of 13 dwellings



Planning Services

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