

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	CE/14/00086/FPA
FULL APPLICATION DESCRIPTION:	Demolition of agricultural units, conversion of 4 agricultural buildings to dwellings and 9 new Dwellings.
NAME OF APPLICANT:	Mr J Brydon
ADDRESS:	High Farm, High Hesleden, Durham, TS27 4QD
ELECTORAL DIVISION:	Blackhalls Laura Eden Senior Planning Officer
CASE OFFICER:	03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to High Farm within High Hesleden. Although the site is developed and benefits from buildings given it relates to an agricultural use the site is considered to be a greenfield site. The surrounding area is predominantly residential in character comprising of a mixture of different house types. Further along the road to the east of the site lies The Ship Inn, a public house. Agricultural fields lie to the north of the site.
2. High Hesleden is a small rural settlement situated to the east of Hesleden and the southwest of Blackhall Colliery. It is close to the east coast of County Durham and within the 6km buffer zone of a European Designation. There are very limited facilities within the hamlet however there is a bus stop within walking distance of the site and two bus routes operate from this. Furthermore, the site lies relatively close to Hesleden and Blackhall which contain community facilities such as schools, shops and health care facilities.
3. The site is accessed off the C81 Mickle Hill Road. There is an existing access that would be retained to serve the existing dwelling and unit 3. All the other properties are proposed to be served off a new access which can be accommodated through the partial demolition of one of the existing buildings that line the frontage. The conversions are to be to the older and original farm structures to the south of the site whereas the more modern cattle sheds to the north are proposed for demolition.

The Proposal

4. Planning permission is sought for thirteen dwelling houses consisting of four conversions and nine new dwellings facilitated through the demolition of existing barns on site. There would be a mixture of detached and terraced properties ranging from two to five bedrooms each benefitting from private amenity space and parking areas. The proposed materials palette would comprise of stone, brick, render, timber cladding, tile, sheeting and timber windows therefore using traditional materials albeit with a contemporary twist. The layout of the site has evolved during the application process to respond to highway concerns and an additional access point is proposed to Mickle Hill Road.
5. The historic buildings within the site would all be retained and the new dwellings would be constructed within the footprint of the modern cattle sheds to be demolished. The properties would be arranged in a courtyard style arrangement. Buildings that lie outside the settlement limits would be removed and the land returned to agricultural fields.
6. This application is being referred to the planning committee as it constitutes a major planning application.

PLANNING HISTORY

7. In 2005 there was an outline application for housing however this was later withdrawn.

PLANNING POLICY

NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. The following elements are considered relevant to this proposal;
11. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
12. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

13. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing application should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.
14. *NPPF Part 7 – Requiring Good Design.* 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.
15. *NPPF Part 8 – Promoting Healthy 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.
16. *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. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
17. *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.
18. *NPPF Part 12 - Conserving and Enhancing the Historic Environment.* The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

The above represents a summary of the NPPF considered most relevant the full text may be accessed at:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

LOCAL PLAN POLICY:

District of Easington Local Plan

19. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
20. *Policy 14* - Development which adversely affects a designated or candidate Special Area of Conservation and is not connected with managing the scientific interest will only be approved where there is no alternative solution and there is an overriding national interest where it is necessary for reasons of human health or safety; or there are beneficial consequences of nature conservation importance.

21. *Policy 15* - Development which adversely affects a designated Site of Special Scientific Interest will only be approved where there is no alternative solution and it is in the national interest.
22. *Policy 16* - Development which adversely affects a designated Site of Nature Conservation Importance/Local Nature Reserve/ancient woodland will only be approved where there is no alternative solution and it is in the national interest.
23. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
24. *Policy 19* - Areas of nature conservation interest, particularly those of national importance will be protected and enhanced.
25. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
26. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
27. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
28. *Policy 66* - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.
29. *Policy 67* – Housing development will be approved on previously developed sites within settlement boundaries of established towns and villages provided the proposal is appropriate in scale and character and does not conflict with specific policies relating to the settlement or the general policies of the plan.

RELEVANT EMERGING POLICY

The County Durham Plan

30. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. Northumbrian Water – Condition required in relation to foul and surface water drainage
32. Environment Agency – General comments provided in relation to the disposal of foul and surface water and land contamination
33. Highways – Following amendments the access and parking arrangements are now considered to be acceptable and would be of a design suitable for adoption. Subject to the imposition of a Grampian condition stating that the existing traffic calming feature is relocated.

INTERNAL CONSULTEE RESPONSES:

34. Policy – No objection to the proposal
35. Ecology – The submitted ecology report is sufficient to inform the application and no objection is raised subject to the imposition of a condition. The site is within the Heritage Coastal buffer and therefore suitable green space is required to reduce the frequency of dog walking activity to the coast. This should be provided within the development site or a financial contribution made in lieu of such provision.
36. Environmental Management (Noise) – No objection however suggest conditions relating to construction phase and lighting scheme. They also recommend an informative relating to asbestos.
37. Environmental Management (Contamination) – The submitted Phase 1 Assessment is not adequate to inform this application therefore the full contaminated land condition will need to be applied
38. Sustainability – Some concerns relating to the site sustainability credentials and advised that further information would be required in relation to sustainability embedded into the development.
39. Drainage - Insufficient information has been provided therefore further information required
40. Archaeology – No objection raised
41. Design and Conservation - Have indicated that they cannot support the layout, scale or design of the new build units and suggest amendments to the scheme
42. Education Team - Confirmed that there are sufficient school places available in the area to accommodate pupils from the proposed development.

PUBLIC RESPONSES:

43. The application has been advertised on site and in the local press. Neighbouring residents were also notified individually of the proposed development. Four letters of representation have been received from the Parish Council and local residents.

44. The Parish Council and local residents object to the scheme due to lack of regular public transport, the distance to local services and that residents would most likely be car dependant, they do not want the hamlet to grow any bigger, housing would be best located within surrounding settlements which have better access to amenities, that the development occupies a central and prominent position within the hamlet and it would have an adverse impact on the character of the area, there are highways related concerns including speeding traffic and that street lights may be removed in the future which could cause increased risk to residents.

APPLICANTS STATEMENT:

45. The scheme utilises a Brownfield site within the development boundary of the settlement. The scheme revitalises the centre of the village, while retaining the existing historically important structures. The proposal involves the provision of 13 No. new dwelling houses, consisting of 4 No. conversions and 9 No. new build structures. The conversions are to be to the older and original farm structures to the South of the site. The new build units will be positioned within the footprint, and net space, of the existing cattle sheds which are to be demolished. These structures all lie within the development boundary for the settlement (unit numbers 5 through to 14-note no unit number 13). Further structures to the North of the site which lie outside the settlement boundary are to be demolished and the area relayed to paddocks connecting with the open farm land beyond.

46. The scheme design was undertaken utilising the following principles:-

- The retention and conversion of all historic structures on site. This applied to all those structures which were convertible in both principle, i.e. the structure was a building of a design, type and construction suited to conversion, and structurally capable of conversion without complete rebuilding or majority rebuilding.
- Any new additions/details to historic structures, will utilise traditional materials with a contemporary detailing. This philosophy is based on the Society for the Protection of Ancient Building's (SPAB) Manifesto and aims to ensure that any additions and alterations are clearly recognisable of being contemporary of the period and adding another layer of history, while fully respecting the historic material and structure.
- The design of the new build structure was to be in a contemporary style, while reflecting the agricultural heritage of the site.
- Dwellings made to meet the highest standard of environmental and technological requirements, in order to provide dwellings which will serve their occupants long into the future, providing sustainable housing, ensuring they meet with societies environmental responsibilities and have both minimum energy use and running costs.
- "Secure by Design" principles have been integrated into the layout of the project to assist in reducing the potential for crime.
- The dwelling units were to provide for a mixture of accommodation on the site, with individual layouts providing for as wide a range as possible of occupants. It is hoped that the size, type, and design of the individual units will attract a diverse population to the site, from single inhabitants, through young families, family groups and the retired. The layout of the site should also provide for a community feel, with communal areas for use of all and the integration of inhabitants to form a bonded neighbourhood.
- The layout of the proposed units will form a natural extension of the village of High Hesleden, and be integrated within it.

47. The conversions will mean that all the original structures are retained, The building fronting Mickle Hill Road will have the central section demolished, reintroducing two separate buildings in their original form, each an individual unit (unit 1 and unit 2). The building to the rear of the farm house is to have the single storey later date brickwork extension removed, reinstating the original facade, and will become unit No 3. The ex-milking parlour is to be extended to the North West of the original structure, with a storey and a half extension increasing the internal plan to provide additional accommodation necessary for the adaption and conversion, forming unit No 4 of the proposed site.
48. The new build structures are to be constructed within the footprints of the large modern cattle sheds which are proposed to be demolished. By their design and selection of materials they are to reflect, in a contemporary fashion, the agricultural use of the site. They are also to be grouped and located within the site to form large courtyard areas for communal use to aid the formation of the community of the occupants of the dwellings. By grouping the buildings together, it allows for large open areas with views across the site, and to the open landscape beyond. Each unit is also provided with its own individual private garden area.

PLANNING CONSIDERATIONS AND ASSESSMENT

49. 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 surrounding land uses, visual impact, highway and access issues, S106 contributions, ecology and other considerations.

Principle of development

50. The application site is located within High Hesleden, largely within the settlement limits as defined by the Easington Local Plan (ELP). The site is a working farm and although there are a number of barns within the site as these are used for the purposes of agriculture the site is regarded as a greenfield site. Policy 67 (ELP) advocates support for housing proposals provided they lie within the settlement limits and relate to previously developed land. The current proposal would therefore not be in strict accordance with this policy being considered a greenfield site albeit largely within the settlement limits. The local planning authority accept that ELP housing supply figures are based on historic supply figures and as such are considered to be 'out of date' in the context of paragraph 49 of the NPPF, therefore reduced weight can be afforded to policy 67. Furthermore, the County Council is currently unable to demonstrate a 5 year land supply. Accordingly, the application must be assessed in the context of Paragraph 14 of the NPPF.
51. Paragraph 14 of the NPPF states that 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development' and for decision makers this means that where relevant policies are 'out of date' that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies the NPPF. Consequently, it is considered that in this instance, the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.

52. The County Durham Settlement Study (2012) identifies High Hesleden as a hamlet. It is regarded as a lower tier settlement which benefits from limited services, facilities and employment opportunities. In this respect its existing and future residents would be more likely to be car dependent to access such amenities although it is noted that there is a limited services bus stop outside the development and the development would be within walking and cycling distance of Blackhall (Tier 2) and Hesleden (Tier 4) which are both higher order settlements. The site is not considered isolated in so far as it would be contained within the existing built development of the established settlement. Paragraph 55 also refers to enhancing and maintaining the vitality of rural communities whereby development in one village may support the services provided in another.
53. Whilst it is acknowledged that there are some concerns regarding the sustainability credentials of High Hesleden there are considered to be a number of benefits arising from the scheme. It would provide additional housing, a key NPPF objective, financial contributions would be secured for the benefit of the area, there would be visual benefits arising from bringing back into use historic farm buildings and a potentially adverse noise and odour use (the existing farm) would be replaced. Furthermore, there have been recent housing approvals within High Hesleden for previously developed sites which have established the principle of further housing development in such a location. This site would however be regarded as a greenfield site due to the current agricultural use. While the NPPF does promote the use of previously developed land, it does not contain a sequential approach to development such as was previously contained in PPS3. There has therefore been a shift in national planning policy away from the rigidity of greenfield/brownfield status towards an assessment of the overall sustainability of a site. Accordingly, the development of greenfield sites is not precluded.

Impact on the surrounding land uses

54. In terms of neighbouring amenity policy 35 of the local plan aims to ensure that developments have no serious adverse effect on the amenity of people living and working in the vicinity of the development site and the existing use of land or buildings in terms of privacy, visual intrusion, noise, other pollutants and traffic generation. The policy is in accordance with the NPPF as it too seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.
55. Distancing standards outlined in the local plan recommend that a minimum of 21 metres is achieved between opposing elevations containing habitable windows and 13.5 metres between a main elevation containing windows and an opposing gable elevation. These distancing standards are comfortably achieved in relation to the existing properties on Mickle Hill Road and the proposed new housing. The same is true for distances between the new build properties albeit due to the court yard type arrangement some properties will be at 90 degree angles to one another however windows are located further apart from one another. Distances do fall somewhat shorter than the local plan recommends with regards to the conversions however there are wider heritage benefits to converting these properties and it would be unreasonable to object to the development given the layout is already determined. Each property also benefits from amenity space albeit in some cases this is less than the usual 10 metres outlined within the local plan therefore it is considered appropriate to remove permitted development rights. Collectively however, these issues are not considered to lead to impacts sufficient to justify refusal of the planning application.

56. Environmental health officers have been consulted on the scheme. With regards to noise they have no significant concerns. With regards to the proposed occupants it is considered that the adjacent 'B' road is a minor road and as the properties would be set back from it, it is not considered necessary to require additional sound proofing measures over and above standard building regulation requirements. Existing properties may however have the potential to be disturbed during the construction process. As the scheme relates to a major development it is considered reasonable to impose a construction method statement to protect the amenities of adjacent neighbours. Colleagues have also requested a further condition in relation to proposed street lighting to ensure that it does not adversely impact on proposed residents due to glare.
57. The site is currently used as a working farm and lies within close proximity to neighbouring properties. There will undoubtedly be adverse neighbour impacts associated with this use such as noise, odours and unsocial working practices. The removal of such a use and its replacement with residential development would be more conducive and compatible to the surrounding area. Furthermore, large scale and imposing barns would be removed and replaced with smaller scale development. Overall it is considered that the development would have a beneficial impact in terms of residential amenity to existing neighbouring properties.
58. Overall, it is considered that the proposals detailed in this application would not have an adverse impact on surrounding uses or the amenities of future occupants therefore the proposals would be in accordance with policies 1 and 35 of the local plan.

Visual amenity

59. Policy 35 of the Easington Local Plan requires the design and layout of developments to reflect the scale and character of adjacent buildings and the area generally, particularly in terms of site coverage, height, roof style, detailed design and materials. The NPPF and in particular Sections 7 and 12 deal with good design as it requires proposals to respect neighbouring properties and the local area more generally in addition to non-designated heritage assets.
60. High Farm is a group of historic and modern farm buildings. The linear group of 18th century farm buildings that front onto Mickle Hill Road make a positive contribution to the street scene. The other two agricultural buildings that lie to the rear of this have some historic interest. A number of the historic buildings on the site are shown on the first edition OS map and although have seen some alteration over the years are of sufficient historic interest to be considered as non-designated heritage assets. There are larger, modern barns located further north on the site.
61. The scheme would achieve the creation of 13 new dwellings comprising of four conversions of the historic barns and nine new build dwellings facilitated through the demolition of the modern barns. There would be a mixture of detached and terraced properties ranging from two to five bedrooms each benefitting from private amenity space, parking areas and some garages. The proposed materials palette would comprise of stone, brick, render, timber cladding, tile, sheeting and timber windows therefore using traditional materials albeit with a contemporary twist. The layout of the site has evolved during the application process to respond to highway concerns and an additional access point is now proposed to Mickle Hill Road facilitated through the demolition of the central section of the barn. The historic buildings within site would all be retained bar the one demolished to facilitate the access, and the new dwellings would be constructed within the footprint of the modern cattle sheds to be demolished. The properties would be arranged in a courtyard style arrangement. Buildings that lie outside the settlement limits would be removed and the land returned to agricultural fields.

62. The design and conservation officer has assessed the scheme and welcomes the retention and reuse of the historic buildings. They do however raise concerns in relation to the number of new build units proposed and what they consider to be the cramped relationship between plots as a result particularly on the western side of the development. Furthermore they have raised issues in relation to the amenity space provided within each plot, the lack of shared amenity space within the development and the parking areas. The amenity issues have already been addressed within the report, a financial contribution will be sought with regard to recreation space and highways issues will be discussed.
63. It is considered that the plans would largely retain the character and existing form of the existing barns shown on the plans of plots 1 and 2. The loss of the middle section of the barn is regrettable however it is necessary to facilitate the new access. Structurally it is in poor condition and the materials can be salvaged to repair the other historic buildings. Generally speaking the other two conversions (plots 3 and 4) are sympathetically approached although the design officer has suggested some amendments. With regards to the new build elements the design officer has some reservations about the scale of some of the buildings given that some plots have accommodation across a third storey. Given that the buildings would fit within the footprint and form of the existing barn buildings and that they are set well within the site the scale of the development is not considered to be a concern. Furthermore, there are other properties in the immediate vicinity of the development which would be of a comparable or greater scale therefore such development is not unique within the hamlet. Although the agent was approached with the design officers concerns they did not agree with their assessment and considered the design to be appropriate. The design issues raised are minor matters in the context of the scheme and would not be considered significant so as to prohibit the development. Furthermore, detailed design matters such as materials and fenestration can be controlled through the imposition of planning conditions.
64. The plans indicate small areas of landscaping however no specific details have been provided. A landscaping scheme is therefore required to agree these details. Open countryside surrounds the hamlet of High Hesleden therefore the site can be seen in views from the Public Right of Way that is close to the development site and from the road when approaching from Blackhall. The development would be entirely contained within the footprint and form of the existing modern barns, overall there would be a reduction in the amount of built development, buildings that lie outside the settlement limits would be removed and the land returned to agricultural fields and the properties would be seen against the backdrop of the settlement. On this basis it is not considered that the development would have any significant landscape impact and would actually bring about improved views.
65. The submitted plans indicate that a high quality residential scheme could be provided on the site and successfully integrated within the local area subject to the imposition of conditions. The proposals are considered to be in accordance with policy 1, 35, 36 and 37 of the local plan and Parts 7 and 12 of the NPPF.

Highways and Access Arrangements

66. Colleagues in the highways section have assessed the scheme. Although they initially raised concerns these have been resolved throughout the application process through the submission of amended plans. There is an existing access off the C81 Mickle Hill Road that would be retained to serve the existing dwelling and unit 3. All the other properties are proposed to be served off a new access which can be accommodated through the partial demolition of one of the existing buildings that line the frontage. There would be sufficient car parking provided to accommodate the needs of the thirteen new dwellings in compliance with Durham County Council's residential car parking standards. It has been confirmed that the layout has been designed to meet the requirements of adoption standards and this will need to be pursued with the relevant highways section.
67. The proposed new access off Mickle Hill Road to serve the development will be in direct conflict with an existing traffic calming system therefore this will need to be revised and/or repositioned. It is not possible that the existing scheme could just be repositioned within the road due to existing constraints including the bus stop and vehicular access crossings. The senior traffic engineer has however confirmed that there are other alternatives such as speed tables which would provide a feasible alternative to managing the speed of traffic through the hamlet. Under highways legislation vertical alterations to the carriageway (speed tables, humps etc.) would require a certain process to be adhered to including public consultation and possible referral to the highways committee. The highways officer considered that this matter can be satisfactorily dealt with by means of a Grampian type condition requiring the works to be agreed and then undertaken prior to the commencement of development and occupation of the dwellings respectively. Such works would be at the developer's expense.
68. National Planning Guidance states that such conditions should not be imposed where there are no prospects at all of the action (revised traffic calming scheme) being performed within the time-limit imposed by the condition. The land required to carry out the work falls within the adopted public highway, the highways officer has raised no objection to the scheme subject to the imposition of the condition and the senior traffic engineer has advised that although the existing scheme cannot be repositioned alternative schemes could be installed. It is acknowledged that any revised scheme would most likely have to go through a consultation process and any outstanding objections be referred to highways committee and determined by the Director of Neighbourhood Services. It is not considered that this would conflict with the guidance especially in light of the aforementioned assessment. The imposition of such a condition is therefore regarded as meeting the required tests.
69. On this basis the development could be served by an existing and new appropriate means of access as advised by the Highways Authority. Subject to the imposition of a condition relating to a revised traffic calming scheme it is not considered there would be any highway safety concerns relating to the development. Although the hamlet is relatively modest the addition of 13 new dwellings would not be considered to have a significant adverse impact. Indeed Part 4 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe which is not considered to be the case here. Overall the development is considered to provide acceptable highway arrangements in accordance with policies 1, 35 and 36 of the Easington Local Plan.

Ecology

70. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 have established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations it is an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
71. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty under the regulations and also consider these tests when deciding whether to grant permission for a development which could harm an EPS. A Local Planning Authority failing to do so would be in breach of the regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
72. The applicant has submitted an Ecological and Habitats Regulations Assessment. Colleagues in the ecology department have confirmed that it is sufficient to inform the application. No objection is raised on the basis that the mitigation and compensation measures outlined within the report are conditioned. It is therefore unlikely that a EPS (bats) will be disturbed if this mitigation is adhered to so there is no need to apply the derogation tests in this case. Accordingly, it is considered that the proposals would be in accordance with saved policy 18 of the local plan and part 11 of the NPPF.
73. In order to take pressure from additional visitors away from the coastal designations of significant importance, sufficient and appropriate green space needs to be provided in association with the proposed development. There is no appropriate green space provided within the application which would be associated with the proposed development. The County Ecologist has indicated that if there is no green space provided with the proposed development, then a financial contribution can be made towards one of the identified projects within the Heritage Coast Management Plan. The Heritage Coast Management Plan provides a strategic programme which identifies six achievable objectives to improve the heritage coast environment. The applicant has agreed to make a contribution of £250 per residential unit towards one of the strategic programmes within the Heritage Coast Management Plan.
74. As such, it is considered that the proposed development would be in accordance with saved policies 14, 15, 16, 18 and 19 of the local plan and part 11 of the NPPF, both of which seek to protect and enhance biodiversity and the natural environment.

Section 106 contributions

75. As this is a major residential development of 13 houses, financial contributions are required towards other local functions and facilities within the vicinity of the site. A contribution of £6,500, based on the sum of £500 per dwelling, is therefore required towards the adequate provision for children's play space and outdoor recreation space in the electoral division. These contributions are to be secured through a Section 106 legal agreement. The contributions would help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community and would be in accordance with policy 66 of the local plan and requirements detailed in the NPPF.

Other issues

76. With regards to contaminated land, Environmental Health colleagues have assessed the submitted Phase 1 Assessment and noted several concerns which need to be addressed. Although the authors of the report have been approached to remedy the concerns amendments have not been forthcoming. On this basis the submitted Phase 1 Assessment is not considered adequate to inform this application therefore the full contaminated land condition will need to be applied.
77. The Council's Drainage Officer, the Environment Agency and Northumbrian Water have been consulted on the proposed application. No objections have been raised however further information is required in order to verify the drainage options. A condition relating to foul and surface water drainage is therefore recommended. Subject to the condition being imposed it is considered that the proposal would not have an adverse impact in terms of drainage or flooding.
78. The Council's Sustainability Officer has noted some concerns relating to the site sustainability credentials. This matter has been addressed earlier within the report. It is however recommended for further information to be submitted in relation to sustainability embedded into the development. A condition is recommended accordingly.
79. The site lies outside of an area identified as being of high risk from previous coal mining activity. The Council's Archaeology Team have also not raised any objections to the proposed scheme. The Council's Education Team have also confirmed that there is no requirement for any contributions to local schools as there is sufficient capacity within the area.
80. The Parish Council and some local residents have expressed concerns regarding the development which have been addressed within the report. Whilst their concerns are noted it is not considered that they amount to reasons sufficient to justify refusal of the planning application.

CONCLUSION

81. It is considered that in this instance, the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. Whilst it is acknowledged that there are some concerns regarding the sustainability credentials of High Hesleden there are considered to be a number of benefits arising from the scheme. Additional housing would be provided and financial contributions would be secured in lieu of public open space within the development. There are visual benefits arising from bringing back into use historic farm buildings, there would be an overall reduction in the amount of built development on the site and matters relating to the detailed design can be conditioned to ensure a satisfactory form of development. There would not be considered to be any significant adverse impact to amenity for either existing or future occupiers and a potentially adverse noise and odour use (the existing farm) would be replaced. Furthermore, there have been recent housing approvals within High Hesleden for previously developed sites which have established the principle of further housing development in such a location. Overall, as the harm does not significantly and demonstrably outweigh the benefits, planning permission should be granted.

82. With regards to highways the proposed access arrangements and internal layout are considered to be acceptable. The required amendments to the traffic calming system can be required through the imposition of a planning condition. The scheme is considered acceptable by colleagues in the relevant highways sections.
83. The County Ecologist has not raised any objections to the scheme on the basis that the mitigation and compensation measures outlined within the Ecological and Habitats Regulations Assessment is conditioned. Given this, there is no requirement to obtain a licence from Natural England and therefore the granting of planning permission would not constitute a breach of the Conservation of Habitats and Species Regulations 2010. The applicant has agreed to provide a contribution towards the Heritage Coast Management Plan therefore it is not considered that the development would have an adverse impact on the coastal designations. It is therefore considered that the proposals would be in accordance with saved policies 14, 15, 16, 18 and 19 of the local plan and Part 11 of the NPPF.
84. All other matters relating to contaminated land, drainage and flooding and sustainability can be secured by condition. Whilst the Parish Council and some local residents have expressed concerns regarding the development it is not considered that they amount to reasons sufficient to justify refusal of the planning application.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure financial contributions towards play and recreational facilities at a pro-rata rate of £500 per residential unit; financial contributions towards a strategic programme in the Durham Heritage Coast Management Plan at a pro-rata rate of £250 per residential unit; 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: Application forms, Drg no.'s 1-26 and site location plan dated 09/01/2014, Structural Survey Report dated November 2013, Ecological and Habitats Regulations Assessment by Barrett Environmental Ltd dated April 2014, Heritage Statement received 13/06/2014, design and access statement received 26/06/2014, Bat Report by Barrett Environmental Ltd. Dated September 2015, drg. no. 100 Rev. A site plan received 05/08/2016.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

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

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.

4. Notwithstanding the details shown on the approved plans precise details of all new fenestration including door openings, glazing, heads and cills shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.

5. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.

6. Prior to the commencement of the development details of 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.

Reason: In the interests of the appearance of the area and to comply with policies 1 and 35 of the District of Easington Local Plan.

7. No development shall commence until full engineering details of the off-site traffic calming measures to replace the existing scheme just outside the development on Mickle Hill Road have been submitted to and approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority. None of the dwellings shall be occupied until the scheme has been constructed and completed in accordance with the approved details.

Reason: In the interest of highway safety and to comply with saved policies 1 and 35 of the Easington Local Plan.

8. The development hereby approved shall be carried out in full accordance with the contents of Section E (Mitigation and Compensation) within the Bat Report by Barrett dated September 2015.

Reason: To conserve protected species and their habitat in accordance with the objectives of part 11 of the NPPF.

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) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), 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 by competent person(s) 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 by competent person(s). 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.

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, together with those to controlled waters, property and ecological systems, 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.

10. Prior to the commencement of the development a scheme to embed sustainability and minimise carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the buildings are in existence.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of with saved policies 1 and 35 of Easington Local Plan and Part 10 of the NPPF.

11. No development shall take place until a detailed scheme for the disposal of foul and surface water from the development hereby approved has 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: To prevent the increased risk of flooding from any sources and in accordance with Part 10 of the NPPF.

12. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Details of temporary topsoil and subsoil storage provision.

Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the visual amenity of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.

13. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with saved policies 1 and 35 of the Easington Local Plan.

14. No development, shall take place until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period. The Construction Management Plan shall provide for:

- i. the timing of construction works
- ii. parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. measures to control the emission of dust and dirt during construction

Reason: In the interests of the residential amenity in accordance with policies 1 and 35 of the Easington Local Plan.

15. If street lighting is to be installed, details of the height, type, position, angle and spread of the street lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: In the interests of the residential amenity of future occupants in accordance with policies 1 and 35 of the Easington Local Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, D and E of Part 1 of Schedule 2 of the said Order shall be carried out.

Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with policies 1 and 35 of the Easington Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
District Of Easington Local Plan
National Planning Policy Framework
Internal consultee responses
Public responses
Responses from statutory and other consultees
National Planning Policy Guidance



Planning Services

**Demolition of agricultural units,
conversion of 4 agricultural
buildings to dwellings and 9 new
Dwellings at High Farm, High
Hesleden, Durham, TS27 4QD
Ref: DM/15/03034/OUT**

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**Date
26th September 2016**