

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2011/401 and PL/5/2011/402
FULL APPLICATION DESCRIPTION:	PL/5/2011/401 - Four detached residential properties including private vehicular access road PL/5/2011/402 – Partial demolition of Grade II listed garden wall and proposed repair of remainder, partial demolition of boundary wall and complete demolition of existing brick shed within curtilage of Grade II listed Hardwicke Hall Manor Hotel in association with residential development of 4 dwellings
NAME OF APPLICANT:	Mr A & D Bradley
ADDRESS:	Hardwicke Hall Manor Hotel, Hesleden Road, Hesleden, TS27 4PA
ELECTORAL DIVISION:	Blackhall
CASE OFFICER:	Henry Jones Senior Planning Officer 0191 3018739 henry.jones@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site relates to the walled garden and immediate surrounds associated with the Grade II listed Hardwicke Hall Manor Hotel located off Hesleden Road, Hesleden. Hardwicke Hall Manor was originally a residential country house with the original principal building understood to have been constructed in the early to mid 1800's. The hotel is accessed via a private road located off Hesleden Road within a countryside location to the west of Blackhall and north east of Hesleden. The site is designated as being within an Area of High Landscape Value within the Local Plan. The private road which provides access to the hotel also serves Hardwick Hall Farm and the residential properties 1-5 Hardwicke Court, Four Winds and Wood Cottage.

2. The applications propose development within the walled garden, the wall itself is grade II listed, situated approximately 60m south of the hotel. The wall layout is oval shaped enclosing an overgrown space containing trees. Trees are also located beyond the walled garden on the periphery of the application site. The trees are covered by a tree preservation order, TPO 8 Hardwick Hall 1983.
3. Beyond the walled garden to the west lies a boundary wall and a brick outbuilding in some state of disrepair.

The Proposal

4. These applications seek planning permission and listed building consent for the erection of 4 no. two storey dwellinghouses within the walled garden with associated formation of access, demolition and repair to the walled garden.
5. The proposed dwellings exhibit simple traditional design with pitched roofs with natural slate roof covering, brick elevations and timber windows. The dwellings are each three bed and each dwelling has a width of 9m, maximum length of 10.6m with a ridge height of 7.6m.
6. The proposed dwellings are arranged in a semi-circular pattern set around a central courtyard, each property with 2 no. parking spaces to the front. Access would be formed via a new access road from the private road to the west. This access road would involve the demolition of a section of boundary wall, a section of the wall forming the walled garden itself and the demolition of a brick outbuilding.
7. The applicant proposes some repairs to the listed garden wall and although a clear and precise schedule of works is not submitted, the submitted structural survey proposes repointing, repair of buttresses, repair of copings and some localised rebuild.
8. The application is being reported to Committee at the request of the local ward councillor.

PLANNING HISTORY

9. In 1998 planning permission and listed building consent for a major extension to Hardwicke Hall was approved. In 2005 planning permission was granted for a conference facilities building and managed apartments building.

PLANNING POLICY

NATIONAL POLICY

10. In July 2011 The Government published the National Planning Policy Framework in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

11. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development* - sets out the Government's overarching planning policies on the delivery of sustainable development through the planning System.
12. *Planning Policy Statement 3 (PPS3): Housing* - underpins the delivery of the Government's strategic housing policy objectives and our goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
13. *Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Development* proposes a responsive and flexible approach to planning which provides sufficient employment land and makes better use of market information. The PPS is designed to establish a national planning policy framework for economic development at regional, sub regional and local levels for both urban and rural areas.
14. *Planning Policy Statement 5 (PPS5): Planning for the Historic Environment* replaces PPG15 but once again lays out government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role of the planning system in their protection. The PPS introduces the categorising of all features of the historic environment as heritage assets.
15. *Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas* sets out the Government's planning policies for rural areas, which local authorities should have regard to when preparing local development documents, and when taking planning decisions.
16. *Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation*, sets out planning policies on protection of biodiversity and geological conservation through the planning system. These policies complement, but do not replace or override, other national planning policies and should be read in conjunction with other relevant statements of national planning policy.
17. *Planning Policy Guidance Note 13 (PPG13): Transport* - seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.
18. To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas.
19. *Planning Policy Statement 23 (PPS23): Planning and Pollution Control* - sets out the planning approach to pollution control, the location of polluting development and where possible ensure new development is not affected by pollution.
20. *Good Practice Guide on Planning for Tourism*: This guidance, to be read alongside national planning policies, is designed to ensure that planners understand the importance of tourism and take this fully into account when preparing development plans and taking planning decisions; ensure that those involved in the tourism industry understand the principles of national planning policy as they apply to tourism and how these can be applied when preparing individual planning applications; and, ensure that planners and the tourism industry work together effectively to facilitate, promote and deliver new tourism development in a sustainable way.

21. *Enabling Development and the Conservation of Significant Places (2008)* published by English Heritage sets out a number of principles for assessing appropriate enabling development prepared in relation to development in the context of a historic place or building; however, it is considered that there are a number of principles arising which would apply equally to any enabling development. Such principles include, that the amount of enabling development is the minimum necessary, and that financial assistance is not available from any other source.

REGIONAL PLANNING POLICY

22. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.
23. In July 2010 the Local Government Secretary signaled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when the Localism Act 2011 is brought into force. Both the RSS and the abolition provisions of the Localism Act are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this, having regard to the evidence base which informs the RSS. Policies of particular relevance to these applications include the following:
24. *Policy 1 - North East Renaissance* seeks to achieve and maintain a high quality of life for all, both now and in the future, requiring a major economic, social and environmental renaissance throughout the Region.
25. *Policy 2 - Sustainable Development* planning proposals should seek to promote sustainable development through social, economic and environmental objectives.
26. *Policy 4 - The Sequential Approach to Development* establishes that priority should be given to previously developed land within sustainable locations.
27. *Policy 7 - Connectivity and Accessibility* which requires new development proposals to reduce travel demands, and promote opportunities to use public transport, cycle and walk.
28. *Policy 8 - Protecting and Enhancing the Environment* which requires new development to be of high quality and maintain local distinctiveness.
29. *Policy 11 - Rural Areas* sets out that planning proposals should support the development of a vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the Region's environmental assets from inappropriate development.
30. *Policy 16 - Culture and Tourism* seeks, amongst other things to ensure that new tourism facilities benefit the local economy, people and environment without diminishing the attractiveness of the place visited.

31. *Policy 24 - Delivering Sustainable Communities* planning proposals should seek through design to promote social cohesion, reduce inequalities as well as meeting sustainable development objectives.
32. *Policy 32 - Historic Environment* requires planning proposals to conserve and enhance the historic environment.
33. *Policy 33 - Biodiversity and Geodiversity* requires planning proposals to ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels.
34. *Policy 35 - Flood Risk* promotes a proactive approach to reducing flood risk and advises that risk should be managed with regards to tidal effects, fluvial flooding and flooding from surface water runoff. The requirements of PPS25 with regards to the sequential approach and submission of flood risk assessments.

LOCAL PLAN POLICY: (District of Easington Local Plan 2001)

35. *Policy 1 – General Principles of Development* - 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.
36. *Policy 3 – Protection of the Countryside* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
37. *Policy 7 – Protection of Areas of High Landscape Value* - Development which adversely affects the character, quality or appearance of Areas of High Landscape Value (AHLV) will only be allowed if the need outweighs the value of the landscape and there is no alternative location within the County.
38. *Policy 18 – Species and Habitat Protection* - 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.
39. *Policy 24 – Protection of Listed Buildings* - Development which adversely affects the character, appearance, special architectural features or setting of a listed building will not be approved. The retention of architectural or historic features will be encouraged. Demolition of a listed building will only be allowed in exceptional circumstances.
40. *Policy 35 – Design and Layout of Development* - 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.
41. *Policy 36 – Design for Access and Means Travel* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
42. *Policy 37 – Design for Parking* - The design and layout of new development should seek to minimise the level of parking provision (other than for cyclists and disabled

people) which, other than in exceptional circumstances, should not exceed the maximum levels guidance

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

<http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

43. The *Highway Authority* understand that the existing private access road serves up to 9 properties, as a result objection is not raised to the prospect of a further 4 no. properties using the access. However, a widening of the access road would be required and an existing speed hump relocated. The applicant should also commit to regular maintenance of the roadside vegetation on the B1281 either side of the existing road junction to ensure an adequate visibility splay.
44. *Northumbrian Water* have raised no objections.
45. *Natural England* have raised no objections.
46. *English Heritage* have stated that the applications do not fall into one of the relevant categories for which they require notification.
47. *The Environment Agency* has objected to the proposed development as submitted because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. Refusal of the planning application is therefore recommended.

INTERNAL CONSULTEE RESPONSES:

48. *The Council's Senior Landscape Architect* considers that the development would reduce the extent of the countryside between the built settlement of Blackhall Colliery and the cluster of dwellings along the B1281. The development is considered to harm the setting of the heritage assets. The proposed two storey dwellings will be prominent on the approach to the hall itself and will impact upon the setting of the hall and listed walled garden.
49. Building within the walled garden space will by its nature harm this space. The value of the garden wall heavily depends upon the retention of the internal space. The garden wall itself is unusual due to its oval shape and substantial size. The positive benefits of the repairs to the wall will be outweighed by the negative impacts of the introduction of buildings, loss of garden space and breach of the wall. The development will harm the area of high landscape value and the appearance of the countryside.
50. *The Council's Senior Structural Engineer* has assessed the submitted structural report with regards to the listed wall and considers the proposed remedial work to be appropriate.
51. *Design and Conservation* have raised strong objections to the proposals. The proposed development is considered to constitute a departure from Local Plan Policy 3. The development of 4 dwellings within the listed walled garden would cause demonstrable harm to the setting of that walled garden. A strong enabling argument

in accordance with the advice within PPS5 and English Heritage guidance would have to accompany the applications to justify the departure from the Local Plan and the harm to the setting of the listed structure.

52. A thorough and convincing enabling argument has not been submitted. The advice on enabling development is considered to be clear that new development to secure the future of a heritage asset should only be accepted where it will not harm the heritage values of the place or setting and is necessary to resolve the problems arising from the inherent needs of the place rather than the circumstances of the present owner. The heritage values of the walled garden would be harmed and the applicant has failed to demonstrate that the harm is necessary to secure the long term future of the either the hall or the garden.
53. The development is proposed to address the debts of the business and not to secure the heritage assets contrary to English Heritage enabling development policy.
54. With regards to the demolition works proposed the amount of wall sought for demolition would appear larger than is necessary for an access for 4 dwellings. The brick outbuilding is also protected by virtue of being a curtilage listed structure, no justification as to why it is sought for demolition has been submitted.
55. With regards to the repairs to the listed wall a full schedule of works has not been submitted and it is therefore not possible to assess the impact on the special interest of the listed structure.
56. *Archaeology* have objected to the applications, the views of Design and Conservation are echoed and it is also considered that the proposed development would have an impact on the setting of the listed hall and not just the walled garden. It is considered that there is strong evidence of a medieval presence in the vicinity of the manor/hall. The submitted desk based archaeological assessment highlights the possibility of the Medieval manor complex extending into the development, the County archaeologist also considers that there is evidence of medieval period earthwork features to the south west of the hall and it is considered that the settlement in that period extended beyond the existing complex. The submitted desk based archaeological assessment recommends that trial trenching is required and it is considered that this should occur and be evaluated before planning permission is granted.
57. *The Council's Senior Tree Officer* states that the site is protected by a Tree Preservation Order. The submitted tree report fails to clearly demonstrate which trees are to be removed as a result of the developments.

PUBLIC RESPONSES:

58. Three responses have been received to the Council's consultation exercise. The East Durham Business Service support the proposals.
59. Cllr Cox supports the proposals on the grounds of the benefits to the future success of the business, the service it provides to the local community and clients from all over the country and worldwide. A request is made that the application be heard at Planning Committee.
60. A further request that the application be heard at Committee has been made by Cllr Crute.

APPLICANTS STATEMENT:

61. The applicant has submitted a Design and Access statement, Heritage Statement and Planning Statement in support of the proposals.
62. The supporting documentation explains that the main purpose behind the development is to allow for the market sale of 4 no. properties which would generate a significant injection of capital in order to secure the long-term future of the hotel business.
63. The supporting documents state that Hardwicke Hall Manor Hotel is one of only three hotel enterprises operating in the east Durham area. The business employs 14 full time and 13 part time staff. In recent years the business has suffered and an urgent capital injection is required.
64. The development is considered to have been designed to a high standard so as to not harm the area or listed status of the wall it lies within at Hardwicke Hall Manor.
65. Arguments are put forward with regards to the planning policy merits of the proposal considering that support can be found with the national, regional and local policy framework. The supporting documents consider that many key planning considerations are met through the development including its contribution to sustainable economic development; constituting an exceptional case to rural restraint policies; contribution to the provision of needed executive housing; conservation of the listed wall. Most emphasis, however, is placed on the contribution the development would make to the sustaining of the existing hotel business and the benefits of this to the local community, economy, employment and conservation of the listed building and wall themselves.

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://PLANNING.EASINGTON.GOV.UK/PORTAL/SERVLETS/APPLICATIONSEARCHSERVLET?PKID=115973](http://planning.easington.gov.uk/portal/servlets/applicationsearchservlet?pkid=115973)

PLANNING CONSIDERATIONS AND ASSESSMENT

66. 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, the impact upon the listed buildings and their setting, the existence of any special circumstances and justification for the development, impacts upon highway safety, protected species and archaeological assets.

Principle of Residential Development

67. The application site lies beyond any settlement boundary as defined in the Easington Local Plan. Policy 3 of the Local Plan states that development outside the “settlement limits” will be considered as development in the countryside and unless specifically allowed for by other policies, such development will not be approved. The application site also lies within a designated area of high landscape value to which Policy 7 applies. The same development restraints on development in the countryside apply to areas of high landscape value but additional emphasis is placed on the special character, quality and appearance of the area. Policy 1 of the Local Plan relating to the general principles of development also states that development should be located within a defined settlement boundary unless other policies in the plan specifically allow that development.
68. The proposal seeks the erection of 4 no. dwellinghouses. Within the Local Plan, no saved policy relates to housing in the countryside. However, national guidance is provided by PPS3 and PPS7. PPS7 – Sustainable Development in Rural Areas contains a specific section on housing and seeks to strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans. Isolated new houses in the countryside will require special justification for planning permission to be granted, for example where the essential need for a worker to live permanently at or near their place of work in the countryside is demonstrated. In addition very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission.
69. PPS3 – Housing states that housing developments should be in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure. PPS3 emphasises the need for an efficient and effective use of land, using previously developed land wherever possible.
70. Within the RSS, Policies 4 and 24 advocate a sequential approach to development and priority is given to previously developed land and buildings in the most sustainable locations.
71. The application site is defined by a saved policy of the Local Plan as being situated within the countryside. The application relates to the large and predominantly open curtilage of Hardwicke Hall Manor. Although located within relatively close proximity to settlements, particularly Blackhall, the application site very much feels detached from any settlement.
72. Officers therefore consider that the planning application proposes the erection of 4 no. dwellings within the open countryside. The application does not propose residential accommodation for an essential agricultural/forestry worker nor do the plans propose properties of exceptional quality or innovative nature. The proposed development would appear prominent in its setting and harm the openness of this particular part of the countryside and the Area of High Landscape Value. The proposals also represent development within a location which is not sustainable.
73. The proposed residential development is therefore considered to be unacceptable development in the countryside in principle, contrary to the Development Plan through failing to accord with the provisions of Policies 1, 3 and 7 of the Local Plan and Policies 4 and 24 of the RSS. Furthermore, the development is not considered

to constitute one of the exceptional circumstances where isolated residential development in the countryside is acceptable contrary to the guidance contained within PPS7.

Impact upon the Listed Buildings and their Setting

74. The Local Planning Authority has a statutory duty under sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
75. Hardwicke Hall Manor Hotel is a Grade II listed building. The wall enclosing the walled garden where the proposed dwellings would be sited is also individually Grade II listed. By virtue of being part of the curtilage of Hardwicke Hall Manor Hotel the boundary wall to the west of the walled garden and the brick outbuilding to the north of the proposed vehicular access are also covered by the listing.
76. Policy 24 of the Local Plan relates to listed buildings and states that development which adversely affects the character, appearance, special architectural features or setting of a listed building will not be approved. The retention of architectural or historic features will be encouraged. Demolition of a listed building will only be allowed in exceptional circumstances. The justification to the policy explains that the character of listed buildings and indeed their setting can be easily damaged and it is therefore important that their essential character is not adversely affected by alterations or new development.
77. National guidance is provided within PPS5 and Policy HE9 establishes a presumption in favour of the conservation of designated heritage assets. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.
78. The supporting documentation submitted by the applicant considers that the proposed development would have no discernable direct impact on the heritage asset and will preserve the setting of the grade II listed building.
79. The Council's Design and Conservation section have been consulted on the applications and they are a key consultee with regards to the proposed developments. Objections have been raised by Design and Conservation with regards to the impact of the proposed developments upon the listed structures and their setting. The Council's senior landscape architect and archaeologist have similarly raised objections with regards to the impact upon the listed structures and setting.
80. Officers concur with these concerns and objections. The proposed development seeks to locate 4 no. detached dwellings within the walled garden associated with Hardwicke Hall Manor. The value of the walled garden is in part characterised by the open space within the wall. Although in an overgrown state, the garden is currently open with no buildings sited therein. In the past the garden will have been a maintained yet similarly open space. Officers consider that the proposal would cause significant harm to the setting of the listed wall itself and in turn to the listed Hardwick Hall Manor Hotel as well. English Heritage published a guidance document "The Setting of Heritage Assets" in October. This document explains that the significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting – the surroundings in which it is experienced. An assessment of setting must include the physical surroundings of the asset, including its relationship with other heritage assets, the way in which the asset is appreciated and the asset's associations and patterns of use.

81. In this instance the walled garden has substantial physical presence within the grounds of the Hall and has an interrelated setting with the principal building. The walled garden can be appreciated from some considerable distance across the site and when approaching the Hall itself. The pattern of use of the walled garden will have always been that of an open amenity space. The proposed erection of 4 no. dwellings is considered harmful to the setting of both the Hall and garden wall, harming the physical surrounds of the assets themselves through appearing as dominant and obtrusive features and also harming the openness of the inside of the wall itself harming the associated patterns of use. The proposed large expanse of hardstand on the inside of the walled garden comprising of the resin bonded gravel courtyard that provides parking and manoeuvring space is also considered to have a detrimental impact upon the internal garden space within.
82. The development would require the partial demolition of the listed wall itself. At present the only access into the walled garden is via a narrow pedestrian access point at the north end where those travelling from the Hall itself (located to the north) would enter the garden. This proposed development would result in the partial demolition of the wall with a large vehicular opening of significant width being formed to meet the existing private access road to the Hall.
83. The degree of demolition and physical intervention into the wall which characterises the garden by being a brick enclosed space is considered to be harmful to the listed wall structure itself.
84. The brick outbuilding adjacent to the garden wall is proposed for demolition. This structure is protected by reason of being within the curtilage of the listed Hall. Policy 24 of the Local Plan explains that the demolition of a listed building will only be allowed in exceptional circumstances. Policy HE9 of PPS5 explains that loss affecting any designated heritage asset should require clear and convincing justification. No justification with regards to the demolition of this building has been submitted by the applicant.
85. Overall the proposed developments are considered harmful to the listed Hall and garden wall. The development is considered harmful to both the setting of the listed wall and Hardwicke Hall itself. The partial demolition of the listed wall and the complete demolition of a brick building without justification is also considered harmful to the listed wall and setting of the Hall itself.

Existence of Special Justification for the Development

86. As outlined above the proposed developments are considered contrary to the requirements of the Development Plan by reason of comprising residential development within the countryside and by reason of the harm to the listed structures and their setting.
87. It must be considered whether there are any special justifications or any enabling development case relating to the development proposals that may outweigh such harm and conflict with the Development Plan and warrant approval of the applications.
88. The application has been submitted with some supporting statements. The supporting documentation explains that the main purpose behind the development is to allow for the market sale of 4 no. properties which would generate a significant injection of capital in order to secure the long-term future of the hotel business.

89. Some support for the proposal has been received from two councillors and a response from the East Durham Business Service.
90. The supporting documents consider that many key planning considerations are met through the development including its contribution to sustainable economic development; constituting an exceptional case to rural restraint policies; contribution to the provision of needed executive housing; conservation of the listed wall. Most emphasis, however, is placed on the contribution the development would make to the sustaining of the existing hotel business and the benefits of this to the local community, economy, employment and conservation of the listed building and wall themselves.
91. The supporting documentation makes specific reference to some National, Regional and Local Plan guidance which the development is considered to accord with by the applicant. Most notably it is considered that the proposed residential development would secure the financial stability of the business which would accord with Policy EC7 of PPS4 which seeks to support local tourism and leisure facilities that benefit rural enterprise.
92. However, PPS4 specifically states that its content is not applicable to housing development. Furthermore Policy EC7 is defined within PPS4 as being a plan making policy, it is not one of the PPS4 policies that advises on Development Management decision making.
93. The supporting statements and documents make reference to the The Good Practice Guide – Planning for Tourism and it is acknowledged that this practice guide emphasises the important role tourism has with the many broad benefits that contribute to the economic and social well being of local communities as well as to individuals. However, it is considered by officers that this guidance once again relates more directly to tourism infrastructure and developments. Residential development is not in itself any form of tourist development.
94. The supporting documentation considers that the proposed development accords with the provisions PPS1 including representing development that protects and enhances the natural and historic environment. Given the harm to designated heritage assets officers do not consider that the development protects or enhances the historic environment.
95. The submission considers that the proposed development would seek to attract purchasers at the higher end of the housing market and the development would provide needed executive housing within the area. There is recognition within both the RSS and the 2008 Strategic Housing Market Assessment (SHMA) that there is in certain areas of the County a shortfall in the level of executive housing. However, officers would question whether the proposed development constitutes the provision of executive housing. The location within the grounds of a listed building is attractive, and the dwellings are detached. However, they are also modest 3 bedroom properties. Although a statutory definition of what constitutes executive housing does not exist, it is not considered that the modest 3 bed nature of the proposed dwellings with no garaging facilities and an absence of large outdoor amenity space could clearly be identified as being “executive”.
96. Officers do not consider that the supporting documents submitted demonstrate that there are wider benefits to the development which are of such weight or merit as to outweigh the harm caused to the designated heritage assets or harm to the openness of the countryside and the designated area of high landscape value.

97. Policy HE9 of PPS5 states that where an application will lead to substantial harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent unless it can be demonstrated that:
- (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or
 - (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
 - (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and
 - (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use
98. To be confident that no appropriate and viable use of the heritage asset can be found under policy HE9.2(ii) , PPS5 advises that local planning authorities should require the applicant to provide evidence that other potential owners or users of the site have been sought through appropriate marketing and that reasonable endeavours have been made to seek grant funding for the heritage asset's conservation and to find charitable or public authorities willing to take on the heritage asset. The applications have not been accompanied by any evidence that other potential owners or users of the site have been sought through an appropriate marketing exercise nor has evidence been submitted that reasonable endeavours to seek any grant funding for the heritage asset's conservation or to find charitable or public authorities willing to take on or contribute to the Hall.
99. The practice guide which accompanies PPS5 states that the demolition or destruction of a designated heritage asset on the grounds of keeping it in active use is very much a last resort after every option to secure a viable future for the asset has been exhausted. The fact that particular applicants or their advisers cannot conceive or achieve a viable use for the asset does not mean that there is no such use.
100. Officers do not consider that the submitted application has demonstrated that every option to secure a viable future for Harwicke Hall has been exhausted. The application has been accompanied by no alternative business models or solutions to the hotel's financial plight. The only option presented within the application is that of the residential development which would cause significant harm/destruction to the value of the heritage assets contrary to Policy HE9 of PPS5.
101. Regardless of the assessment of the merits of the proposed development against the provisions of Policy HE9 of PPS5 the development still constitutes the development of residential properties with a countryside location contrary to the requirements of Policies 1, 3 and 7 of the Local Plan and PPS7. The development is contrary to the requirements of the Development Plan and constitutes a departure from the Development Plan on these grounds alone.
102. The application and supporting documents do state that the conservation of the walled garden is integral to the proposed development and will be funded through the capital receipt of the development. In addition the supporting statements consider that if remaining funds are available then repairs to the Hall itself could also be undertaken although no details are provided as to which works to the Hall would occur and this cannot be considered as part of the development proposals. Consideration must therefore be given as to whether or not the development constitutes an enabling development and that this in turn provides the special justification for the development to be considered acceptable.

103. Enabling development is not a statutory term, but was confirmed as a legitimate planning tool in 1988 by the Court of Appeal. English Heritage within their guidance “Enabling Development and the Conservation of Significant Places” define enabling development as “development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved.” It is an established and useful planning tool by which a community may be able to secure the long-term future of a place of heritage significance, and sometimes other public benefits, provided it is satisfied that the balance of public advantage lies in doing so.
104. Similarly Policy HE11 of PPS5 relates to enabling developments and considers that Local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the Development Plan.
105. Officers do not consider that the application demonstrates that the benefits of the development outweigh the disbenefits of departing from the Development Plan.
106. Detailed advice on the compiling of a suitable planning application proposing enabling development is provided by the English Heritage Guidance “Enabling Development and the Conservation of Significant Places”. The guidance establishes the information required within a submitted planning application to demonstrate an acceptable enabling development scheme and provides advice to Local Planning Authorities in determining those applications.
107. The English Heritage guidance makes it clear that the enabling development should not harm the place it seeks to sustain. This is fundamental to the acceptability of any enabling development scheme. Officers consider that the proposed development would harm the very heritage assets it is in turn also proposing to conserve. The proposed repairs to the listed wall and any potential repairs to the listed Hall (though none detailed) itself are not considered to outweigh the harm caused to the special character and setting of the listed Hall and garden wall resulting from the development. The presence of 4 no. dwellings within the walled garden and the proposed partial demolition of the listed wall itself are considered to be so harmful that the proposed conservation work to the listed wall would not adequately compensate. Furthermore the applications only include the submission of a structural survey proposing potential remedial works to the listed wall, a full and thorough schedule of works has not been submitted.
108. The applications as submitted do not contain the level of detail to demonstrate a genuine enabling development argument. It is fundamental to any enabling development that it must always be justified by the inherent lack of viability of the significant place, not an owner’s inability to fund a commercially viable scheme. The submitted applications and supporting documentation do not demonstrate that the significant place is unviable but merely that the present owner is unable to fund a commercially viable scheme.
109. The information supplied to support a proposal for enabling development should cover all financial aspects of the proposed enabling development, at a sufficient degree of detail to enable scrutiny by the Local Authority. This applies both to the definition of need of the enabling development – the condition of the place and the means and cost of addressing its problems and the definition of the scale of development necessary to meet that need. It must also be demonstrated that sufficient funds are not realistically available from any other source, particularly grant aid. No such financial justifications have accompanied the submitted applications. The only proposed works to the heritage assets applied for within the applications is

the repair of the listed wall likely involving localised rebuild and repointing works, although a clear schedule of works has not been submitted. Officers do not consider that such minimal works to the listed structure justify the scale of the development proposed. The erection of the 4 no. dwellings and associated works is not a level of development that can be considered the minimum necessary to secure the future conservation of the heritage asset. Indeed the applicant has indicated within the supporting documents that the vast majority of the proceeds from the development would be utilised to repay a loan debt and not be utilised directly upon the fabric of the heritage assets.

110. Before any enabling development is considered acceptable in principle the applicant needs to demonstrate that real efforts have been made, without success, to continue the present use or to find compatible alternative uses for the significant place. This would ordinarily entail marketing exercises for other uses, none of which have been submitted.
111. Officers do not consider that there are exceptional circumstances, special justifications or any enabling development case relating to the development proposals that may outweigh the clear harm to heritage assets and the countryside/area of high landscape value and conflict with the Development Plan which would warrant approval of the applications.

Impacts upon Archaeological Assets

112. The applications have been accompanied by an archaeological desk-based assessment. This assessment considers that there is the potential for impact upon the archaeological resource and recommends that this is further evaluated through excavating trial trenches across the application site.
113. The Council's Archaeologist has been consulted on the application and it is considered that there is strong evidence of a medieval presence in the vicinity of the Manor/Hall. The submitted desk based archaeological assessment highlights the possibility of the Medieval manor complex extending into the development, the Council's Archaeologist also considers that there is evidence of medieval period earthwork features to the south west of the hall and it is considered that the settlement in that period extended beyond the existing complex. The submitted desk based archaeological assessment recommends that trial trenching is required and it is considered that this should occur and be evaluated before planning permission is granted.
114. Policy HE6 of PPS5 advises on the information requirements affecting heritage assets and states that where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, Local Planning Authorities should require developers to submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation.
115. Taking into consideration the content of PPS5 and the comments of the Councils Archaeologist it is considered that the submitted desk-based assessment is insufficient to properly assess the impacts of the development upon archaeological interests and further trial trenching should be undertaken before planning permission can be granted.

Impacts Upon Trees

116. The application has been accompanied by a tree report, during the course of the application a plan identifying the trees has also been submitted. The application site itself is covered by a Tree Preservation Order.
117. The Council's senior tree officer considers that inadequate information has been submitted with the application to determine the precise works necessary as part of the development proposals. The submitted tree report considers the health of the trees and suggests possible work and monitoring arrangements for the trees. However, the tree report does not clearly demonstrate the impacts of the proposed development on the trees and which trees will be required to have works undertaken to them, or be removed to actually facilitate the building of the proposed dwellings and formation of the access route.
118. The submitted tree plan does not identify the proposed development works thereby not allowing for accurate assessment of the impact of the proposed access or dwellings upon the trees or their root protection areas.
119. The tree report does clearly identify and describe the health and condition of the trees however, and all trees are considered to be in either reasonable or poor condition or dead. No trees are described as being in good or excellent health/condition.

Highway Safety

120. Policy 36 of the Local Plan requires all new developments to be served by a safe and adequate means of access whilst Policy 37 looks to limit the amount of dedicated parking space within new developments.
121. The Highway Authority has been consulted on the application and no objections are raised. However, a widening of the access road would be required and an existing speed hump relocated. The applicant would also be expected to commit to regular maintenance of the roadside vegetation on the B1281 either side of the existing road junction to ensure an adequate visibility splay. Such matters could be resolved through the attachment of suitably worded conditions or Section 106 obligation.

Impacts upon the Amenity of Neighbouring Occupiers

122. Policy 35 of the Local Plan seeks to preserve the amenity of residents within the vicinity of the development.
123. The application site benefits from being rather detached from neighbouring property. The nearest property from the proposed residential dwellings would be the Hardwicke Hall Manor Hotel itself located approximately 60m to the north. The nearest residential property would be Wood Cottage located approximately 70m to the west. Taking into consideration the separation distances involved and the screening afforded to the proposed development by the listed wall and landscape features it is not considered that any detrimental impact upon the occupiers of neighbouring property would occur through the loss of privacy or amenity.

Design and Layout of the Residential Development

124. Policy 35 of the Local Plan requires all development 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.
125. No objections are raised to the proposed dwellings themselves in terms of their appearance and design. The proposed dwellings comprise of a simple and traditional design. Quality materials are proposed with the use of slate to roof coverings and timber windows.
126. However, the proposed development and layout do cause harm to the listed buildings of the Hall and the garden wall and their setting as detailed within the "Impact upon the Listed Buildings and their Setting" section to this report. The scale of the development is also considered harmful to the countryside setting and the Area of High Landscape Value as discussed in the "Principle of Development" section of this report.

Impact upon Protected Species

127. The application has been accompanied by a bat risk assessment which included survey work and external inspection of the listed garden wall. Bats are a protected species and the presence of protected species such as bats is a material planning consideration in accordance with Circular 06/05 to PPS9. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations 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 a criminal 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.
128. The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2010 contain 3 no. "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this licence is normally obtained after planning permission has been granted. The three derogation tests are as follows; the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative and; favourable conservation status of the species must be maintained.
129. Notwithstanding the licensing regime the Local Planning Authority must discharge its duty under Regulations and also have in mind these three tests when deciding to grant planning permission for development where this is likely to result in disturbance to an EPS.
130. The submitted bat risk assessment found no evidence of bat usage, however, given the condition of the wall and presence of holes within its fabric there is the potential for the wall to provide roosting habitats. As a result a method statement has been prepared and proposes precautionary working methods and timings. Natural England have assessed the development against their standing advice and have raised no objections to the proposed development.

131. Officers consider that a suitably worded condition can be formulated to ensure that the proposed precautionary working methods within the submitted bat risk assessment are implemented on any approval.
132. Officers consider that subject to the proposed mitigation measures being implemented the impact of the development upon bats would be acceptable having regard to its duty under the Habitats Directive.
133. No objections are therefore raised to the development with regards to the impact upon protected species in accordance with Policy 18 of the Local Plan and Policy 33 of the RSS.

Other Issues

134. The submitted planning application form states that the foul sewage for the development would be disposed of through the use of a septic tank. However, the application also includes details of a Klargestor package treatment plant. It is therefore unclear as to how it is proposed to deal with the foul sewage disposal either through a septic tank or a package treatment plant. Disposal via the mains sewer is not proposed. PPS23 advises on the potential for polluting contaminants in development including those relating to water quality and whether adequate sewerage and drainage infrastructure is available for new development.
135. Circular 03/99 provides further advice with regards to development and non-mains sewerage. The Environment Agency have objected to the proposed development because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. Refusal of the planning application is therefore recommended.
136. This circular advises that before deciding a planning application, the local planning authority needs to be satisfied that the sewerage arrangements are suitable. If the non-mains sewerage and sewage disposal proposals are assessed as being unsatisfactory, this would normally be sufficient to justify refusal of planning permission.
137. If, by taking into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, a package sewage treatment plant incorporating a combination of treatment processes should be considered. A septic tank should only be considered should a the mains sewer and a package treatment plant solution be unfeasible.
138. In this instance the applicant has not made it clear whether a package treatment plant or a septic tank is proposed to cater for the foul sewerage of the proposed development. There has been an absence of justification provided to the Environment Agency and Local Planning Authority for the use of non-mains drainage and in turn the application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development contrary to the requirements of PPS23.
139. The planning application has been accompanied by a contaminated land risk assessment. Comments on this have not been received from Environmental Health. However in the event of any approval it is considered that conditions could be attached to any approval requiring any necessary investigation and remedial works with regards to land contamination.

CONCLUSION

140. The proposal seeks the erection of 4 no. dwellinghouses with associated vehicular access, demolition and conservation work to a listed wall.
141. The proposed erection of dwellinghouses in the countryside and an area of high landscape value is considered to be unacceptable development in principle contrary to the Development Plan.
142. The proposed works would cause harm to the special character and setting of the listed Hardwicke Hall Manor Hotel, a listed garden wall with complete demolition of outbuilding also protected by the listing with no justification submitted.
143. The supporting documents seek to demonstrate that the works are necessary to provide the capital injection to retain the hotel business with the benefits this brings to the local economy, local tourism and services and employment. Conservation works to the listed wall are also proposed. However, officers do not consider that any exceptional circumstances or form of enabling development have been demonstrated that would outweigh the demonstrable harm and conflict with the Development Plan.
144. Furthermore, the applications have failed to incorporate the necessary investigations into the impacts of the development upon potential archaeological assets and there is an absence of justification provided to the Environment Agency and Local Planning Authority for the use of non-mains drainage.
145. The applications are therefore recommended for refusal.

RECOMMENDATION

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

PL5/2011/0401

1. The application proposes the erection of 4 no. dwellinghouses and associated works within the open countryside and within a designated area of high landscape value. Isolated residential development in such a location is unacceptable unless special circumstances have been demonstrated. No such special circumstances have been demonstrated within the application and the proposed development is considered harmful to this part of the countryside and area of high landscape value contrary to Policies 1, 3 and 7 of the District of Easington Local Plan, Policies 4 and 24 of the RSS and PPS7.
2. The proposed development by reason of its scale and prominence and location with a walled garden would be harmful to the special setting of the Grade II listed Hardwicke Hall Manor and Grade II listed garden wall contrary to the requirements of Policy 24 of the District of Easington Local Plan and PPS5.

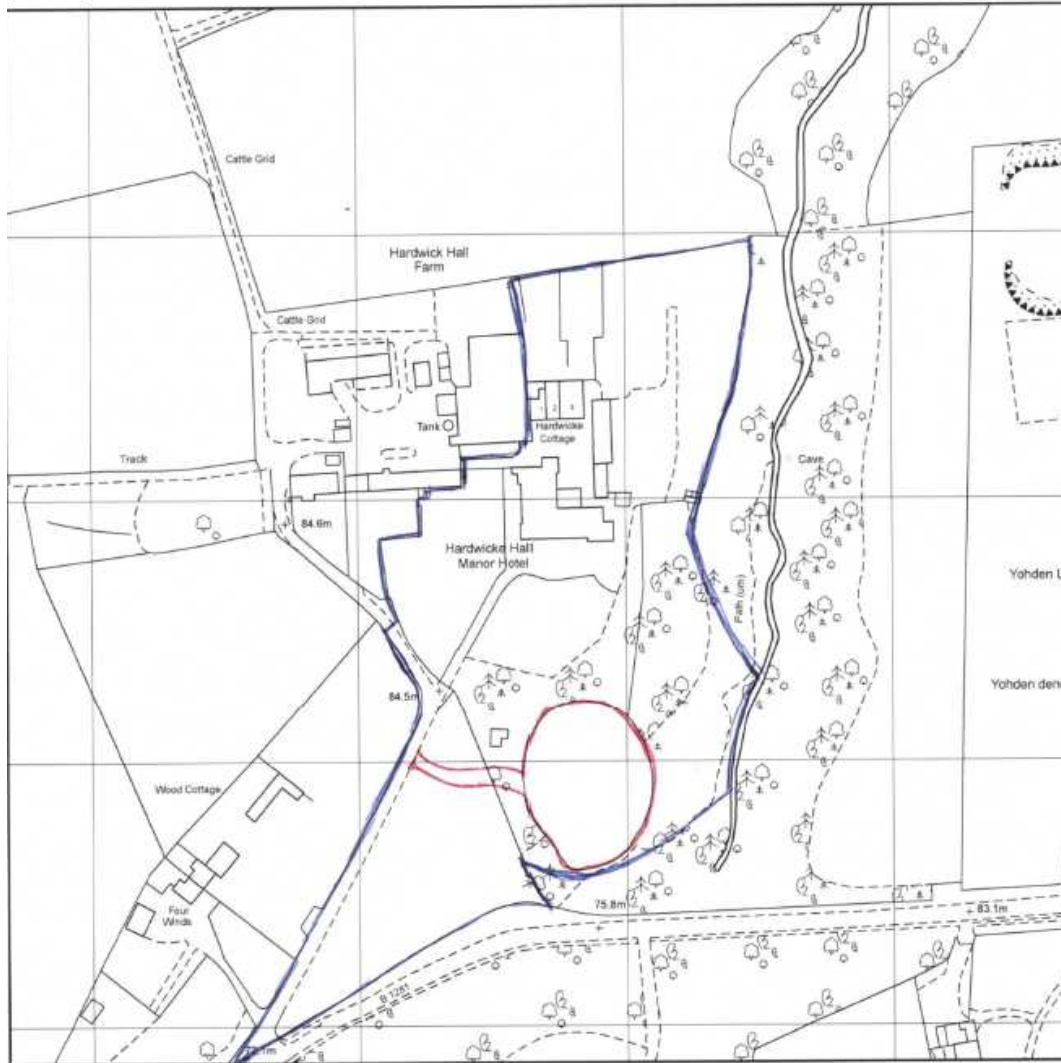
3. The submitted application fails to adequately investigate the impact of the development proposal upon potential archaeological assets. The submitted desk based archaeological assessment recommends trial excavations to fully assess impact and such excavations have not been implemented. The development is therefore considered contrary to the requirements of PPS5.
4. The application has not been accompanied by adequate information or justification on the use of non-mains drainage and in turn the application does not, therefore provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development contrary to the requirements of PPS23.

PL/5/2011/402

1. The proposed development by reason of its scale and prominence and location within a walled garden would be harmful to the special setting of the Grade II listed Hardwicke Hall Manor and Grade II listed garden wall. The proposed partial demolition of the listed garden wall is considered harmful to the character and fabric of this listed structure. The proposed demolition of a brick outbuilding protected by virtue of being a structure within the curtilage of a listed building has been submitted with no justification for its loss. The proposals are therefore considered contrary to the requirements of Policy 24 of the District of Easington Local Plan and PPS5.

BACKGROUND PAPERS

Submitted Application Forms and Plans
Submitted Design and Access Statement, Heritage Statement and Supporting Statements
District of Easington Local Plan 2001
Regional Spatial Strategy
Planning Policy Statements 1, 3, 4, 5, 7, 9 and 23 and Planning Policy Guidance Notes 13
Good Practice Guide on Planning for Tourism
English Heritage Guidance -Enabling Development and the Conservation of Significant Places (2008) and The Setting of Heritage Assets (2011)
Response from Highway Authority
Response from Northumbrian Water
Response from Environment Agency
Response from Natural England
Response from English Heritage
Internal consultee responses
Planning Circulars 11/95 and 03/99



Planning Services

PL/5/2011/401 - Four detached residential properties including private vehicular access road

PL/5/2011/402 – Partial demolition of Grade II listed garden wall and proposed repair of remainder, partial demolition of boundary wall and complete demolition of existing brick shed within curtilage of Grade II listed Hardwicke Hall Manor Hotel in association with residential development of 4 dwellings

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005

Comments

Date 10th January 2012

Scale 1:2500