

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2012/0437
FULL APPLICATION DESCRIPTION	RESIDENTIAL DEVELOPMENT (OUTLINE) FOR 9 DWELLINGS (RESUBMISSION)
NAME OF APPLICANT SITE ADDRESS	MR A CRACKNELL EDEN TRANSPORT LTD, EDEN HOUSE, HIGH HESLEDEN, TS27 4QF
ELECTORAL DIVISION CASE OFFICER	Blackhalls Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. This application site is 1.1 hectares in size and is located on the edge of the settlement of High Hesleden, a village in the south eastern corner of the former District of Easington. The site is just outside of the settlement boundary as identified in the District of Easington Local Plan and therefore is technically classed as being in the countryside.
2. The site is currently occupied by 'Eden Transport Ltd' which operates as a transport depot and haulage business. Much of the surface area of the site is covered with a concrete hardstanding for use by heavy goods vehicles and accommodates various warehousing, storage and maintenance buildings; as such the site is previously developed and is brownfield land.
3. The site slopes gently from north to south and is currently accessed from Mickle Hill Road which is the main road running through the village. It is bound to the north by Mickle Hill Road, to the east by Fillpoke Lane, to the south by agricultural fields and to the west by residential properties.

Proposal:

4. This application seeks outline approval for 9 dwellings and detailed approval for the means of vehicular access. All other detailed matters such as scale, layout, appearance and landscaping would be dealt with by a further application for reserved matters should this outline application be approved. As the application site

is 1.1 hectares, the density of the development would be very low at 8.1 units per hectare.

5. The access to the site would be off Fillpoke Lane to the east and would involve its re-alignment in order to create an adequate visibility splay.
6. The applicant states that the current haulage business needs to expand and therefore intends to move to a more appropriate site on an industrial estate. However, the relocation would incur significant costs and therefore it is intended to market the site as a small residential development, enabling the business to relocate and expand whilst removing an inappropriate business from the village.
7. This application is being reported to committee as it is classed as a major planning application.

PLANNING HISTORY

8. PL/5/2011/0328 – Residential development. Withdrawn.
9. 92/877 – Residential development. Refused.

PLANNING POLICY

NATIONAL POLICY:

10. 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.
11. 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'

The following elements are considered relevant to this proposal:

12. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
13. Part 4 - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

14. Part 6 - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
15. Part 7 - 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.
16. Part 10 - Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
17. Part 11 - The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

REGIONAL PLAN POLICY

18. 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.
19. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies by making Orders under Section 109 of the Localism Act 2011. Both the RSS and the stated intention to make the necessary Orders are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. The following policies are considered relevant:
20. Policy 2 - Seeks to embed sustainable criteria through out the development process and influence the way in which people take about where to live and work; how to travel; how to dispose of waste; and how to use energy and other natural resources efficiently.

21. Policy 4 - National advice and the first RSS for the North East advocated a sequential approach to the identification of sites for development, recognising the need to make the best use of land and optimize the development of previously developed land and buildings in sustainable locations.
22. Policy 7 - Seeks to promote the need to reduce the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking, as well as the need to reduce long distance travel, particularly by private car, by focusing development in urban areas with good access to public transport.
23. Policy 8 - Seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
24. Policy 33 - Seeks to enhance and protect internationally and nationally important sites and species, developing habitat creation whilst seeking to reduce the spread of, and eliminate, invasive species

LOCAL PLAN POLICY:

District of Easington Local Plan

25. 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.
26. Policy 3 - 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.
27. 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.
28. 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.
29. Policy 36 - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
30. Policy 37 - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

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:

40. Parish Council – objection. Residents of the village are strongly opposed to building of any kind and the site is not sustainable.
41. Natural England – no objections.
42. Northumbrian Water – no objections subject to a surface water drainage scheme being submitted in order to ensure there is no increase in flood risk.
43. Environment Agency – no objections subject to conditions ensuring any contaminated land is appropriately removed before the development is occupied.

INTERNAL CONSULTEE RESPONSES:

44. Planning Policy – no objections. Replacing the haulage business with a small residential development would improve residential amenity in the village and would allow the business to relocate to an appropriate location and create further employment. These considerations outweigh the policy conflict.
45. Highways Officer – the proposed access to the site is acceptable and the development would result in the reduction in traffic movements particularly from heavy goods vehicles.
46. Landscape Officer – no objections subject to an appropriate landscaping scheme. The proposals would improve the visual amenity of the area.
47. Ecology Officer – no objections subject to appropriate ecological mitigation being conditioned.
48. Archaeology Officer – no objections subject to a condition requiring a field assessment before development commences.
49. Tree Officer – no objections subject to appropriate provision of tree and hedgerow protection during development.
50. Environmental Health – no objection subject to conditions requiring a contaminated land assessment and any necessary remediation measures being implemented, and a restriction on construction hours in the interests of residential amenity.

PUBLIC RESPONSES:

51. The application has been advertised by way of a press notice, site notices and letters to individual residents. 31 letters of objection have been received from nearby residents as a result of the consultation exercise. The main areas of concern are that the proposal is contrary to policy and is in an unsustainable location for residential development as there are no community facilities nearby. In addition, there are concerns that the proposal would lead to an increase in traffic on an unsuitable road and that the proposed access to the site is dangerous. Other areas of concern include that the proposed dwellings would be unaffordable, that the development would increase flood risk, that the site has archaeological potential and that there would be a negative impact on the character of the village.

52. A letter of objection has also been received from the County Councillor for the area which echoes the concerns of residents and states that local residents should be able to decide the future of the village through the adoption of a Neighbourhood Plan.

APPLICANTS STATEMENT:

53. The land subject of the application is classified as 'brownfield' land where, in the planning balance, development is to be preferred over greenfield sites. By contrast, several of the sites identified in the Council's latest SHLAA are currently 'greenfield'.
54. The Design and Access Statement submitted with the application shows how a housing scheme might be successfully incorporated into the site. The design concepts have taken account of:
- the setting and appearance of the existing village
 - site constraints
 - advice from the Highways Department
 - consultations with the Parish Council.
55. Importantly, and in the light of community consultation and feedback, the original proposal for 19 dwellings has been significantly diluted to only 9 houses.
56. In this way the proposal represents a successful solution to the enhancement of this part of High Hesleden, as supported by the response of the professional advisors in the Area Planning Policy Team.
57. The publication of the National Planning Policy Framework (NPPF) in March 2012 has provided a new starting point for the determination of planning applications and appeals. Crucially, the current proposal will contribute in a positive manner to the three key criteria (economic, social and environmental) set out in Paragraph 7 of NPPF.
- Approval of this scheme would help facilitate relocation of the transport depot to a more sustainable location (the **economic dimension**) where the prospect of growth and additional employment can be more realistically achieved without burdening the village of High Hesleden.
 - The provision of a small number of additional houses will not 'swamp' the village but will help maintain its viability and those of its few amenities, as well as providing opportunities for those who wish to live in this rural setting without the adverse amenity-related impacts associated with the current operations (the **social dimension**).
 - The relocation of the transport depot and replacement with housing will mean that, both visually, and in terms of traffic/noise reduction and highway safety improvements, the ambience of this part of High Hesleden will be significantly enhanced by the proposed development (the **environmental dimension**).
58. In short, the benefits to accrue from approval of this scheme are:

- It will replace commercial transport depot and all its associated disadvantages with a wholly compatible residential land use.
 - It will rid the village of several large and generally unattractive industrial / commercial buildings.
 - It will remove from the pastoral village environs the high level of HGV movements through the village and the associated parking, manoeuvring and servicing of such vehicles at the site.
 - It will result in an improved junction design (supported by the County Council as Highways Authority) that will provide a 'traffic-calming' measure and increased safety for both residents and through traffic.
 - It will allow the commercial activity to relocate to a better site (on an industrial estate within the County Council's administrative area) where the potential for expansion and further job creation will be a much better prospect.
 - This, in turn, means that any concern about further growth of a potential bad neighbour activity in close proximity to houses will not be an issue for residents of High Hesleden.
59. Perhaps those who argue simply that the scheme conflicts with planning policy fail to appreciate the wider picture of the benefits to accrue. In the 'planning balance' the proposal not only justifies an acceptable departure from extant policy but, in reality, also underscores what good planning is all about.
60. Accordingly, in light of the supporting evidence submitted by the applicant, it is respectfully requested that planning permission be granted for the proposed development.

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=121084>

PLANNING CONSIDERATION AND ASSESSMENT

61. Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
62. In this instance, given that the application seeks outline approval with access being the only detailed matter, the main relevant considerations are the relevant planning policies and highways issues. Of particular relevance are the accordance with the saved policies from the District of Easington Local Plan, the Regional Spatial Strategy (RSS), the emerging County Durham Plan (CDP) and the Governments recently published National Planning Policy Framework (NPPF). Other material considerations include the benefits arising from the relocation of the business, ecology and trees, flood risk, archaeology and the concerns raised by local residents.

Planning Policy

63. The key planning policy issues arising from this proposal which require due consideration in the determination of the application are the sustainability of the location for residential development and the degree of accordance with planning policies.
64. This application site is located outside of, but immediately adjacent to the existing settlement boundary for High Hesleden. In terms of the saved policies in the District of Easington Local Plan, Policy 3 is most relevant. Policy 3 stipulates that in order for proposals beyond settlement limits to be approved there must be significant justification within other policies to warrant consent. The proposal is contrary to saved Local Plan Policy 3 as it is beyond settlement boundaries as defined in the District of Easington Local Plan. Consequently, there would need to be other 'material considerations' to warrant a decision which is not in accordance with adopted policy.
65. The RSS sets out the broad development strategy to 2021 and beyond. It identifies broad strategic locations for new housing developments so that the need and demand for housing can be addressed in a way that reflects sustainable development principles.
66. The locational strategy for the north east region, enshrined in Policy 6 of RSS, aims to support the development and redevelopment of the two city regions (Tyne & Wear and Tees Valley). This will be achieved by concentrating the majority of new development and house building in the key conurbations, main settlements and regeneration towns, whilst allowing development appropriate in scale within secondary settlements. The locational strategy acknowledges the need to ensure the success of the region's housing market restructuring initiatives, the reuse of previously developed land and a reduction in the need to travel to access work, services, and facilities.
67. The RSS recognises that in County Durham, the towns in the regeneration areas continue to be the main focus for development and recognises the importance of ensuring that the function and vitality of these places is protected and enhanced.
68. As part of the on-going production of 'The County Durham Plan' (CDP), a 'Settlement Study' has been carried out. This study looks at the amenities possessed by the settlements across County Durham, including public transport, public and private services, and access to jobs. The findings indicate that High Hesleden is a group 6 settlement (hamlet). Residents in these types of settlement commonly need to travel to workplaces, schools and other frequently-used facilities. The conclusion which can be drawn from this is that the village is not well served by services and facilities, and therefore would usually be classed as an unsustainable location for residential development.
69. In terms of the NPPF, this advises that there should be a presumption in favour of sustainable development. The overriding message is that new development that is sustainable in terms of the environment and the economy should go ahead without delay. It carries a presumption in favour of sustainable development and notes that housing applications should be considered in the context of this presumption.
70. Paragraph 55 of the NPPF notes that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances which would justify approval. In this regard, development of the haulage depot site would

constitute re-use of previously developed (brownfield) land and would lead to an enhancement to the immediate setting of that area of the village by replacing the haulage business with a small housing development. The policy also notes that housing should be located where it will 'enhance or maintain' the vitality of rural communities. For instance where there are groups of smaller settlements such as, in this instance, High Hesleden, Hesleden, Castle Eden and Blackhall, development in one village may support services in a village nearby.

71. In planning policy terms, it is considered that this proposal conflicts with the development plan in respect of policy 3 of the District of Easington Local Plan and is not considered to be a sustainable location for residential development given the lack of community facilities in High Hesleden. However, when determining applications of this nature, Local Planning Authorities should consider any other material planning considerations as well as conformity with the current Plan. Therefore, officers have gone on to consider whether there are material considerations capable of outweighing this conflict.

Highways Issues

72. The Proposed access and re-alignment of Fillpoke Lane is acceptable from a highways point of view. The resultant arrangement at the C81 Mickle Hill Road/Fillpoke Lane junction is seen as a significant improvement on the unsatisfactory layout that exists at present.
73. The proposed residential development is small in scale and as such traffic generation would be deemed to be negligible. A typical private house generates an average of in the order of 4 outbound and 4 inbound vehicle movements per day. The proposed 9 dwellings would therefore generate approximately only 36 outbound and 36 inbound vehicle movements per day. It can be seen that the daily and weekday peak hours vehicle trip generation associated with the 9 dwellings is low and in the peak hours would equate to one vehicle movement being generated on average every 7.5 minutes.
74. The resultant residential 72 two way vehicle movements would be less than the 100 two way vehicle movements referred to in the Planning Statement, the latter of which would include a significant number of heavy goods vehicles in view of the site's current use as a transport depot. The removal of the heavy goods vehicle traffic from this settlement associated with the site's current use would be seen as a positive outcome of the proposals from the Highway Authority's point of view.

Benefits arising from the relocation of the business

75. Though the proposal is technically contrary to local plan policy 3, if the site in question were not in its present use (an unusual use in this type of location, which would normally be considered a 'bad neighbour' use adjacent to a residential area) and was for example greenfield land, then the case for housing development would undoubtedly be diminished.
76. However the proposal to relocate the haulage business to a more appropriate location and to improve the area through smallscale development for residential use demands a different debate.
77. Firstly, the removal of the haulage business from the village and its replacement with 9 dwellings (which would be restricted to 9 by a planning condition), in the opinion of

Highways Officers is likely to result in a reduction in traffic movements including those of large haulage vehicles. As concluded by the Highways Officer, the resultant residential vehicle movements are likely to be considerably less than the existing vehicle movements, the latter of which includes a significant number of heavy goods vehicles. In view of the site's current use as a transport depot, the removal of the heavy goods traffic from this settlement would be seen as a positive outcome of the proposals from the Highway Authority's point of view.

78. Secondly, the relocation of the business, which would be secured through a legal agreement, would not only remove a 'bad neighbour' use from the village but would also allow the business to relocate to a more sustainable site on an industrial estate in the area, giving the opportunity for expansion and employment creation. Furthermore, if the business increased its operations from the current site or if the business was sold on, it could potentially result in a far worse situation in terms of traffic movements, noise and disturbance than currently exists, to the detriment of the village.
79. It is important to highlight that the previous proposal from 2011 identified in the Planning History section, which involved 19 dwellings was withdrawn as it was considered disproportionate to the level of local service provision. However the current proposal has reduced the number of dwellings to 9 and therefore results in much less, if any amenity impact to the existing community, especially considering that the site is located at the edge of the settlement, adjacent the two main roads which access the village. On the contrary it is considered that the development would result in an improvement to residential amenity.
80. To summarise the benefits of the business relocation, consent would primarily achieve the relocation of the haulage firm to a more appropriate, sustainable location on an industrial estate. This would mean that haulage vehicles would not need to access the village, negotiating narrow country roads to do so and would result in a reduction in traffic movements. A more appropriate location will enable the firm to expand and create more jobs in doing so, another important benefit. The amenity impact relating to the comings and goings of haulage vehicles in the village would be removed, the scaled down residential proposal would have a minimal amenity impact given its edge of settlement location and it would also replace a present 'bad neighbour' use with a use in keeping with the residential character of the rest of the settlement.

Ecology and Trees

81. The presence of a European Protected Species (EPS) such as bats 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.
82. 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.

83. As the nature of the site could mean that a protected species may be disturbed by the proposed development, the applicant has submitted a habitat survey which has been assessed by the Council's ecology officers. The survey has found that no protected species would be adversely affected by the proposed development, ecology officers concur with this conclusion. Given that there is no requirement to obtain a licence from Natural England then there is no need for the LPA to apply the derogation tests in order to fulfill its obligations under the Conservation of Habitats and Species Regulations 2010.
84. Notwithstanding the above, a condition will be required which would ensure mitigation measures are carried out including the provision of habitat creation. Subject to this mitigation, it is considered that the proposals would be in accordance with saved policy 18 of the Local Plan and part 11 of the NPPF.
85. In addition to the above, it is noted that there are a number of mature trees and hedgerows around the boundary of the site. Given the proximity of the proposed development it is considered that a further condition should be imposed which requires these hedgerows and trees to be protected during construction.

Flood Risk

86. Both Northumbrian Water and the Environment Agency have been consulted as part of the application process. No objections have been raised by either subject to a surface water drainage scheme being submitted in order to ensure there is no increase in flood risk. Subject to this condition it is not considered that the development would lead to any additional flood risk than that which already exists and therefore the proposals would accord with part 10 of the National Planning Policy Framework.

Archaeology

87. This proposal is slightly over 1 hectare, and lies close to the centre of the village of High Hesleden, almost certainly of medieval origin. Whilst part of the development area is likely to have been the tofts (plots of land behind the settlement) the frontage onto the road does have potential for the remains of buildings (crofts) to survive.
88. The history of the surrounding area is quite poorly understood which makes it difficult to assess the overall sensitivity of the site at this stage. Therefore a condition should be imposed which requires the developer to submit the results of a field assessment in support of any future reserved matters applications.
89. Subject to this condition it is considered that the proposals would accord with part 12 of the National Planning Policy Framework which seeks to protect sites with archaeological potential.

Concerns raised by local residents

90. As noted above, 31 letters of objection have been received from nearby residents along with objections from a local councillor and Parish Council as a result of the consultation exercise.

91. The main areas of concern are that the proposal is contrary to policy and is in an unsustainable location for residential development as there are no community facilities nearby. This has been acknowledged, however it is considered that other material planning considerations relating to this small scale residential proposal outweigh this conflict.
92. In addition, there are concerns that the proposal would lead to an increase in traffic on an unsuitable road and that the proposed access to the site is dangerous. As discussed above, the Highways Authority has stated that the proposed re-alignment of Fillpoke Lane would be an improvement on the current layout and that the proposal would result in a decrease in traffic, particularly from heavy goods vehicles.
93. Other areas of concern include that the proposed dwellings would be unaffordable. Although desirable, there is no planning policy requirement, nor would it be viable to insist on affordable housing provision on sites of this scale. In addition, a small development of executive type housing would contribute toward a more mixed community and is likely to generate less traffic than a higher density, affordable housing development.
94. In terms of flood risk, both Northumbrian Water and the Environment Agency have been consulted as part of the application process and no objections have been raised subject to conditions.
95. In terms of archaeological potential, Archaeology Officers have assessed the proposals and have no objections subject to conditions requiring a field assessment.
96. Finally, there are concerns that there would be a negative impact on the character of the village. This view is not shared by officers who consider a small scale, low density residential development to be far more appropriate than a haulage business which generates more traffic, including that by heavy goods vehicles, and which has the potential to create a more serious impact on residential amenity in terms of noise and disturbance, traffic generation and other pollutants should it wish to expand in its current location.
97. All of the issues raised by residents have been fully assessed either within this report or during the planning application process. The objections are not considered to outweigh the benefits of the proposal or give rise to grounds for refusal of planning permission.

CONCLUSION

98. It is acknowledged that under normal circumstances, this application site would be considered an unsustainable location for residential development. However, it is considered in this instance that there are other material planning considerations and special circumstances which outweigh the conflict with the development plan and national policy.
99. Specifically, it is considered that replacing the haulage business with a small residential development of low density would reduce traffic movements, particularly from heavy goods vehicles and therefore improve residential amenity in the village. It would also allow the business to relocate to an appropriate, sustainable location on an industrial estate, to expand and create further employment. These special circumstances are considered to outweigh the policy conflict and therefore, subject to

a legal agreement securing the relocation of the business before commencement of the development, and conditions including limiting the development to a maximum of 9 dwellings, officers recommend approval of planning permission.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and subject to the entering into of a Section 106 agreement to secure the provision of:

- i. The relocation of Eden Transport Ltd to a site within County Durham before commencement of the development.

Conditions:

1. Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Site and location plans as existing - 47045460/100/01 Rev A, Proposed access and re-alignment of Fillpoke Lane - 47045460/100/02 Rev A.

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

4. 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 District of Easington Local Plan.

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

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

6. No development shall take place unless in accordance with the mitigation detailed within section 6 of the Phase 1 habitat survey and ecological risk appraisal (URS Scott Wilson, September 2011).

Reason: To conserve protected species and their habitat in accordance with part 10 of the National Planning Policy Framework and saved policy 18 of the District of Easington Local Plan.

7. Prior to the commencement of development an Arboricultural Implications Assessment and Tree Constraints Plan shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, no construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges as indicated on the approved dimensioned tree protection plan as to be retained are protected in accordance with BS.5837:2012.

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

8. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To ensure the discharge of surface water from the site does not increase flood risk in accordance with part 10 of the National Planning Policy Framework.

9. The development hereby permitted shall not be commenced until:
 - a) A desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site

investigation works/Quantitative Risk Assessment . Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority if identified as being required following the completion of the desk-top study.

- b) The application site has been subjected to a detailed scheme for the investigation and recording of contamination, and remediation objectives have been determined through risk assessment, and agreed in writing with the Local Planning Authority.
- c) Detailed proposals for the removal, containment or otherwise rendering harmless of any contamination (the 'Reclamation Method Statement') have been submitted to and approved in writing by the Local Planning Authority.
- d) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.
- e) If during reclamation or redevelopment works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed with the Local Planning Authority

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 risks to workers, neighbours and other offsite receptors in accordance with part 11 of the National Planning Policy Framework.

10. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:
- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii. Post-fieldwork methodologies for assessment and analyses.
 - iv. Report content and arrangements for dissemination, and publication proposals.
 - v. Archive preparation and deposition with recognised repositories.
 - vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

Reason: To comply with paragraph 135 and 141 of the National Planning Policy Framework.

11. Prior to the development being occupied, a copy of any analysis, reporting, publication or archiving required as part of the approved mitigation strategy as secured by condition 10, shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraph 141 of National Planning Policy Framework to ensure that the information generated becomes publicly accessible.

12. Notwithstanding the details submitted, this permission relates to a maximum of 9 dwellings on the site.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with parts 4 and 7 of the National Planning Policy Framework and saved policies 1 and 35 of the District of Easington Local Plan.

13. 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 District of Easington Local Plan.

14. 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 visual amenity of the area and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

15. In relation to the development hereby permitted, no machinery shall be operated, no development shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 hours to 1800 hours Mondays to Fridays, 0800 hours to 1300 on Saturdays and not at all on Sundays or Bank Holidays.

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

16. Before the occupation of any dwellings hereby approved, the proposed access and re-alignment of Fillpoke Lane shall be completed and available for use in accordance with plan reference 47045460/100/02 Rev A.

Reason: In the interests of highway safety and to comply with saved policy 36 of the District of Easington Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV03 - Protection of the Countryside
DISTRICT OF EASINGTON LOCAL PLAN	ENV18 - Species and Habitat Protection
DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	ENV36 - Design for Access and the Means of Travel
DISTRICT OF EASINGTON LOCAL PLAN	ENV37 - Design for Parking
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
NATIONAL PLANNING POLICY FRAMEWORK	Part 1 - Building a strong, competitive economy
NATIONAL PLANNING POLICY FRAMEWORK	Part 10 - Meeting the challenge of climate change, flooding and coastal change
NATIONAL PLANNING POLICY FRAMEWORK	Part 11 - Conserving and enhancing the natural environment.
NATIONAL PLANNING POLICY FRAMEWORK	Part 4 - Promoting sustainable transport
NATIONAL PLANNING POLICY FRAMEWORK	Part 6 - Delivering a wide choice of high quality homes
NATIONAL PLANNING POLICY FRAMEWORK	Part 7 - Requiring Good Design
REGIONAL SPATIAL STRATEGY	Policy 2 - (Sustainable Development)
REGIONAL SPATIAL STRATEGY	Policy 33 - (Biodiversity and Geodiversity)
REGIONAL SPATIAL STRATEGY	Policy 4 - (Sequential Approach)
REGIONAL SPATIAL STRATEGY	Policy 7 - (Connectivity and Accessibility)
REGIONAL SPATIAL STRATEGY	Policy 8 - (Protecting and Enhancing the Environment)
2. In particular the development was considered acceptable having regard to consideration of issues of the development plan and other material planning considerations including the relocation of the haulage business, the scale of the development, highways issues, ecology, archaeology and flood risk.
3. All of the issues raised by residents have been fully assessed either within this report or during the planning application process. The objections are not considered to outweigh the benefits of the proposal or give rise to grounds for refusal of planning permission.

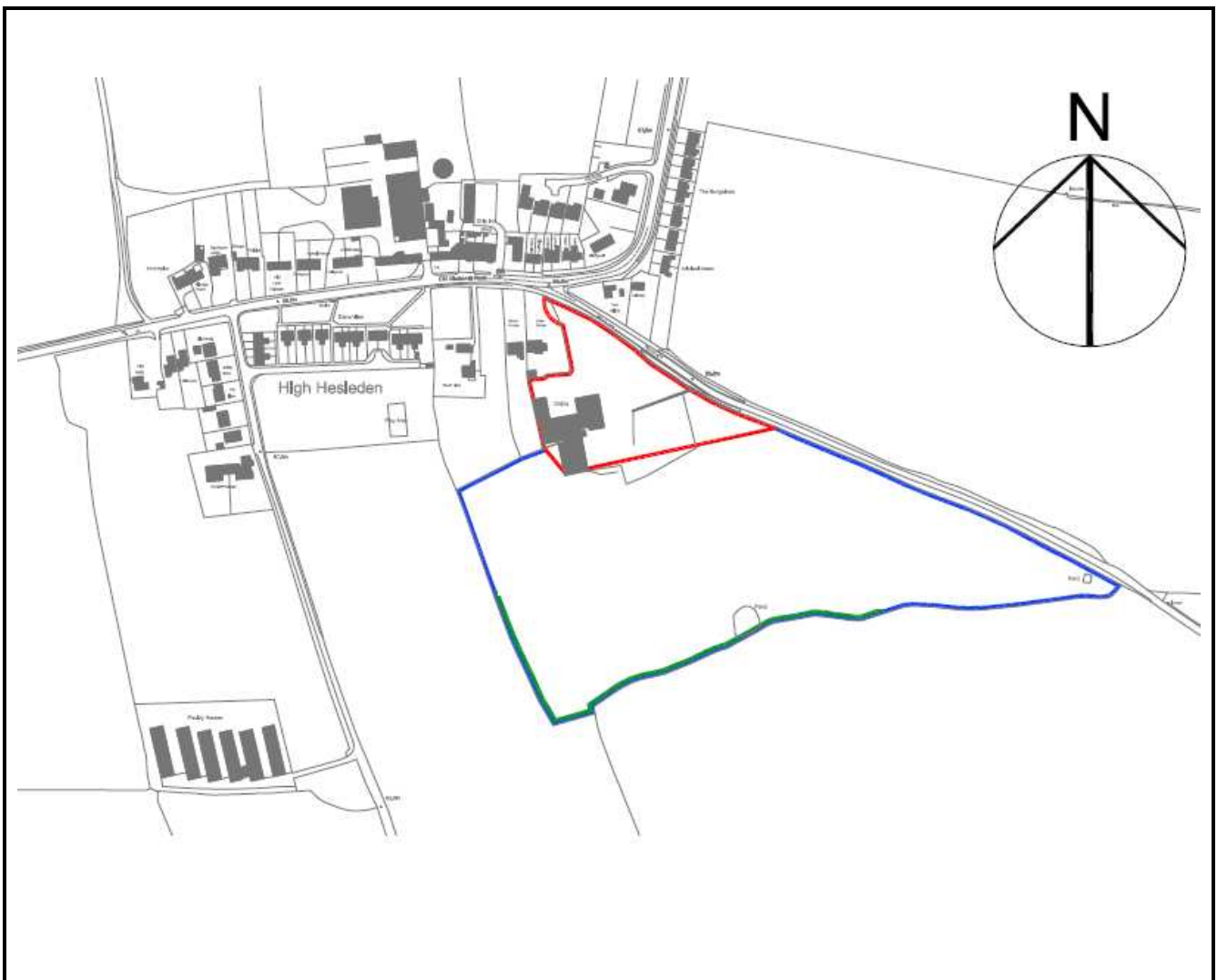
STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant and nearby residents in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001

- National Planning Policy Framework
- Consultation Responses





Planning Services

Proposed: **RESIDENTIAL DEVELOPMENT (OUTLINE) 9 DWELLINGS (RESUBMISSION) at EDEN TRANSPORT LTD EDEN HOUSE, HIGH HESLEDEN, TS27 4QF. PL/5/2012/0437.**

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Comments

Date 12th March 2013