

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NOS:	DM/15/02817/FPA and DM/15/02818/LB
FULL APPLICATION DESCRIPTIONS:	<p>The Housing Application: Demolition of existing listed building and rebuild with facsimile structure within application for substitution and remix of previous house types from previous application with additional 20 new plots (50 total). Demolition of existing farm labourer cottages and farmstead buildings, with new replacement cottages and new replacement farmstead building. Plots designated for new house types / remix included to plots 1-5, 192-194, 95, 105-121, 122-125, 126-129, 249-252, and the farm buildings / cottages units 1-9.</p> <p>The Listed Building Application: Demolition of existing farm labourer cottages and farmstead buildings.</p>
NAME OF APPLICANT:	Persimmon Homes Ltd (Durham)
ADDRESS:	Newfield Farm, Newfield Road, Newfield
ELECTORAL DIVISION:	Pelton
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site constitutes the final phase of the Persimmon development site at Newfield, which with Pelton, are defined as a 'smaller town / larger village' in the County Durham Settlement Study 2012. The settlements offer a range of services, facilities and connections in their own right, including schools, a library, community centres, shops and pubs, and also sit within a hierarchy of larger settlements – the centre of Chester-le-Street with its connection to trains and the A1(M) motorway is 2 miles to the south-east, Stanley is 3 miles west.
2. The site is accessed from Front Street, south-east of the crossroads that forms the centre of the village. The residential form of the existing settlement is an eclectic mix of Victorian terracing, local authority built housing and small developments of 1960s – 1970s, with one and two storey elements visible. The new development consists of modern two storey detached and semi-detached dwellings, some with in roof

accommodation and bungalows. The site has areas of open space within it and on its peripheries. Public footpaths run along the northern boundary, within the site, and bisect it north to south. At the north-east corner of the site is a group of stone built farm buildings and cottages, subject to a grade II listing, that form part of these proposals.

3. The overall site is around 10ha. in area, with the extent of the current proposals being around 3.5ha of that.

The Proposals

The Housing Application

4. The housing application proposes a 'remix' of the approved scheme as the last phase of development on the site, substituting medium / smaller units for the larger dwellings originally approved, these having sold better elsewhere on the site. This results in an increase in numbers of 20 dwellings. The total number of units within the whole development, including the farm group is 293. Drainage and highways have detail changes from the approved scheme, with the SuDS bowl and children's play areas swapped in their respective locations. Extending the footpath at the north-east corner of the site towards the C2C cycle-path / long distance footpath remains part of the proposals.

The Listed Building Application

5. The application for the amended housing layout is accompanied in parallel by an application to demolish the listed farm buildings which during the course of housing development have fallen into such disrepair that they are contended dangerous and incapable of conversion as previously approved. The current application seeks to justify their demolition.
6. Within the housing application are proposals for erection of facsimile structures to replicate and replace the listed buildings, with 7 separate dwellings.
7. The application for housing is presented to Committee as a major proposal, the separate application for the demolition of the listed building on the basis it forms part of those proposals, and because of the importance of the issues involved.

PLANNING HISTORY

8. Planning permission was granted in in March 2009 for 'residential development comprising 248 dwellings with associated infrastructure', including conversion of the farm group to provide residential accommodation. There have been ten applications to vary elements of the scheme or introduce amendments approved since that main approval.

PLANNING POLICY

NATIONAL POLICY

9. 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.
10. 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’.
11. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
14. *NPPF Part 4 – Promoting Sustainable Transport* - notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
15. *NPPF Part 6 – Delivering a wide choice of high quality homes*. Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
16. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
17. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and

opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

18. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
19. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

NATIONAL PLANNING PRACTICE GUIDANCE:

20. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
21. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
22. *Flood Risk and Coastal Change* - The general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. Application of the sequential approach in the plan-making process, in particular application of the Sequential Test, will help ensure that development can be safely and sustainably delivered and developers do not waste their time promoting proposals which are inappropriate on flood risk grounds.
23. *Conserving and Enhancing the Historic Environment* – Explores the terms 'significance' and 'special architectural or historic interest' and 'harm', noting assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
24. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have

regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

25. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.
26. *Planning obligations* - Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.

LOCAL PLAN POLICY:

27. The following are those saved policies in the Chester-le-Street District Local Plan 2003, relevant to the consideration of this application:
28. *Policy HP6 – Residential within settlement boundaries* – identifies Chester-le-Street as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
29. *Policy RL5 – Provision in New Developments* – subject to dwelling sizes and types proposed, and the level of local provision, there is a requirement for at least 125m² children’s play space and 250m² informal open space to be provided within the site for every 1 hectare of land developed or redeveloped for residential purposes, adjusted pro-rata for smaller sites.
30. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
31. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Chester-le-Street falling within the Northern Delivery Area where a 15% provision is required.
32. *Policy T8 – Car Parking Provision* – States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.
33. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.

RELEVANT EMERGING POLICY:

34. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The

County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

The Housing Application:

35. *Highways* – The scheme has been redesigned in detail to meet the requirements of County Highways Engineers who now offer no objections to the proposal either in terms of layout or the effect on the surrounding highways network.
36. *Northumbrian Water* – confirm the additional twenty dwellings proposed have been factored into the overall discharge to the sewage network.

Listed Building Application:

37. *Historic England* – objected to the proposals noting demolition of a listed building should only be sanctioned when all other options have been considered. Local planning authorities are required to pay special regard to preserving the special interest of a listed building and its setting - this statutory requirement is enhanced by the NNPF which places the conservation of heritage assets amongst the core land use principles of sustainable development. Their demolition and rebuilding was contended to remove their authenticity as original structures and brings their listed status into doubt. The resulting harm caused by this application is substantial requiring a strong robust justification that is not provided by the applicant as originally submitted.
38. Following site meetings and submission of additional information a follow-up letter from Historic England concurred that the listed farmstead is in a very poor condition and that the ability to undertake a sympathetic repair is hampered by the unsafe condition of the building which necessitates a degree of demolition before accessing the site. They suggested considering whether the lower parts of the structures could be retained, acknowledging that the benefit of this to the significance of the listed building is hard to assess as it would be determinate on the amount of fabric still standing but could be enough to maintain some of the listed building's integrity and character, so it is worth pursuing. (Council Design and Conservation Officers have considered this eventuality and sought additional structural advice). Heritage England withdrew their previous objection subject to the Council pursuing a more cautious approach to dismantling.
39. They note however that the 'fact remains that this proposal would not have been necessary had the building been properly maintained and its repair and re-use tied into the redevelopment of the adjoining fields through planning agreements. Whilst hindsight does not help this building it is hoped that it serves as a reminder of the need to secure planning benefits and also to regularly monitor and maintain the

condition of historic buildings, and where this is not being undertaken by the owner to consider statutory action to affect this, either through urgent works or repairs notices’.

40. *The Council for British Archaeology* – objected to the scheme as submitted, requiring more justification of the proposal to demolish the listed building. They have not responded to a reconsultation following submission of additional information.
41. *The Society for the Preservation of Ancient Buildings* – likewise objected to the proposals inadequate justification against the tests set out in the NPPF. They also objected to the facsimile proposal on the basis that the existing structures should be retained, stabilised, repaired and reused. They have not responded to a reconsultation following submission of additional information.
42. *The Victorian Society* – ‘echoed’ Heritage England’s comments and objected to the proposed loss of the historic structures, with the proposals and their justification, ‘entirely unsatisfactory’. Following reconsultation, the Society sent a structural engineer to inspect the buildings. The Society have written again as this report is in its final stages of preparation offering the view that, subject to a repeat visit with a stonemason, the buildings are capable of retention, commenting, ‘it seems to me that if elements of roof structures are removed, then we are simply dealing with some rebuilding, and some stabilising of the thick wall structures. New roofs in the same form as the original will restrain the walls’. The Society have indicated an intention to submit additional information.

INTERNAL CONSULTEE RESPONSES:

Housing Application

43. *Contaminated Land* – In light of the previous approval, but noting the recommendations of reports submitted in 2007, a phase 2 condition is suggested.
44. *Affordable Housing Officers* – confirm the overall scheme provides the required 15% of affordable housing and their support is offered for the proposals.
45. *Drainage and Coastal Protection* - write that, ‘the alterations to the layout have no effect on flood risk within the site or to properties off site as the discharge rate has been restricted to greenfield run off’.
46. *Public Rights of Way* – The Rights of Way Officer notes the need for the applicants to check the need for a diversion of the existing north/south public footpath through the site, acknowledging the route is maintained. The formal diversion of the footpath that traverses the northern boundary of the site will conclude once it is constructed to an agreed standard. The link to the C2C will not be a Right of Way, but will form part of an agreement between the developer and Sustrans, the organisation responsible for that accessway.
47. *Education* – confirm, ‘there are sufficient primary and secondary school places in the area to accommodate additional pupils from this development’.
48. *Energy* - confirm no issue relating to the substitution of house types or indeed the extra 20 dwellings within the application site, but raise concerns and objection with the justification for the ‘fabric first’ approach proposed on the site against current advice.
49. *Trees* – protection is sought from construction operations for the trees on the site.

50. *Ecology* – note a report of a Barn Owl using the Farm Buildings in 2016, and therefore request a survey and mitigation / compensation as required.

Listed Building Application:

51. *Design and Conservation* – Despite the obvious poor condition of the buildings, the proposals for demolition of the listed building have not been supported up to this time as the applicants had failed to demonstrate the justification for their demolition as 'exceptional' as described in paragraphs 132 and 133 of the NPPF. Following concern from the County Council and objection from Historic England a revised Heritage Statement has been submitted which provides a more detailed assessment of the proposal against the NPPF. A condition survey which the justification in the Heritage Statement is based would now seem to be more detailed and two demolition reports are also provided. In addition, the proposed works for the facsimile building is explored in terms of its impact on the asset and the site.
52. The majority of the buildings forming the Newfield Farmstead and the pair of adjacent Farm labourer's cottages were listed as Grade II listed in 2008. The farmstead was considered a good example of planned farmstead dating from one of the most important phases in the history of farm building development. The buildings at this time were in a poor state of disrepair but it was considered feasible to retain a fair proportion of the existing building for conversion. Since this time the buildings have deteriorated and are now in such a poor state of repair that they were included in the Buildings at Risk Register. That the buildings are now in very poor condition is partly the result of long term poor management and protection of the assets.
53. In terms of assessment against the NPPF it is accepted that the structural condition of the building prevents its reasonable re-use. In this instance the circumstances are considered exceptional because the building has already suffered substantial harm as a result of the deterioration and collapse, this has already resulted in loss of significance and is an ongoing process which will result in further collapse and the total loss of significance of the structure.
54. The state of the building now prevents all reasonable uses of the heritage asset - evidence of this is provided in the submitted documents, the structural reports and associated drawings and photos that make it clear that repair is not an option. Following the analysis of the condition of the buildings and a consideration of all options, it is concluded that salvaging of materials would seem the most appropriate option.

PUBLIC RESPONSES:

55. Neighbours have been consulted, a site notice was posted, and a press notice was published in The Northern Echo. Two responses were received to the listed building application, one to the housing application:
56. For the Housing application, a correspondent asks for matters of estate planting and screening and public open space to be fully considered and integrated into the scheme in a positive way for the benefit of new and existing residents.
57. For the demolition, a letter of support has been received, 'the farm buildings have lain derelict for a long time and if they are past the restoration stage then to demolish and rebuild using the same foot print and similar materials appears to be the best way forward, as long as it is done in a sympathetic manner, reflective of the heritage of the area'.

58. An objection contended Persimmon, 'continually flout planning laws', site safety regulations and public rights on footpaths. Working hours, site fencing and signage were mentioned – the listed buildings were not.

APPLICANTS STATEMENT:

59. Covering their approach to both applications the applicants write:
60. 'This application is a full planning application seeking to remix previously approved housetypes and to add 20 additional homes to the ongoing Newfield Farm, Pelton residential development. The development of the site has been ongoing for some time now with the original permission being granted in 2009. Since this date development has commenced and construction is well advanced.
61. The application maintains all of the key development principles which have been established through previous approvals including road networks, development areas and areas of public open space, scale and appearance. The application seeks simply to remix the approved housetypes across part of the site to react to the changing housing demands of the local population. The remixing of the housetypes ensures that the Newfield development continues to provide the appropriate type and size of housing which the local population and potential purchasers are demanding.
62. As Councillors will note none of the remixed dwellings nor the additional 20 dwellings are proposed to be delivered as affordable homes. The Council's policy in this area is to seek 15% of new homes as affordable housing which would normally require that 15% (3 dwellings) of the additional dwellings proposed as part of this application be affordable. However across the wider site a total of 71 affordable homes have already been delivered which, when measured against a total of 293 dwellings, represents a 24% affordable housing provision. Therefore in this instance it has been agreed that no additional affordable provision be required as when considered as a whole the site has overprovided affordable housing against Council policy requirements.
63. The Farm buildings and Labourer's Cottages to the north east corner of the site form an important element of this application. Previously it was intended to retain and redevelop the Farm Buildings and Labourer's Cottages however this option is no longer viable as the building structures are in a very poor condition which significantly constrains the ability to undertake the sympathetic repair of the buildings and as such necessitates a degree of demolition before safe access to the site can be achieved. The applicant and the Council have worked closely with Heritage England and The Victorian Society as statutory consultees to develop a workable alternative solution to best facilitate the Farm building and Labourer Cottages' redevelopment, whilst ensuring the retention of as much of the historic fabric as possible.
64. It is proposed to partially demolish the buildings in a sensitive manner to the historic fabric of the building, retaining when possible materials to be stored securely for future reused in the reconstruction. It has been agreed that demolition is to be halted at an appropriate stage when the structure is made safe to reassess the feasibility of retaining any remaining parts of the building in situ as to maintain some of the listed building's integrity and character. Following an informed by this assessment a facsimile of the buildings is to be constructed incorporating retained fabric in situ if feasible, and reusing materials of historical and architectural merit salvaged from the initial demolition works.

65. The above approach will ensure that development can commence before the buildings fall further into disrepair whilst ensuring that the replacement buildings incorporate elements of the existing structure and fabric as much as possible.
66. Through the planning process consultation has been undertaken and the applicant and the Council have worked closely and proactively with consultees to find working find workable solutions to all issues which have arisen such that there are no outstanding objections from any Local Authority or statutory consultees. As such we request that Councillors support the officer's recommendation to approve the application such that development can commence without delay.'

The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

67. 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 for the housing application relates to layout and design, highway safety and the implications of the loss of the listed structures.
68. For the Listed building application, the Council must have regard section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Any grant or refusal of an application for listed buildings consent 'may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions'.
69. The housing application must be assessed against the Development Plan through the planning balance set out in paragraph 14 of the Framework, with the listed building application assessed against section 16 and then the tests set out in the NPPF.

The Housing Application - Principle of the Housing Development

70. The application for the amended housing layout is a variation of a scheme already approved. Therefore the principle of development has therefore already been accepted. As the development has been in construction for some time, it may be worth noting that the location remains sustainable, accessible to a range of goods, services and facilities, and sustainable transport opportunities. The provision of new housing and the employment this creates are significant material positives of the scheme that lead officers to the conclusion that the development remains 'sustainable' in nature, and therefore benefits from paragraph 14's presumption in favour of such – noting that consideration of the potential loss of the listed buildings has been assessed through a different part of paragraph 14, where specific policies in the Framework indicate when development should be restricted. The development plan is silent on the loss of the historic structures.
71. Planning permission is also being sought for the demolition and rebuild, which is part and parcel of the development scheme as a whole. The acceptability of the housing scheme needs to be seen in the round to include the loss of/repairs to the listed buildings. The extent of dismantling / demolition of the listed buildings will only

become apparent through the development process. Consistent with the original consent, it is however considered essential that the historical presence of the buildings on the site is reflected – to an authentic degree as is possible.

72. The Housing Application - Impact upon the Surrounding Area and Neighbouring Amenity
73. There is the potential to affect existing residential amenity where the application includes the build-out of the dwellings on the front elevation of the site. The dwellings are set back behind the open visibility splay, and face North View, a development of local-authority built dwellings, which are likewise set back from the road behind a large green area. The facing arrangement exceeds all requirements for amenity and privacy and by default creates a pleasant extended separation. Newfield House, adjacent the site on Front Street offers a blank gable end to the development, with an arrangement comparable to that already approved. The development has proposed extended footpath links and play areas that would be available to the whole community, complementing the existing settlement.
74. Within the development, including those properties included in the farm group, residential amenity and privacy provision is considered acceptable. The development of the farm group and the eastern area of new housing subject to this development has no further effects on the surrounding area and existing residents over and above those already approved.
75. In adding to housing supply and enhancing available facilities, the housing proposals are considered to continue to have a positive impact on the surrounding area.

The Housing Application - Highway Safety

76. Sited at the entrance to the village, the additional traffic that will be generated by the currently proposed denser form of development are not considered detrimental to the safety of the surrounding road network of the existing village.
77. During the course of this application the proposals have been amended to comply with the detailed layout requirements of the Council's Highway Engineers. No objection has been offered to the implications of the additional units proposed on either the capacity of the estate junction or the surrounding highways network, it being noted that the scheme has already provided an additional roundabout in the A693, easing access onto the main road network and the A1(M). In addition financial contributions were made by the developer towards providing traffic calming in the village and a contribution towards public transport provision.

The Housing Application - Other considerations

78. The scheme continues to meet the requirement for provision of 15% affordable housing.
79. Issues relating to footpath links relate to the legal processes for diversion and realignment, and the conditions proposed to ensure the link to the C2C. The additional linkage is considered a sustainability positive of the overall scheme.
80. There are sufficient primary and secondary school places in the area to accommodate additional pupils from this development.
81. Sustainability Officers object to the detailed approach of the developer to their fabric first sustainability appraisal. The proposals, consistent with others currently under

construction with similar issues, are not wrong, but do not constitute best practice. Whilst they could be improved, this is not an issue that could constitute a refusal, particularly on a largely built-out scheme.

82. Contaminated land issues can be addressed through imposition of a proportionate standard condition.
83. A condition is proposed to protect retained trees on the site from development operations.
84. Areas of public open space including footpath links and communal play equipment are included within and on the periphery of the estate layout as requested by one of the public respondents. The section 106 will address the timing of the delivery of the equipped play area and the footpath link to the C2C.

The Housing Application – Section 106 Legal Obligation

85. The original consent included a number of requirements in terms of conditions and planning obligations – some of these such as the aforementioned roundabout, and the majority of affordable housing have already been met, others, including the detailed construction and adoption of the SuDS basin, the provision of on-site play-equipment and open space, the new footpath link to the C2C, public transport, public art, primary health care remain to be addressed in whole or by proportionate degree and are recommended repeated in any new consent, still meeting the tests of legal agreements set out in the NPPG, as being, ‘necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind’.
86. Also considered necessary, and meeting the same tests, are a series of timing ‘triggers’ to ensure both that the farmyard development is commenced within a certain time – pegged to the construction of the housing development, and to reach an agreed point of substantially completeness before a second agreed point in the construction or occupation of the residential scheme.

The Listed Building Application – The Principle of Demolition

87. As previously stated the loss of the Listed Buildings is significant and very careful consideration needs to be given to the acceptability of this element of the development as a wholly separate element to the housing development. The Planning (Listed Buildings and Conservation Areas) Act 1990 ensures local authorities shall have regard to the desirability the building or its setting or any features of special architectural or historic interest which it possesses.
88. Further advice is set out in considering the proposal to demolish through the Framework’s starting point of paragraph 14. The development plan is silent on demolition of listed buildings. Specific policies in the Framework indicate where development should be restricted. The NPPF advises that, ‘where a proposed development 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 the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.'

The Listed Building Application – Consideration

89. Whilst when listed the buildings were in poor repair, in terms of historic significance, they were considered a good regional example of a planned farmstead, and have a group value, originating from one of the most important phases in farm building development. The layout consists an E shaped plan with attached gin-gan, with detached farmhouse, labourer's cottages and pigsty (the detached farmstead and the pigsties were not included in the listings as the buildings have been compromised by alteration and disrepair, while it was considered that the cottages had special interest for their group value and represent simple workers housing of that period). It is a characteristic farm type of the north east but a regional survival of County Durham which illustrates the character and the development of local farming traditions within the context of the overall national patterns in farming history. The farm sat isolated from the village, prominent in the landscape.
90. Council Design and Conservation Officers have assessed the effect on the listed buildings in detail, systematically assessing against the tests set out (as above) in the NPPF, using the submitted revised Heritage Statement that describes the significance of the heritage assets affected, the contribution to its setting, and identifies and assesses the particular significance of the protected and associated Farm Buildings. Planning Officers conclude that:
91. Test 1 - *The nature of the heritage asset prevents all reasonable uses of the site:* The structural Surveys submitted by the applicant, carried out by a consultant with particular experience on traditional structures have been examined in detail by both the Council and specialist consultees, including Historic England. The latter have withdrawn their initial objection to the proposed demolition, deferring to the County Council to make the planning decision, on the basis that a cautious approach to dismantling the buildings is carried out. Conservation Officers have assessed a series of potential steps / alternatives involving different levels of demolition, and having consulted with a County Council Senior Engineer / Building Control Inspector as an independent advisor. The nature and poor condition of the heritage asset, set on the edge of a housing estate, is such that whether converted, by degree rebuilt, or replaced in its entirety, leads to a residential use as most appropriate, with no other obvious uses of the heritage asset reasonably apparent.
92. Test 2 - *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation:* Officers have been convinced that the structures are potentially beyond repair but propose to follow Historic England's advice through an agreed phased dismantling, giving appropriate regard to their protected status, to properly ascertain whether there is an amount of the original historic fabric that could be retained and either converted or reused. In its current state, only residential use or re-use gives the necessary returns that would achieve an end-use that would result in preservation scheme that reflects the significance of the heritage asset.
93. Test 3 - *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible:* There is no obvious viable use of the asset as much because of the perilous condition of the asset; no form of grant aid or public ownership has been identified as available that will enable the asset to be retained,

nor financial input from third parties because of its structural instability and unsafe nature.

94. Test 4 - *The harm or loss is outweighed by the benefit of bringing the site back into use:* The Farm Group was listed because its form and layout represented a significant era in agriculture, on a site of particular prominence. Officers have worked with the applicant to propose a facsimile building, incorporating as much of the original historic fabric as possible that replicates the form and layout of the original group. This should be an ultimate fall-back position if the phased dismantling of the building does not identify an amount of structure that could be retained and either converted or incorporated into a replacement structure. The 'E' shaped main group, with projecting gin-gan (horse engine), and separate labourers cottages would be built to retain the visible structure as a prominent corner site of the development, as per the siting and context proposed for the converted listed building group in the 2009 approval. Window arrangement and detailing will be as per the approval to convert the buildings, as will parking arrangement and use of the open spaces around the buildings. Internally they will be subdivided differently from the approved conversion, providing for more, smaller, units. As much of the fabric of the original buildings as possible that can be re-used will be incorporated into the new structure. The new buildings will therefore provide a clear, historically legible reference to the historic use of the site, and its role and significance in the surrounding landscape, albeit it as absolutely acknowledged. The harm to the listed buildings is therefore considered outweighed by bringing this part of the site back into use – the use envisaged when the conversion of the listed buildings was approved, mitigated by the form in which that will happen – i.e. as a reflection of the asset.

The Listed Building Application – Outweighing the Harm

95. In line with the advice in paragraph 133, Officers acknowledge that the partial / substantial or total loss of the heritage asset is proposed, and that substantial public benefits are necessary to outweigh that harm or loss. That the proposed approach will help provide new housing that adds to the range of residential opportunities available in the area, in a form that allows for retention of a level of understanding of the historic evolution of the locale is considered highly material. It is noted that the effect of the new modern housing development has already been accepted in so far as it affected the isolated setting of the historic farm group, whether part retained or replaced, the form and massing of the farm group will still be apparent as far as the historic consent allows, with the consideration of the demolition application becoming a determination of how much historic fabric is retained, and how. Taking Heritage England's advice, this will only be apparent through phased dismantling.
96. Further relevant to considering the potential benefits of bringing the site back into use, are by degree, the economic benefits in terms of the construction cost, and attendant employment that the new building will provide – a build cost of £922,000 and 11 direct / 16 indirect jobs are envisaged.
97. As with the main development, there are potential social and environmental benefits that include widening the choice of homes available to the local community in what has been accepted a sustainable location, and the ultimately, the removal of structures that have become a visual and safety issue. This being included with the assessment of the planning balance.
98. To ensure that the new structure is a faithful external copy conditions are proposed to ensure external materials and detailing are as close to what would be expected of a historic structure as possible. In addition, to focus the attention of the developer on the erection of this important part of the development, as part of the s.106 legal

agreement proposed to accompany any consent, a series of 'triggers' to set the timing of the start of the facsimile buildings and their substantial completion is proposed, set against the erection and occupation of the market housing that forms the remainder of this proposal. This has been accepted in principle by the developer – the details still under discussion as this report is written. This approach has been assessed against the tests for the imposition of planning obligations set out in the NPPG, as being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

99. The late representation from the Victorian Society has been received with some surprise – the contention that the solution is 'simply dealing with some rebuilding' and partial re-roofing is at significant variance to specialist advice received to date. The Victorian Society are trying to arrange a structural survey that may be available before the Committee Meeting – Members will be advised accordingly. They consider, 'It is very important that they understand the complete situation and the importance of these buildings'.

CONCLUSION

The Housing Application

100. The remix of housing units, reacting to and reflecting the changes to demand for certain house types is a standard type of application received when large housing developments are phased over a number of years. This is considered to remain in accordance with the Development Plan. Officers are satisfied that the site and proposals remain sustainable development in a sustainable location, subject to the proposals ensuring provision of the wider community benefits of footpath links, open space, play space and the other issues outlined above proportionately increased to reflect the increase in house numbers, proposed achieved through a modified legal agreement. In terms of principle issues of Highways, Foul and Surface Water Drainage, Sustainability, the proposals are recommended as an acceptable evolution of an existing approval. That the site of the listed buildings will provide additional housing – in whatever detailed for this takes – will also raise the sustainability of the proposal as increasing the number and type of residential opportunities available on the site.

The Listed Building Application

101. That the listed buildings have reached a level of decay where demolition could be considered reflects well on neither the developer nor the Council. Unfortunately the structures are now in a condition where potentially significant or compete demolition is recommended approved by Officers. The Case has been discussed with Heritage England, who in withdrawing their objection have provided valuable and extensive advice. In approving the application the Council will retain strict control to ensure that as much historic fabric as practicable is retained or reused in a facsimile of the original building that is provided to replace the listed building to be lost and that these works are undertaken within a specified period of the market housing taking place through a legal agreement. Ultimately, Officers consider the 'exceptional' loss of the listed building can be justified, and the applications are both recommended approved on this basis.

102. Starting from their condition when they were listed, the buildings have potentially deteriorated towards a structural point of no return, which appears to be as much a result of a lack of active management, the applicant deferring the rebuilding of the listed structures to the end of the development as a result of their their location on the site, rather than as an act of deliberate neglect or damage.
103. Officers consider there are potential substantial public benefits in the appropriate reflection of the historic structures and that the four tests set out in paragraph 133, read together, have been examined and do not prevent an approval.

General Conclusion

104. Officers have worked through the planning balance of the development plan assessment and comparison to the advice and tests set out in the framework. The applications have been considered on their own merits and in parallel. Subject to the scheme of development and replacement proposed, it is concluded that the framework does not indicate that development should be restricted.

RECOMMENDATION

That the applications be **APPROVED** subject to the following conditions and the developer entering into a section 106 legal agreement:

Housing Application DM/15/02817/FPA

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans.
Plan Reference Number:
Architectural Layout 244/A/GA/001 rev.42
Farmsteading Elevations PCLS-FS002b
Labourers Cottages Elevations PCLS-LC001
Clayton Housetype CA-WD06d
Hanbury Elevations 244/A/761/001
Hanbury Plans rev.M HB-WD20
Lumley Housetype LY-WD06m
Roseberry Housetype RS-WD06s
Chedworth Housetype CD-WD06n
Edlingham rev.J
Tiverton Housetype TV-WD06c
Winster Housetype WS-WD06t
Rufford Elevations 244/A/870/001
Rufford Plans rev.K RF-WD11
Hatfield Elevations 244/A/969/001
Hatfield Plans rev.J HT-WD11
Standard Garages rev.B SGD-01
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with the NPPF.

3. Before any demolition or dismantling of the farm buildings is undertaken, the developer must provide the following for approval in writing by the Local planning authority (said scheme to be implemented in full accordance with the written agreement):

- A methodology for a phased dismantling / demolition of the listed structures, identifying stages at which the remaining structure will be structurally reassessed with the Local planning authority for potential retention.
- A written scheme with plans and sections to show the retention of all parts of the historic structure that the methodology has identified for retention, and how this will be integrated into the new-build elements of the structure.
- Assessment of removed dismantled fabric for salvage and capable of re-use including details of safe storage.
- Full photographic record of the buildings and photos to identify design details to inform future design in a form acceptable for submission to the County Archive/HER, this document to be submitted so, before occupation of the last of the standard market houses hereby approved is occupied.

No demolition will take place except in accordance with the scheme approved in writing by the Local planning authority.

Reason: to ensure the special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses has been fully assessed with the advice in the Framework. Given the nature of this issue, this condition is considered required pre-commencement, the advice of Article 35 of the DMPO 2015 having been taken into account.

4. Once the report agreeing the extent of dismantling / demolition has been agreed in writing by the Local planning authority, and before undertaking new building operations on the site of the farm group, the developer must submit the following for approval in writing by the Local planning authority:

- Production of 1:20 detailed sections through the building and 1:5 details at locations and features agreed with the Local planning authority.
- Production of 1:50 elevations of the proposed farm group and cottages clearly identifying retained or reclaimed elements of the proposed structures.
- Detailed technical specification for all external fabric elements including samples of existing and new replacement materials, i.e. slate, stone sills, lintels and sample panels of stonework to show coursing and mortar.
- Details of rainwater goods to include, materials, colouring and fixings.
- Details of windows, doors, shutters and cart doors to include materials, colouring and recessing within openings.
- Details of all proposed and retained hard surfaces to vehicular and pedestrian routes.
- Retention of historic walls and details of all proposed boundary markers

Reason: to ensure the special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses has been fully assessed with the advice in the Framework. Given the nature of this issue, this condition is considered required pre-commencement, the advice of Article 35 of the DMPO 2015 having been taken into account.

5. Details of the provision of Play Equipment, including siting, surfacing, and specification must be submitted, agreed in writing, implemented in full and available for use before occupation of the 282nd residential unit on the whole development.

Reason: To increase the sustainability of the scheme in line with Part 8 of the NPPF and Policies HP9 and RL5 of the Development Plan.

6. Full construction details and a timescale for implementation of the proposed footpath link to the C2C footpath including surfacing, boundary markers where proposed and landscaping (to include: species, planting specification, planting density, timetable for

implementation, maintenance regime, and a schedule for replacing specimens that fail within five years of the implementation of the scheme) must be submitted to and approved in writing the Local planning authority, being implemented and available for use before occupation of the 282nd residential unit on the whole development.

Reason: To increase the sustainability of the scheme in line with Part 8 of the NPPF.

7. Prior to any demolition or any activity that would directly or indirectly disturb or impact nesting, a Barn Owl survey of the buildings should be conducted by a suitably qualified body or individual. If Barn Owls are found to be using the buildings for either nesting or roosting then appropriate mitigation and compensation for this species will be required, to be set out in writing for approval in writing by the Local planning authority. Demolition or other activities that could impact upon Barn Owl should not be commenced until all survey and mitigation works, if required, agreed with the LPA have been completed in full.

Reason: to ensure the rights of species protected by law. Given the nature of this issue, this condition is considered required pre-commencement, the advice of Article 35 of the DMPO 2015 having been taken into account.

8. A detailed landscaping scheme must be submitted to and approved in writing by the Local Planning Authority before construction of the 282nd standard housing unit on the development. 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.
- Protection to the current British Standard for Trees in relation to Construction of all trees identified for retention.
- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification and a schedule for implementation.
- 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. Planted 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 Policy HP9 of the development plan and the advice of the NPPF.

Listed Building - DM/15/02818/LB

1. Before any demolition or dismantling of the farm buildings is undertaken, the developer must provide the following for approval in writing by the Local planning authority (said scheme to be implemented in full accordance with the written agreement):
 - A methodology for a phased dismantling / demolition of the listed structures, identifying stages at which the remaining structure will be structurally reassessed with the Local planning authority for potential retention.

- A written scheme with plans and sections to show the retention of all parts of the historic structure that the methodology has identified for retention, and how this will be integrated into the new-build elements of the structure.
- Assessment of removed dismantled fabric for salvage and capable of re-use including details of safe storage.
- Full photographic record of the buildings and photos to identify design details to inform future design in a form acceptable for submission to the County Archive/HER, this document to be submitted so, before occupation of the last of the standard market houses hereby approved is occupied.

No demolition will take place except in accordance with the scheme approved in writing by the Local planning authority.

Reason: to ensure the special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses has been fully assessed with the advice in the Framework. Given the nature of this issue, this condition is considered required pre-commencement, the advice of Article 35 of the DMPO 2015 having been taken into account.

2. Once the report agreeing the extent of dismantling / demolition has been agreed in writing by the Local planning authority, and before undertaking new building operations on the site of the farm group, the developer must submit the following for approval in writing by the Local planning authority:

- Production of 1:20 detailed sections through the building and 1:5 details at locations and features agreed with the Local planning authority.
- Production of 1:50 elevations of the proposed farm group and cottages clearly identifying retained or reclaimed elements of the proposed structures.
- Detailed technical specification for all external fabric elements including samples of existing and new replacement materials, i.e. slate, stone sills, lintels and sample panels of stonework to show coursing and mortar.
- Details of rainwater goods to include, materials, colouring and fixings.
- Details of windows, doors, shutters and cart doors to include materials, colouring and recessing within openings.
- Details of all proposed and retained hard surfaces to vehicular and pedestrian routes.
- Retention of historic walls and details of all proposed boundary markers

Reason: to ensure the special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses has been fully assessed with the advice in the Framework. Given the nature of this issue, this condition is considered required pre-commencement, the advice of Article 35 of the DMPO 2015 having been taken into account.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the recommendation to approve the application has sought to actively engage as appropriate with the applicant to secure a positive outcome in accordance with the NPPF in discussing the scheme in detail pre-submission, and in allowing further negotiation and submission of additional information on those points identified as lacking by consultees during the course of the application.

BACKGROUND PAPERS

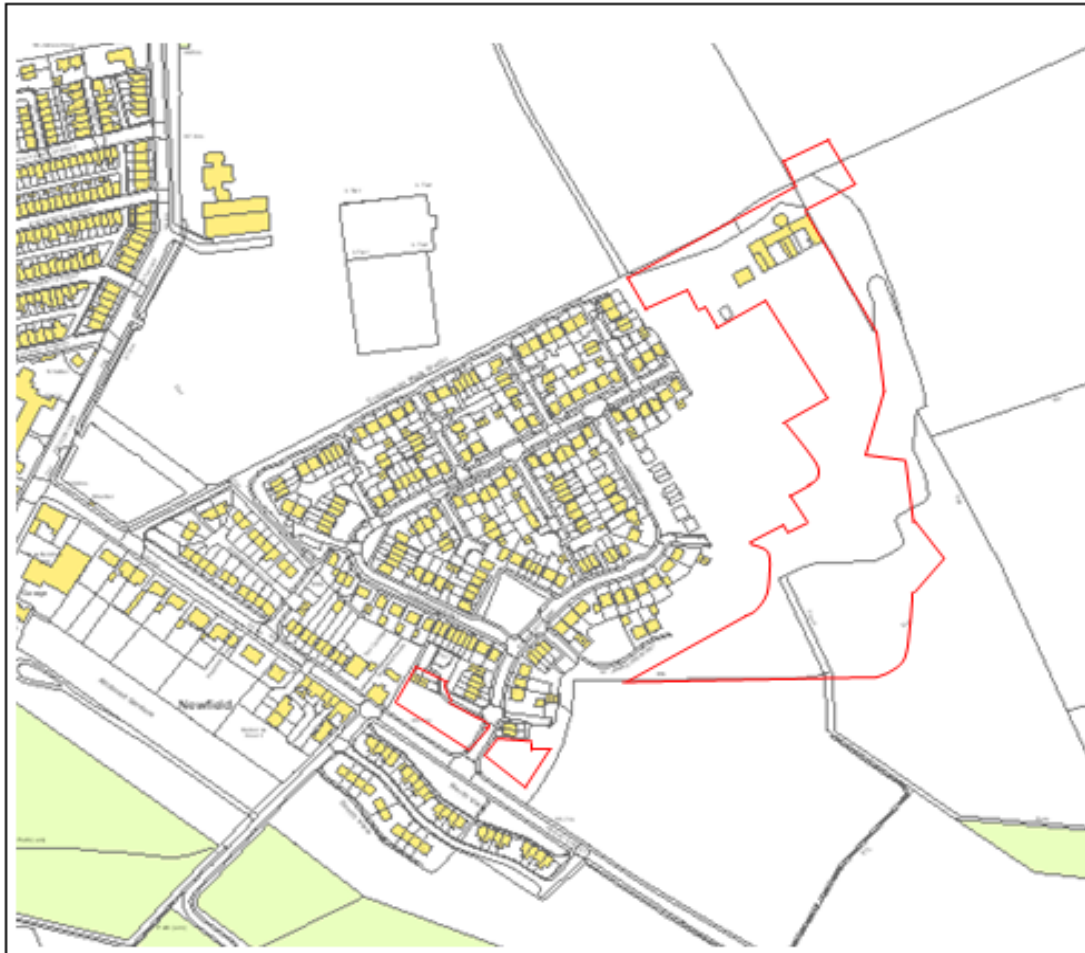
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Chester-le-Street Local Plan (saved policies 2009)

Statutory, internal and public consultation responses



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Newfield Farm, Newfield Road, Newfield</p> <p>Application Numbers DM/16/02817/FPA and DM/16/02818/LB</p>	
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