



Area Planning Committee (South and West)

Date Thursday 9 May 2019
Time 2.00 pm
Venue Council Chamber, Spennymoor - Council Offices,
Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 18 April 2019 (Pages 5 - 14)
5. Applications to be determined
 - a) DM/19/00119/FPA - Teesdale Comprehensive School, Prospect Place, Barnard Castle (Pages 15 - 26)
Proposed MUGA (Multi Use Games Area) Building
 - b) DM/19/00930/PNC - 1 Kensington Bishop Auckland (Pages 27 - 36)
Prior notification for change of use from offices (Use Class B1(a)) to 8 residential units comprising of 7 one bedroom apartments and 1 two bedroom apartment (Class C3).
6. Planning Development Management Performance Summary 2018/19 (Pages 37 - 40)
7. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
30 April 2019

To: **The Members of the Area Planning Committee (South and West)**

Councillor J Clare (Chairman)

Councillors J Atkinson, D Bell, L Brown, J Chaplow, E Huntington,
K Liddell, J Maitland, G Richardson, J Shuttleworth, K Thompson,
F Tinsley and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Thursday 18 April 2019 at 2.00 pm**

Present:

Councillor J Clare (Chairman)

Members of the Committee:

Councillors J Atkinson, D Bell, L Brown, M Clarke, K Liddell, J Maitland, G Richardson and T Tucker

Apologies:

Apologies for absence were received from Councillor Eunice Huntington, Councillor John Shuttleworth, Councillor Fraser Tinsley and Councillor Sam Zair

1 Apologies for Absence

Apologies for absence were received from Councillors Chaplow, Huntington, Shuttleworth, Tinsley and Zair.

2 Substitute Members

Councillor M Clarke as substitute Member for Councillor Huntington and Councillor T Tucker as substitute Member for Councillor Tinsley.

3 Declarations of Interest (if any)

Councillor T Tucker informed the meeting that she was a local Member for the application at Agenda Item 5 (a) but had expressed no previous opinion on the application.

4 Minutes

The minutes of the meeting held on 21 March 2019 were agreed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/18/02267/FPA - Site of Former Chamberlain Phipps Coatings, Catkin Way, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 75 dwellings (resubmission of DM/17/00466/FPA) on the site of the former Chamberlain Phipps Coatings, Catkin Way, Bishop Auckland (for copy see file of Minutes).

L Eden, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs, proposed layout plan and elevations.

Councillor Tucker asked whether there were any definite plans for highways mitigation, expressing concern at the current level of traffic congestion at the Greenfield Road junction.

D Smith, Principal DM Engineer replied that highways needed to secure s106 money to upgrade to this junction, which was known to be at saturation levels.

Councillor Brown asked whether this was the same application as was refused by Members in 2018 and was currently going through the appeals process. The Senior Planning Officer replied this was essentially the same application but that a revised transport assessment had been submitted which now met the required highways contribution.

Councillor Atkinson referred to paragraph 133 of the report which stated that the application failed to take opportunities to mitigate the impacts to or enhance existing public rights of way and access. The Senior Planning Officer replied that the application brought with it a number of adverse impacts which normally would be expected to be mitigated, however the applicant had put forward a viability argument which had been assessed by officers which demonstrated that the applicant would not be able to make contributions other than the proposed £241,000 highways contribution.

Councillor Richardson informed the Committee that he was in favour of highways improvements at Tindale Crossing and that he would support approval of this application, with some reservations.

Moved by Councillor Atkinson, **Seconded** by Councillor Tucker and

Resolved:

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the following:

- £241,000 for offsite highway mitigation works and;
- the Conditions contained in the report.

b DM/18/02313/OUT - Kays Hall Farm, The Green, Evenwood, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 38 residential units, access and public open space (outline, all matters reserved) on Kays Hall Farm, The Green, Evenwood (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs and

indicative layout. Members of the Committee had visited the site and were familiar with the location and setting.

Councillor B Nicholson, Evenwood and Barony Parish Council addressed the Committee. While not in objection to the application, Councillor Nicholson expressed concern about the proposed highways access into it. The 11 residents who had objected to the application were not present at the meeting. If it could be proven that the proposed highways access was safe, then the development was fine, it was very positive that the lime tree on the village green would now be retained. While the Parish Council was aware that the development would result in some Village Green being taken away and replaced elsewhere, any open space on the development site would not be acknowledged as Village Green and would not be maintained by the Parish Council. There were other areas of land in the village which could be designated as replacement Village Green.

There were four other access points to the proposed development which traffic could use and these were unadopted highways, which could result in these becoming worn.

The Principal DM Engineer informed the Committee that the proposed access onto Evenwood Lane maximised visibility, and the access road would be to adoptable standard. The private access roads which had been referred to were not to an adoptable standard and it was not considered to be an attractive option for these to be used to access the proposed development.

The Senior Planning Officer displayed the indicative layout plan of the development which showed the proposed areas of open space, which would be managed by a private management company.

Councillor Smith, local Member addressed the Committee. She supported in principle development of the site which had been a former farmhouse and was now an eyesore. Planning permission had been granted in 2012 for the conversion of the farm buildings into 9 dwellings but this had never been implemented and the farm building deteriorated. The derelict farm buildings now attracted episodes of anti-social behaviour which were a source of complaints from local residents. Development of the site would remove both the eyesore and anti-social behaviour problems. Although concerns had been expressed regarding the proposed access road, this was on a bend in the road with good visibility. Since the proposal had proposed the retention of the lime tree on the Village Green there had been no further local objections to it. The outline application would bring a mixture of housing to the village, including affordable housing, and would enhance a vibrant community. Councillor Smith asked the Committee to approve the application.

G Vasey, local resident, addressed the Committee to object to the application. Mr Vasey informed the Committee that the proposed access route was inaccurately stated in the report. The access route would cross the Village Green and not follow the edge of it, and the new access road was larger than the current road. Though the revised plans retained the large lime tree, which was welcomed. While the new proposal omitted engineering plans, to build the road there would be a need for a very large ramp or embankment to be constructed to meet the level of the main

road. This would have an even greater impact on the Green and fundamentally change the aspect of the Village as a whole. The proposed access road at this point would create a T-junction on what was already a very busy and difficult section of road.

There was a large range of housing stock available and no shortfall of land supply for housing. The Village Green was a heritage asset in its own right and should not be broken up. Open green spaces should be protected and this development may set a dangerous precedent for open green spaces. Mr Vasey asked the Committee to refuse the application.

The Senior Planning Officer replied that the report did not seek to underplay the access road issue and how this would need to be raised to bridge the dip in the landscape. The Village Green was a non-designated heritage asset and the impact of the proposed development would result in only a relatively small area of it being affected.

Councillor Clare informed the Committee that the issues of housing need and the protection of open space were addressed in the Committee report.

I Lyle, agent for the applicant addressed the Committee. The proposed development was sustainable and would afford Evenwood the opportunity to grow. The NPPF supported sustainable development in rural areas which would enhance rural communities and retain and attract families. The development site was already bounded to the north and south by housing development. The proposed development was attractive, proportionate and this was a suitable site for development which would lead to a greater enclosure of the Village Green. It was an outline application but proposed a mixture of house types together with a 15% affordable housing allocation. The proposed highways junction would be safe and the revised application proposed the retention of the lime tree. It also had the support of the Church Commissioners. Mr Lyle asked that the Committee follow the recommendation of officers and approve the application.

Councillor Tucker referred to the proposed road junction and asked whether the increased road level would impact on visibility. The Principal DM Engineer replied that although no details of gradients had been supplied, any gradients required would be of highways standards. Without a detailed design the gradients were unknown.

Councillor Richardson informed the Committee that the development site had been in a dreadful state for a number of years and **moved** approval of the application.

Councillor Clarke informed the Committee that the application was in outline with all matter reserved and **seconded** approval of the application.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the following;

- completion of a S106 Agreement to secure 6 affordable homes
- the on-site provision of a minimum of 1260m² amenity/natural greenspace
- £60,102 towards the maintenance or improvement of open/recreation space in the locality
- £13,326 towards off-site biodiversity enhancement and;
- the conditions contained in the report.

c DM/19/00197/FPA - Crawley Edge, Crawleyside Bank, Crawleyside, Bishop Auckland

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of 1 detached three storey house with integral garages at Crawley Edge, Crawleyside Bank, Crawleyside (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs, proposed site layout and proposed elevations. Members of the Committee had visited the site and were familiar with the location and setting.

Councillor Shuttleworth, local Member, apologised for his absence and asked that the following be read to the Committee:

I would like to support the application for approval and my reasons are that it meets all the targets for low carbon usage, and is situated within the village curtilage of Crawleyside, a five minute walk from Stanhope.

Mr P Newbold, agent for the applicant addressed the Committee. The dwelling proposed for the site had the highest possible sustainability credentials with both the owners and the designer being former winners of national awards for eco-homes. This exemplary new dwelling would be only the second Band A passive house in County Durham and very close to a zero-carbon home. The design and the sustainability credentials were exceptional by both local and national standards and the applicants' current home would be released to the market where there was a recognised demand for high quality, detached homes.

Since the application to develop this residential site was refused in September 2016, there had been some significant changes in attitudes to rural housing developments and to sustainable transport arrangements, both public and private. Subtle changes in the wording of Para 78 in the NPPF 2018 give more emphasis to the encouragement of developments in one village which may support services in a nearby village. There was an inevitable and regrettable decline in public transport services in rural areas, due to subsidy cuts, and the scheduled bus services in Weardale did not currently provide a comprehensive and viable alternative to private car use. It was acknowledged that, in rural areas, there was a greater reliance on the private motor car but within ten years most vehicles would be electric and there may be no bus service at all in Upper Weardale. This proposed dwelling would be exceptionally energy-efficient as well as being equipped to embrace sustainably sourced vehicle charging technology.

The location of the site was on the edge of the hamlet of Crawleyside, an established residential area which was within half a mile of Stanhope. It was described as isolated in the previous planning refusal, solely because it was more than 400 metres from the nearest stop on a scheduled bus service. This definition of the applicants' site's location had been refuted in writing by the Leader of Durham County Council. In the Braintree DC Appeal Court judgement in March 2018, the meaning of the term isolated in relation to its use in NPPF had been clarified and its previous interpretation declared as being incorrect. This decision also acknowledged that sustainable transport options were likely to be more limited in rural areas. Mr Newbold considered that the proposals were sustainable, in the broadest sense of the word and provided the applicants with an opportunity to provide, for themselves, an exceptional, energy-efficient, accessible, new home. Mr Newbold asked the Committee to approve the application.

The Senior Planning Officer informed the Committee that bus and other services were available in Stanhope but it was a walk up a steep hill from Stanhope to the development site. The Planning Inspector relating to the previous application, had noted that this route had a steep incline which would be a deterrent for pedestrian and cycle movements. Within that appeal the Planning Inspector had also concluded that the Dial-a-Ride bus service could not be considered as a suitable alternative to a reliance on the private car due to the relative convenience of these modes of transport. The Senior Planning Officer noted that while it would be preferred for every house to be built to a passive house standard, the issue in this application was the site location and the implications of its location, in relation to sustainable development.

Councillor Tucker noted that the proposed dwelling would use the same access as that used by the current dwelling and asked whether this had caused any issues. The Senior Planning Officer replied that the same highways access would be used for the two dwellings but this had substandard visibility and was below the standard for modern developments. The highways refusal reason had been introduced due to the lower threshold relating to highways safety that had been introduced in the revised NPPF.

Councillor Richardson informed the Committee that this would be a dwelling in a rural situation and it was not considered to be sustainable because there were no shops or other facilities and was not near to a bus route. However it was near to Stanhope which had facilities, and most dwellings in rural locations needed their own transport, yet this did not mean they were not sustainable. While he was not in favour of the proposed design of the dwelling, Councillor Richardson informed the Committee he would support approval of it.

Councillor Tucker informed the Committee that there was already a property on the site, the residents had a vehicle and had used this access for 30 years. The site was in the countryside and traffic levels were not high. Stanhope was near for amenities and Councillor Tucker supported Councillor Richardson that the application should be approved.

Councillor Clarke informed the Committee that he would not expect public objections to such a proposed development because it was in a remote location.

Access to the site was on a steep road which was well used, including by articulated lorries, which were observed on the site visit. Although the house was a good, innovative design there were other considerations to take into account and an application on the same site had been previously considered by the Planning Inspector on appeal and had been refused. There was nothing new in this application.

Moved by Councillor Richardson, **seconded** by Councillor Tucker that the application be approved on the grounds that the use of a private vehicle to access the dwelling was acceptable because of the nature of the area and the proposed highways access was currently used by an existing dwelling.

Upon a vote being taken there was an equality of votes, therefore upon the Chairman using his casting vote, the motion was defeated.

Moved by Councillor Clarke, **Seconded** by Councillor Brown that the application be refused for the reasons stated in the report.

Upon a vote being taken there was an equality of votes, therefore upon the Chairman using his casting vote, it was

Resolved:

That the application be refused for the reasons contained in the report.

d DM/18/02721/OUT - Land to the South of Sudburn Avenue, Staindrop

The Committee considered a report of the Senior Planning Officer regarding an outline application for up to 50 dwellings, all matters reserved except access on land south of Sudburn Avenue, Staindrop (for copy see file of Minutes).

T Burnham, Senior Planning Officer gave a detailed presentation of the application which included a site location plan, aerial photograph, site photographs and indicative layout. Members of the Committee had visited the site and were familiar with the location and setting. The Senior Planning Officer informed the Committee that a late representation had been received from Staindrop Academy which expressed support for the application.

Councillor I Royston of Staindrop Parish Council addressed the Committee. The Parish Council had no ambiguity and fully supported the application on a site which the Parish Council had repeatedly requested be allocated for housing. Housing on this site was preferable to any extension to the industrial estate, which is what the land had been identified for, and no application had been received to use the land for industrial estate purposes. The applicant had sought the views of the Parish Council at an early stage and the current application was a major opportunity for the village of Staindrop, which was stagnating and losing young people. The proposed development would bring with it 20% affordable housing as well as a proposed 20 m.p.h. speed limit which would be alongside the Staindrop Academy. Councillor Royston asked the Committee to approve the application.

Councillor J Rowlandson, local Member, addressed the Committee in support of the application. Councillor Rowlandson informed the Committee that he was puzzled why the application was recommended for refusal, with other Councillors making representations for the development to be approved. The Parish Council, which was fastidious in the protection of the village of Staindrop, had been in support of the application from an early stage. The Staindrop Academy was supportive of the application and the development would introduce a 20 m.p.h. speed limit around the school to allay any fears around speeding traffic. Referring to landscape issues, Councillor Rowlandson considered that the proposed entrance to the development would soon grow back and other proposed landscaping would mitigate the impact of the development. The developers had worked with officers and were proposing 20% affordable housing which would help to keep young people in the area. New development was necessary to ensure the sustainability of the village and Councillor Rowlandson asked the Committee to approve the application.

The following representation was submitted by Councillor R Bell, Member for the adjoining electoral division:

I am taking the unusual step of commenting on an application outside of my division, for three reasons:

- 1. Affordable housing will be provided as 20% of the development. This is likely to benefit local young people in the wider Teesdale area.*
- 2. There is a requirement to provide 10% of the private and intermediate properties for older people. It is a fact that in Teesdale there is a shortage of bungalows and this was stated by the AAP in its comments on the County Durham plan.*
- 3. As a school governor I know the pressures on the finances of small rural schools, and this development will help safeguard Staindrop. Not to mention the 20mph limit it will enable outside the secondary school.*

The Planner's objection is mainly about the new access. I note that DCC Highways have no objections in this regard and that the applicant will pay for what is needed.

The objection is to the appearance of the new road. As you drive down the C44 your eye is hit by the side of the industrial estate, which is hardly a thing of beauty. In my view a new road would scarcely be noticed against that backdrop. It is in any case planned to plant screening of the road, and roads being as they are, flat on the ground, I do not consider it will take many years for growth to hide the road.

What is the alternative? Knock down an industrial unit belonging to someone else, and access through the industrial estate? Mixing domestic and industrial traffic is surely not acceptable.

The new road and entrance will only be excessively suburban if DCC insist on making it so. I feel with some creative design a satisfactory road access is achievable.

The report also seems concerned that possible future growth of the industrial estate will be stymied by this development. I will leave members to reflect on how more industrial units could possibly be less harmful to the look of the area than a landscaped access road.

I would ask the committee to help enable much needed housing for Teesdale's young people and elderly and approve the application.

I Lyle, agent for the applicant, addressed the Committee. Locally there was a need for new housing and this proposed development was promoted by a local family. The development proposed 20% affordable housing and highways safety measures including a 20 m.p.h. speed limit outside of the school. The clear conclusion of all reports was that the site was sustainable and the development would help Staindrop to grow and thrive. While it was accepted that the site was in an area of high landscape value, most of the Teesdale area was, but this site was already bordered on two sides by development. The landscape impact of the access road had been overstated and hedgerow and trees would be replaced. The proximity of the development site to the industrial estate as a source of noise had again been overstated, with the noise levels being from a wheel nut gun for 4 minutes a day. This would not lead to residential amenity being affected. This was an attractive development on a sustainable site and Mr Lyle asked the Committee to approve the application.

The Senior Planning Officer replied that there was support in the NPPF for housing in rural communities but that in this application it was considered that the harm of the development outweighed the benefits of it. Referring to the harm caused by the proposed access, the Senior Planning Officer informed the Committee that approximately 80 metres of hedgerow and several trees would need to be removed because of the curve on the road. While a new hedgerow was proposed there would also be the need for a footway which would likely require the removal of a mature oak tree to the north of the proposed site entrance. With reference to noise, the Senior Planning Officer accepted that the worst noise from the industrial estate was for a short period of time but this was at a level which was considered to have an adverse impact bordering on a significant adverse impact. The business on the industrial estate was an established business and this could lead to the potential for noise complaints in relation to its operations.

Councillor Maitland asked whether the proposed 20 m.p.h. speed limit had arisen at the request of the Council. The Principal DM Engineer replied that this was not something which had been proposed by highways and would be subject to consultation in any event.

Councillor Maitland referred to the established industrial estate and expressed concern that the proposed development could restrict the use of the site. As well as young people needing housing to remain in villages, they also needed jobs.

Councillor Atkinson sought clarification of paragraph 46 on page 72 of the report. The Senior Planning Officer replied that it was the opinion of officers that the negative impacts of the development outweighed the benefits of it, although this was a decision for the Committee to make.

Councillor Brown noted that there had been no mention of flood risk. She considered this to be a good application, with good consultation, traffic calming and noise mitigation. However, the loss of hedgerow and a mature oak tree led her to propose that the recommendation to refuse be supported.

The Senior Planning Officer informed the Committee that a flood and drainage strategy had been submitted and this was not a concern.

Councillor Richardson informed the Committee that the Parish Council and local Members were in support of the application. The development proposed 20% affordable housing as well as bungalows and the lack of objections to the application was significant. Councillor Richardson was not persuaded by and did not agree with the proposed reasons for refusal. The development was an opportunity for the village to grow and become more sustainable and for these reasons Councillor Richardson **moved** that the application be approved.

Councillor Clarke **seconded** Councillor Richardson's proposal that the application should be approved. While planning officers considered the best interests of the community, the mitigations were achievable. The development would lead to the loss of hedgerow and some trees but would also bring traffic calming which would lead to increased child safety. The development proposed affordable housing and had the support of local stakeholders and Councillor Clarke considered that the benefits of the development outweighed the drawbacks of it.

Upon a vote being taken it was

Resolved:

That the application be approved and delegated authority be made to the Head of Planning, in consultation with the Chairman, to agree Conditions and a Section 106 Legal Agreement.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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|--------------------------------------|---|
| APPLICATION NO: | DM/19/00119/FPA |
| FULL APPLICATION DESCRIPTION: | Proposed MUGA (Multi Use Games Area) Building |
| NAME OF APPLICANT: | Teesdale Comprehensive School |
| ADDRESS: | Prospect Place, Barnard Castle, DL12 8HH |
| ELECTORAL DIVISION: | Barnard Castle East |
| CASE OFFICER: | Amy Williamson, Planning Officer, 03000 261391, amy.williamson@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to existing hard surfaced tennis and basketball courts on playing fields to the northern side of the Teesdale School Complex on the eastern periphery of Barnard Castle. The courts are on a linear north-south orientation, adjacent to the western boundary of the field. They are enclosed to all sides by tall mesh fencing, with a tarmac surface containing painted white lines demarking playing areas and are not flood lit.
2. A hedgerow runs immediately adjacent to the western boundary of the courts, beyond this lies an informal, unsurfaced footpath with further hedging and trees to the west. Land then slopes away to the west and a public right of way with formal surfacing is situated at the bottom of a short slope adjacent to other flood lit Multi Use Games Areas (MUGA) associated with Teesdale Sports Centre. The public right of way continues for some distance to the north and south of the site. Existing grassed playing pitches are situated immediately to the north, south and east of the application site.
3. The primary Teesdale School buildings and residential properties at Nickleby Close are located beyond grassed pitches to the south. Industrial buildings at the GSK Plant lie beyond Teesdale Sports Centre to the north west of the site. The site is not located within the boundary of the Barnard Castle Conservation Area, which lies around 250m away to the south at the closest point, however it is within a designated area of high landscape value (AHLV).
4. Planning permission is sought for the erection of a MUGA building on the northern part of the courts and protruding outwards onto the existing grassed area by 3.6m to the east side. The building would measure 35.4m x 36.5m with a maximum height of 11.4m and would contain 2 no. playing courts demarked for a range of sports. Externally the lower part of the external walls would be ball catch fencing coloured black, with the upper section finished in timber cladding. The roof would have a mono-pitched, curved design, constructed from translucent coloured, corrugated reinforced plastic cladding. Pedestrian doors would be positioned to the north, south and west sides of the building, with the south elevation also containing a double,

vehicle access door. The building would be lit internally but would not contain any external lights.

5. Several trees have recently been felled adjacent to the western boundary of the proposed building, however these were not protected by any specific designations.
6. Other works are proposed to the remaining tennis courts to the south of the proposed building, including the installation a new 3.6m high ball catch fencing and 1m high lighting bollards and a new hard core surface to the informal footpath. However these works are considered to constitute permitted development, in accordance with Class A Part 12 (Development by Local Authorities) of the Town and Country Planning (General Permitted Development) (England) Order 2015.
7. The application is being reported to the Planning Committee as it constitutes major development.

PLANNING HISTORY

8. Previous planning permissions relate to minor alterations to the Teesdale School Complex including extensions, demountable classrooms, car parking, kitchen extract equipment and improved access arrangements.

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

NPPF Part 2 - Achieving sustainable development. The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

NPPF Part 4 - Decision-making. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and

permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

NPPF Part 8 – Promoting healthy and safe communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

NPPF Part 12 – Achieving well-designed places 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.

NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

NPPF Part 15 Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

LOCAL PLAN POLICY:

11. The development plan is the Teesdale District Local Plan saved policies:

Policy GD1: General Development Criteria: All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.

Policy ENV3: Development Within or Adjacent to an Area of High Landscape Value: Development will be permitted where it does not detract from the areas special character and pays particular attention to the landscape qualities of the area in the siting and design of buildings and the context of landscaping proposals.

Policy ENV10: Development Affecting Trees or Hedgerows: Development will only be permitted where it avoids unreasonable harm to or loss of: Any tree or hedgerow protected by a preservation order; or A tree within a conservation area; or Any trees, tree belts or hedgerows which do, or will when mature, contribute significantly to any of the following A. Landscape diversity B. The setting of nearby existing or proposed buildings C. A protected species habitat D. Visual amenity.

Policy TR6: Development Affecting Open Space Provision: Development resulting in the permanent loss of public and private open space used for recreation purposes, sports facilities and playing fields will not be permitted unless, facilities can be retained and enhanced through redevelopment of a small part of the site, alternative provision of equivalent community benefit is available or the land is not required to satisfy known local needs.

Policy TR8: Provision of Formal Recreation Areas: The Council will encourage the provision of formal recreation areas in or adjoining settlements.

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

RELEVANT EMERGING POLICY:

The County Durham Plan

12. 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

13. *Barnard Castle Town Council:* Support the application with reservation regarding the tree felling
14. *Highways Authority:* No objections, note that the development would not require a need for additional parking beyond existing provision
15. *Sport England:* No objections subject to a condition to agree a scheme of community use of the facility.

INTERNAL CONSULTEE RESPONSES:

16. *Design and Conservation:* No objections subject to conditions to agree details of external materials.
17. *Drainage Officer:* No objections subject to condition to agree detailed drainage scheme including hydraulic calculations.
18. *Ecology:* Raise concern about the tree felling that has taken place and potential impacts of this upon protected species. Request that details of external lighting should be provided.
19. *Environmental Health Nuisance:* No objections

20. *Landscape*: Raises concern about the tree felling that has taken place. Requests that an arboricultural impact assessment and tree protection plan are provided.
21. *Public Rights of Way*: No objections, note the adjacent public footpath should remain unobstructed and available for use during construction works.
22. *Tree Officer*: Raises concern about the tree felling that has taken place. Requests that an arboricultural impact assessment and tree protection plan are provided with regards to retained trees to demonstrate how they will be protected. A landscape plan is also requested to include proposed replacement planting.

PUBLIC RESPONSES:

23. The application has been publicised by way of site notice, advertisement in the local press and individual notification letters to neighbouring residents. 1 no. letter of support has been received welcoming the provision of new sports facilities at the school.

APPLICANTS STATEMENT:

24. We are proposing to construct a new portal frame building to cover two of the existing tennis courts. The new facility is 36m by 36m and up to a maximum height of 11.5m. The new frame is a curved roof with high level timber cladding and low level black protective fencing.
25. The facility will be used primarily by the school during the day time, but the aim would be not to restrict the use to these hours as some sports will be played after school.
26. The applicant is North East Learning Trust and they are committed to providing education to a number of schools across the North of England. As part of this the trust has invested heavily into creating new facilities and staff to make the school environment better and more enjoyable.
27. The site is not located within the Conservation Area, it is located on the periphery of Barnard Castle Conservation Area, which was designated in 1969 and amended 1981.
28. The proposed site is an existing tennis court facility located within the grounds of the school. The courts are located at the furthest point on the site away from the conservation area and would not have any direct impact. As we are replacing the existing tennis courts the proposed facility will be visible from the A688, but this view will be negligible due to the distance from the road. The main impact will be from the Leisure Centre, but the facility use is succinct to the leisure centre and it would not prove detrimental to this area.
29. Barnard Castle Conservation Area is very significant to the town, but as our proposal is located within the heart of the school grounds and away from these heritage assets, We would suggest there is no impact. The new MUGA is well within the school grounds and would only be noticeable from the leisure centre, which is located away from the Conservation Area.
30. The proposed layout of the facility was developed utilising the existing tennis courts and determining a suitable amount of space for the covered section. The main focus of the structure was to create an elevational treatment that provided the height

required by Sport England, whilst minimising the impact on the surrounding area through key material selections.

31. Within the structure we are providing a black weld mesh fence around the perimeter, which makes the facility secure whilst also having the ability to take impact from ball sports. This aesthetically is very similar to what is existing, so our main focus was to review the high-level design and create the link to the existing environment. We have selected timber cladding to run at high level around the perimeter, which is a natural material and provides better connection with the playing field setting. The final point of the design was to show the roof sloping away from the roadside elevation towards the leisure centre, which again minimises the impact from the A688 as the main materials on show from outside of the site will be black weld mesh fencing and natural timber cladding.
32. The client acknowledges that the proposed development presents issues relating to accessibility and inclusion which will need to be addressed if the obligations imposed on them by the Disability Discrimination Act 1995 (DDA) are to be met.
33. The proposed facility is replacing part of an existing tennis court, so no soft landscaping will be lost as part of the development and the material selection has been important to the external vista. Through careful selection of natural materials at high level and orientation of roof projections the main view into the site will be minimised and any additional planting would create more maintenance issues for the school. In light of this we are proposing no additional landscaping.
34. The site is located adjacent to some trees and hedgerows; however the proposed development will have little impact on these areas as ground penetrations will be to a minimum as the structure is a portal frame from concrete slab foundations. There have been some felling of some non protected trees near the pedestrian walkway and this was part of the schools arboricultural management plan.
35. It is our opinion the new facility will be an asset for the area.

PLANNING CONSIDERATIONS AND ASSESSMENT

36. 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 relate to the principle of development, impact on the character of the surrounding area, highway safety and residential amenity.

Principle of Development

37. Part 8 of the NPPF identifies that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Saved policy TR8 of the Teesdale District Local Plan encourage the provision of formal recreation areas in or adjoining settlements.
38. Saved Local Plan Policy TR6 discourages development resulting in loss of public and private open space used for recreation unless certain criteria apply, one of the specified criteria relates to where sports and recreation facilities can be retained and enhanced through redevelopment of a small part of the site.

39. The proposed MUGA building would occupy part of an existing tennis and basketball court at the school, which forms part of a wider allocation of playing pitches in the County Durham Open Space Needs Assessment 2018. The development would provide improved sports facilities providing indoor games courts within the settlement of Barnard Castle. Sport England raise no objections to the application subject to a condition to agree a scheme of community use, which is considered appropriate to facilitate access to the new facilities by the local community.
40. The development would provide improved sports facilities for the benefit of both Teesdale School and the local community. Although the building would be constructed on existing games courts, these facilities would be retained and enhanced. The proposed development is considered to accord with saved policies TR6 and TR8 of the Teesdale District Local Plan and the NPPF and the principle of the development is considered acceptable in this instance.

Impact on the character of the surrounding area

41. Part 12 of the NPPF and saved policy GD1 of the Teesdale District Local Plan seek to ensure that new development is of good design and in keeping with the character and appearance of the surrounding area. Saved Local Plan Policy ENV3 seeks to control development within areas of high landscape value (AHLV) to that which does not detract from the special character of the area. Part 15 of the NPPF states that the planning system should contribute to and enhance the natural and local environment.
42. Saved policy ENV10 states that development must avoid unreasonable harm to: TPO trees; trees within conservation areas; any other trees or hedgerows which contribute (or will when mature) to landscape, setting of buildings, protected species habitats, visual amenity. If no other site is available for development, replacement trees will be required nearby. These policies are consistent with the NPPF and therefore carry weight in consideration of the application.
43. The proposed building would be seen in open views across the playing fields from the A688 to the east. This would be most notable to the east of the access road to the Hub, with existing trees, hedging and residential development screening the building in views to the west of the Hub access. The existing games courts is currently seen in views from the A688. The new building would be taller than existing fencing and as it comprises built form as opposed to transparent fencing, would have a greater visual impact. However it would be seen against the background of Teesdale Leisure Centre and the GSK Plant, which are of utilitarian appearance and of comparable scale to the proposed MUGA building.
44. The building would have black ball stop fencing to the lower section, with timber cladding above and a translucent corrugated roof. The timber cladding would give a more natural appearance to the most visible part of the building, helping it to blend in with the landscape. Precise details of materials and colour finish could be controlled by condition to ensure a good quality of finish. As such and given the background it would be viewed against when seen from the A688 to the east, it is considered that the building would not have a significantly adverse visual impact in these views and the development would not negatively impact on the landscape character of the AHLV.
45. Views of the building from all other directions would be limited. Levels drop across the site, being at a higher level around the Teesdale School Complex to the south and sloping away to the north towards Black Beck, with the existing games courts and surrounding school playing fields being plateaued. To the north tree belts,

adjacent to the building and behind the Hub would provide good screening of the building in views from this side. The Teesdale School buildings and existing residential development to the south and the Leisure Centre and GSK Plant to the west would largely screen the building from these directions.

46. The boundary of the Barnard Castle Conservation Area lies around 250m to the south of the site at the closest point running east-west along Bede Road. Due to the presence of existing buildings, vegetation and topography, the proposed building would not be visible from the Conservation Area.
47. The building would be visible from the public right of way running along the western boundary of the site. However this route crosses through the school site and continues past the GSK Plant to the north, as such any users of the public right of way would experience the building within the context of a series of existing large, modern buildings and any visual impacts would be negligible in this regard.
48. Several trees within the school site between the boundary of the application site and the informal footpath to the west have been felled recently around the time the planning application was submitted. The agent states this was part of wider arboricultural management of the school site. The Landscape and Tree Officer raise concern about loss of these trees, requesting that an arboricultural impact assessment, tree protection plan and replacement planting are provided as part of a landscape scheme. Barnard Castle Town Council also express reservation about the felling of the trees. Only a limited number of trees have been felled, with the majority of existing trees retained to the west side of the informal footpath. The retained trees would continue to provide screening of the Leisure Centre and GSK Plant to the west and create a visual break between these areas and the proposed building. Whilst the comments of the Tree and Landscape Officers and Town Council are noted, the felled trees were not subject to tree preservation orders or afforded any other statutory protection and are on land managed by the school, as such they could have been removed at any time without requiring consent from the Local Planning Authority. Therefore although the previous tree felling is unfortunate it is considered that the retention and protection of remaining trees is the key issue to ensure compliance with saved policy ENV10 of the Teesdale District Local Plan.
49. A tree protection plan has been submitted in support of the application showing the position and specification of protective fencing and is considered to satisfactorily demonstrate that there would not be any harm to the adjacent trees and hedging during construction of the new MUGA building. A condition is recommended to ensure retention of the trees until completion of the development and compliance with the tree protection plan during construction works. Therefore it is considered that the application demonstrates that existing trees and hedging would not be adversely affected during the works and the development would comply with saved Local Plan policy ENV10.
50. Given the limited nature of the development which relates solely to the erection of the MUGA building, it is not considered there is sufficient space within the application site to provide any landscaping features or replacement tree planting, as suggested by the Landscape and Tree Officers. The majority of trees adjacent to the application site would be retained and protected during construction works and there are other substantial tree belts in the vicinity of the site. The visual impacts of the new building are considered to be acceptable without any replacement planting. As such it is not considered that a landscaping condition is necessary or reasonable on this occasion.

51. Having regard to all of the above it is considered that the proposed MUGA building would relate acceptably in visual terms and to the landscape character of the surrounding AHLV, in accordance with saved local plan policies GD1 and ENV3 of the Teesdale District Local Plan and Parts 12 and 15 of the NPPF.

Residential Amenity

52. Para. 127 of the NPPF states that new development should maintain a good standard of amenity for all existing and future occupants of land and buildings. Para. 182 specifies that planning decisions should avoid, mitigate and reduce noise and other adverse impacts on health and quality of life as a result of new development and that existing businesses should not have unreasonable restrictions put on them due to changes in nearby land uses. Saved policy GD1 from the Teesdale District Local Plan advises that new development should not disturb or conflict with adjoining uses.

53. The closest residential properties to the proposed building are located on Nickleby Close around 115m to the south east. Currently outdoor games could be played on the existing courts with no restriction. The proposed building would provide an enclosed space for games where noise would be absorbed by the walls and roof. As such it would improve current arrangements resulting in a reduction in noise experienced by neighbouring residents.

54. Similarly light within the building would be contained, no external lighting is indicated on the submitted plans and a condition is recommended to agree details of any external lighting to ensure it is not excessively bright to the detriment of residential and visual amenity. Low level lighting is proposed around the resurfaced footpath, however these works are permitted development and not subject to this application.

55. The Environmental Health Officer has been consulted and raises no objections to the application. The proposal would not be detrimental to the amenity of surrounding residents and would be in accordance with saved policies GD1 from the Teesdale District Local Plan and paras. 17 and 123 of the NPPF.

Highway Safety

56. Para. 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. Saved policy GD1 from the Teesdale District Local Plan states that adequate and safe access to the site is provided and parking provision is limited to that necessary to ensure safe and efficient operation of the site.

57. Existing access and parking arrangements would remain at the site. The building would be primarily used by the school, with use by the community primarily in the evenings and weekends when the school is closed. As such there would be no conflict in terms of vehicle access and parking resulting from the community use.

58. The Highways Authority raise no objections to the application. Having regard to the above it is considered that the proposed development would have no significant adverse impacts upon highway safety. The proposal does not therefore conflict with saved policy GD1 from the Teesdale District Local Plan or Part 9 of the NPPF.

Other Matters

59. Part 14 of the NPPF states that new development should reduce the risk of flooding on the development site and elsewhere, through the use of sustainable drainage

systems where possible. Indicative details of surface water drainage have been submitted as part of the application showing that a soakaway would be provided to the north of the building. The Council's Drainage Engineer raises no objections to the application and considers the indicative proposals to be acceptable and confirms that the agreement of precise drainage proposals by condition is appropriate. The development is therefore considered to be acceptable in terms of its impact on flood risk and would accord with part 14 of the NPPF.

60. Part 15 of the NPPF and policy GD1 of the Local Plan require that development does not endanger or damage important national and local wildlife habitats or have a detrimental impact on local ecology. The ecologist raises concern about the tree felling that has taken place and potential impacts of this upon protected species, as set out above the tree felling works were beyond the control of the Local Planning Authority and a condition requiring tree protection measures during construction works is recommended. A further condition relating to external lighting is also recommended, which would address both amenity issues and ensure lighting is not detrimental to protected species. It is considered these measures would ensure there are no adverse impacts to protected species and their habitats and the development would accord with part 15 of the NPPF and saved policy GD1 of the Local Plan.

61. Footpath 21, a designated public right of way, runs parallel to the site around 5m to the west of the site. An informative is considered appropriate to remind the applicant that the public way should remain open and unobstructed at all times during construction works.

Conclusion

62. The proposal is considered to be acceptable in principle and would accord with part 8 of the NPPF and saved policies TR6 and TR8 of the Teesdale District Local Plan. The development would provide enhanced sports facilities for the benefit of both Teesdale School and the local community. There would be no adverse impacts on the character and appearance of the surrounding area, residential amenity, highway safety, flooding and drainage and protected species. The proposal would accord with relevant policies from the NPPF and Teesdale District Local Plan. As such the application is recommended for approval.

RECOMMENDATION

That the application be APPROVED subject to the following conditions;

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

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GD1, ENV3, ENV10, TR6, and TR8 of the TDLP

3. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to MUGA building and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport, in accordance with Part 8 of the NPPF.

4. Notwithstanding the submitted details all existing trees and hedging to the west of the site shall be retained until the development hereby approved has been completed. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until protective fencing around trees and hedging to the west of the site and their root protection areas to the specification and in the position indicated on the Proposed Tree Protection Plan (Drawing No. (9-) 3) has been installed. The fencing shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS 5837:2012.

No operations whatsoever, no alterations of ground levels, and no storage of any materials associated with the development hereby approved are to take place inside the fences and root protection area. No underground services trenches or service runs shall be laid out in root protection areas.

Reason: To ensure the works do not adversely impact on the existing mature trees and hedging and to protect the visual amenities of the surrounding area, in accordance with policies GD1 and ENV10 of the Teesdale District Local Plan and the NPPF.

5. Notwithstanding any details of materials submitted with the application prior to commencement of any works above the foundations, precise details of the make, colour and texture of all 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 Policy GD1 and ENV3 of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007.

6. Notwithstanding the submitted details, precise details of the specification and position of any external lighting on the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to its installation.

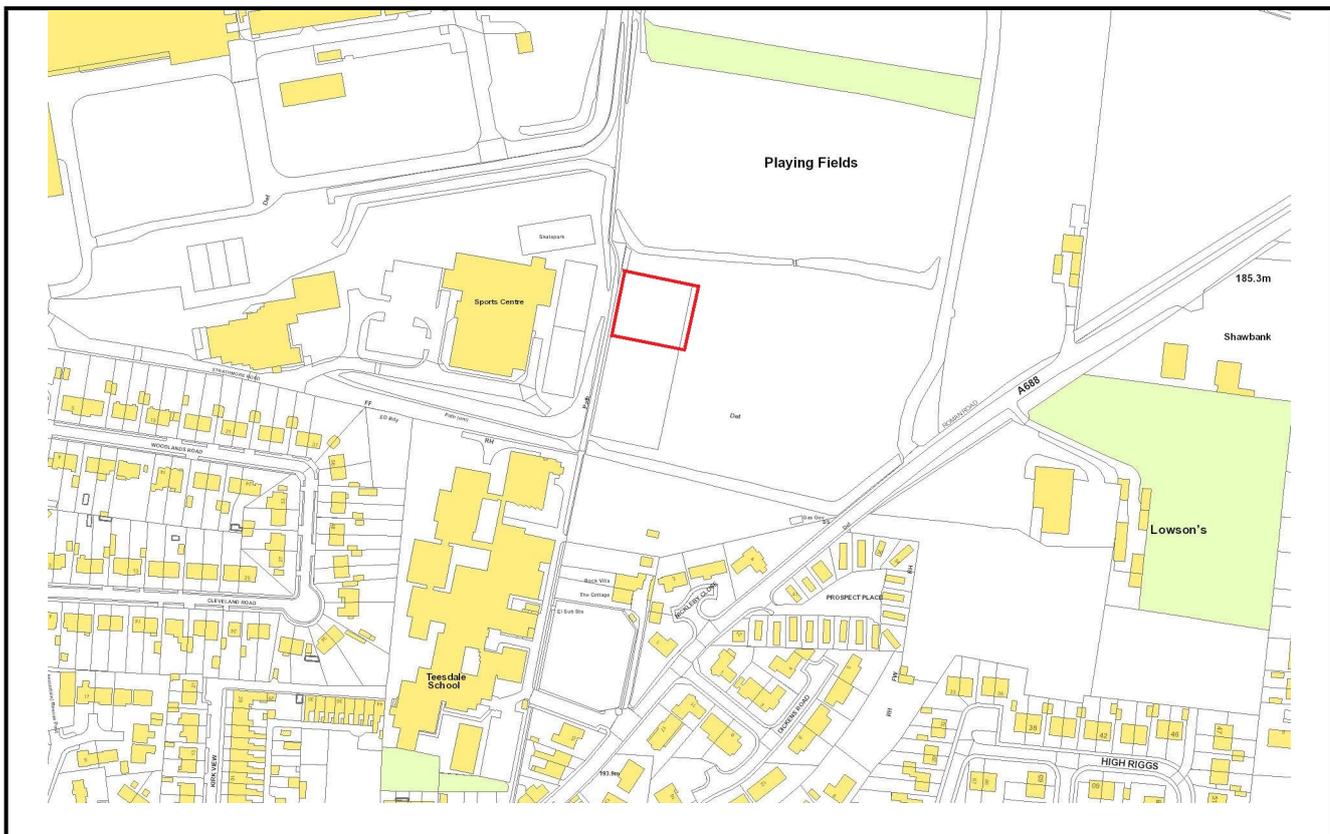
Reason: To ensure external lighting is not excessive to the detriment of neighbouring residents, the character of the surrounding area and protected species, to comply with saved policies GD1 and ENV3 to the Teesdale District Local Plan and the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
 National Planning Policy Framework
 Teesdale District Local Plan
 Statutory response from the Highway Authority
 Internal consultations responses
 External consultations responses



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|  <p>Planning Services</p> | <p>Proposed MUGA (Multi Use Games Area) building</p> | |
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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

| | |
|--------------------------------------|---|
| APPLICATION NO: | DM/19/00930/PNC |
| FULL APPLICATION DESCRIPTION: | Prior notification for change of use from offices (Use Class B1(a)) to 8 residential units comprising of 7 one bedroom apartments and 1 two bedroom apartment (Class C3). |
| NAME OF APPLICANT: | Mr Darren Butt |
| ADDRESS: | 1 Kensington Bishop Auckland DL14 6HX |
| ELECTORAL DIVISION: | Woodhouse Close |
| CASE OFFICER: | Hilary Sperring, Planning Officer, 03000 263947, hilary.sperring@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site, is a vacant three storey corner property last been occupied by the Social Services Department on the junction of Cockton Hill Road with McIntyre Terrace. The building is not listed but lies within the Cockton Hill Conservation Area. There are a number of commercial premises located in the Kensington Terrace and Cockton Hill Road however the area is predominately residential in character.
2. A Prior Notification Application has been submitted to determine whether the Prior Approval of the local planning authority is required for the proposed change of use at 1 Kensington, Bishop Auckland from offices (Use Class B1(a)) to 8 residential units comprising of 7 one bedroom apartments and 1 two bedroom apartment. Submitted plans show that 3 flats would be created on the ground and first floors and 2 within the top floor which includes the roof space. In addition, bin storage and cycle storage are proposed to the rear of the property. No car parking provision is proposed.
3. The application is being reported to the Planning Committee at the request of Councillor Tucker following residents concerns regarding highways, the added number of vehicles, speeding and also parking. This area recently had a 20mph limit introduced and parking in the area is a constant problem as there are 2 schools and numerous businesses in the area.

PLANNING HISTORY

4. A separate planning application is also currently being considered for proposed cladding, new doors, windows and external alterations in connection with the proposals at 1 Kensington (DM/19/00926/FPA).
5. A previous planning permission relates to the inclusion of a fire escape to the rear of the building (3/1977/0500).

PLANNING POLICY

NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

NPPF Part 2 - Achieving sustainable development. The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

NPPF Part 4 - Decision-making. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

NPPF Part 5 – Delivering a sufficient supply of homes. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

NPPF Part 8 – Promoting healthy and safe communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

NPPF Part 9 – Promoting sustainable transport. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located

where the need to travel will be minimised and the use of sustainable transport modes maximised.

NPPF Part 12 – Achieving well-designed places 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.

NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

NPPF Part 15 - Conserving and Enhancing the Natural Environment - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

NPPF Part 16 - Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

LOCAL PLAN POLICY:

8. The development plan is the Wear Valley District Local Plan saved policies. Assessment of the application against policies contained within the Wear Valley Local Plan are not required as part of the Prior Notification Procedure.

RELEVANT EMERGING POLICY:

9. The County Durham Plan
10. 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

11. *Bishop Auckland Town Council*:- consider that the application should be refused on the grounds of: -

Insufficient parking to support the creation of 8 residential units. There is no provision for additional parking within the site to support the development. The development would therefore create additional pressure on current on-street parking provision from occupiers and visitors, which could lead to highway safety issues. There are existing parking issues in the area.

Layout and density of the development. There is an over development of the building which seeks to create the maximum number of units in the available space, leading to poor design. There is insufficient amenity space within the site to support the high density of the development. The high density of the development will have an adverse impact on current on-street parking provision.

12. *Environment Agency* – No response received.

13. *Highways Authority* - No objection

INTERNAL CONSULTEE RESPONSES:

14. *Environmental Health Contaminated Land*: No adverse comments to make, no requirement for a contaminated land condition
15. *Environmental Health Nuisance*: Initially requested a condition requiring the submission of a Noise Assessment

PUBLIC RESPONSES:

16. The application has been publicised by way of site notice and individual notification letters to neighbouring residents.
17. Councillor Tucker has requested that the application be considered by Committee following concerns from residents relating to concerns regarding highways and parking issues outlined above.
18. 8 letters of objections have been received to the proposals. Objections relate to:

Insufficient and inadequate parking currently in the area close to the application site and also in the wider locality, for residents and also pressures from commercial users parking and leaving vehicles all day. Parking problems have been increasing over recent years and the proposals will exacerbate existing difficulties. Proximity of the site to nearby schools and traffic congestion during school and business hours. Safety issues for children walking to school. There have been numerous road traffic incidents in the area, speeding and the proposals will add to highways safety issues and risk to lives.

Queries also relate to who will occupy the apartments / nature of the occupation of the proposed units and that there is no shortage of properties in the area.

Existing problems of anti-social behaviour, vandalism and police visits to the area, which could be exacerbated.

Concerns that neighbouring properties will be overlooked.

Pedestrian hazards from wheelie bins.

APPLICANTS STATEMENT:

19. This statement is submitted on behalf of the applicant, Mr Darren Butt, in support of the Prior Notification Application for the Change of Use from Offices (Use Class B1a) to Residential (Use Class C3) at 1 Kensington, Bishop Auckland, Durham, DL14 6HX.
20. It is of note that development under Class O of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended is allowed subject to the determination as to whether prior approval of the local authority will be required in respect of the following:
 - (a) transport and highways impacts of the development,
 - (b) contamination risks on the site,
 - (c) flooding risks on the site,
 - (d) impacts of noise from commercial premises on the intended occupiers of the development
21. Under this legislation (the GDPO) only these issues can be considered in determining whether prior approval is required for the proposed development.
22. Following submission of the application, six representations have been received from local residents raising issues which are addressed in detail below:

Parking and Highway Safety
23. Parking and Highway Safety is a matter for consideration under Class O.
24. The approved planning use of 1 Kensington is Class B1 Office and the building was formerly occupied by Durham County Council Social Welfare Department. As shown on the existing floor plans, the building consists of 341 sq m of office accommodation split between 15 individual office rooms plus ancillary staff accommodation. The building could, therefore, have accommodated a minimum of 15 members of staff (1 member of staff per office room) but, in reality, based on the size of the individual office rooms, the building could accommodate significantly more staff members than this. If each member of staff travelled to work by private car this would have resulted in a minimum of 15 cars seeking parking in the surrounding area. This does not include visitors to the office accommodation.
25. The change of use to 8 apartments will not result in an increase in vehicle movements or parking requirements. Indeed, it is likely to significantly reduce the requirement for parking based on the proposed use and the highly sustainable location of the property. This conclusion is supported by the Highways Development Management consultation response which makes reference to the existing office use and states that the site is 'in a relatively sustainable location'. The response concludes that 'It would be in appropriate to offer an objection to the principle of the proposal given that sustaining a highways objection would be unrealistic'.
26. Based on the potential level of parking associated with the permitted use and the consultation comments issued by the Highways Development Management there is no basis on highways and parking grounds to refuse the application for prior approval.

Refuse Storage

27. Large communal bins for residents use will be located on site within a secure bin store area. Individual wheelie bins are not proposed. Communal bins will be collected by a private contractor. This will avoid the impact on pedestrians using McIntyre Terrace referred to by some respondents.

Antisocial Behaviour

28. Antisocial behaviour and the character of future occupiers of a development are not planning matters nor issues for consideration under Class O of the GDPO. In any event, the proposal is for a high quality development with individual apartments which will be well maintained and privately managed.

Conclusion

29. No other issues for consideration under Class O of the GDPO have been raised during the application process.

30. The proposal will have no detrimental impact on transport or highway safety, there is no contamination or flood risk and the noise impact is entirely acceptable. There is, therefore, no justifiable reason for refusal of the prior approval application under GPDO legislation.

PLANNING CONSIDERATIONS AND ASSESSMENT

31. This application is a type covered by permitted development provisions which means that a developer has to seek approval from the local planning authority that specific elements of that development are acceptable before work proceeds. This affects the manner and timescale in which an application should be processed and the issues that can be taken into account in any determination. These are detailed in paragraphs 32 - 35 below. A local planning authority cannot consider any other matters when determining a prior approval application.

32. Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 permits a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices), to a use falling within Class C3 (dwellinghouses) of Use Classes Order unless: –

(a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order -

(i) on 29th May 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(d) the site is, or forms part of, a safety hazard area;

(e) the site is, or forms part of, a military explosives storage area;

(f) the building is a listed building or is within the curtilage of a listed building; or

(g) the site is, or contains, a scheduled monument.

33. In the case of the application site the property is not located on article 2(5) land and falls within a B1(a) Office Use Class, the site is not and does not form part of, a safety hazard area or military explosives storage area, the building is not listed or within the curtilage of a listed building; or the site is not a scheduled ancient monument.

34. As such the site is eligible for consideration under Class O subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to -
- (a) transport and highways impacts of the development,
 - (b) contamination risks on the site,
 - (c) flooding risks on the site, and
 - (d) impacts of noise from commercial premises on the intended occupiers of the development,

35. These are the only issues against which the current proposal can therefore be considered.

Transport and Highway Impacts of the development

36. A number of objections have been received to the proposals on Highways grounds raising issues of insufficient and inadequate parking in the area at present, parking difficulties for existing residents, pressures from commercial users parking and leaving vehicles all day and congestion due to the proximity to nearby schools. It is also considered that existing parking problems have been increasing over recent years and the current proposals will further exacerbate these existing difficulties.
37. Concerns also relate to safety issues for children walking to school and objectors highlight road traffic incidents in the area and that the proposals will add to highways safety issues and risk to lives.
38. The application site fronts Cockton Hill Road which contains a number of commercial premises in the vicinity of the site. It is accepted that many of these are terraced properties with little or no off street parking and that many residential properties in neighbouring streets in the vicinity of the application site have similar arrangements. Cockton Hill Infant and Junior School are also located to the east of the site, with vehicle access, in the main from McIntyre Terrace.
39. Some on street parking is available on Cockton Hill Road although double yellow lines are in place around the junction and to the front of the site. There is also a zebra crossing on Cockton Hill Road, close to the junction with McIntyre Street and one side of McIntyre Terrace also includes double yellow lines close to the junction. There is a 20 mph sign in place.
40. The building has an established office use and although currently vacant could operate again as an office without any planning control. This in theory could generate a number of vehicles visiting and parking at the premises which have the potential to be greater than the number of vehicles which could be associated with the use of the premises as apartments.
41. It is appreciated that the premises does not have any off street parking and that no off street parking is proposed within the constrained site layout. However, there are a number of bus stops on Cockton Hill Road and the application site is relatively close to Bishop Auckland town centre. As such the site is considered to be within a sustainable location within Bishop Auckland and as such occupiers would not be overly reliant on private car journeys to access local services.
42. The Highways Officer has been consulted and he raises no objections to the application. He notes that the property has office use currently, is immediately adjacent

to frequent bus routes, and is a relatively sustainable location. In that context he considers that it would be inappropriate to offer an objection to the principle of the proposal given that sustaining a highways based refusal would be unrealistic.

43. He goes on to note that although no parking provision is present or proposed, an existing building is annotated for use as cycle parking.
44. He has also commented that a new door opening to the rear lane is shown as being proposed which he considers may be in conflict with an existing steel brace with this proposed opening. He also advises that it is an offence under the Highways Act to have a gate opening outward onto a public highway and it is requested that this be verified on the proposed plans. The agent has provided an amended plan which includes doors opening into the site. As outlined above a separate planning application for external alterations has been lodged and such details will be considered as part of that application.
45. Para 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
46. Whilst the concerns and objections relating to parking and highways safety are appreciated given the previous use of the premises, scale of the proposed development and comments from the Highways Authority the proposals are not therefore considered to result in such an unacceptable impact on highway safety, nor are the residual cumulative impacts on the road network considered to be so severe in line with the NPPF. The transport and highways implications of the proposals are therefore considered acceptable.

Contamination Risks

47. The application relates to an existing and well established building previously used as office accommodation. The Council's Contaminated Land Section initially requested the completion of a Screening Assessment Form and following submission of such has not raised any objection to the application as a result advising that they have no adverse comments to make and there is no requirement for a contaminated land condition. The proposals are not considered to raise any unacceptable contaminated land risks in accordance with the requirements of parts 11 and 15 of the NPPF.

Flooding Risk

48. Part 14 of the NPPF requires account to be taken of the impact of flood risk to and from proposed developments and the prior notification procedure requires local authorities to make a determination as to whether or not the prior approval of the authority will be required as to flooding risks on the site.
49. In this regard it is noted that the site falls within Flood Zone 1 as defined by the Environment Agency Flood Maps. Whilst it is appreciated that the proposals result in a change of use to a more vulnerable use as the site is located in Flood Zone 1 and given the position of the building in this regard the development is considered to accord with the aims of the NPPF.

Noise impact from commercial premises

50. The property is situated within an area of Cockton Hill Road which is predominantly residential although it is appreciated that there are neighbouring commercial premises.

51. The Council's Environmental Health Section (Noise) has considered the application and comments that the front and side elevation is likely to be impacted on by traffic noise levels in excess of the thresholds stated in the TANS. As such he initially requested a noise assessment based on BS 8233:2014, should be carried out to demonstrate the level of mitigation works needed to protect future occupiers. Whilst these comments are noted the General Permitted Development Order requirement only allows consideration to be given of the impacts of noise from commercial premises on the intended occupiers of the development. He has confirmed that he does not consider noise from commercial premises to be a matter of concern. In this instance it is not therefore considered reasonable to include a condition requiring the submission of a noise assessment. It should be noted that the associated planning application for internal works would replace existing windows with new UPVC replacements. The standard of glazing intended for these windows can be reviewed as part of that submission.

52. It is not considered that the development would have an adverse impact upon adjacent land uses or the amenity of future occupiers with regards to noise from commercial premises .

Other Matters

53. Some objections and concerns have been raised relating to the nature of the occupation of the proposed units. Existing problems of anti-social behaviour, vandalism and police visits to the area are also referenced which could be exacerbated, along with possible overlooking and pedestrian hazards from wheelie bins.

54. Whilst these matters are noted as outlined above Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 requires LPA to consider only the impacts of the proposal in terms of transport and highway safety, land contamination and flooding and noise issues.

Conclusion

55. Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 makes permitted development provision for the change of use of a building and land within its curtilage from office accommodation (Use Class B1) to residential (Use Class C3) subject to condition that prior to the commencement of development in this regard, application is made to the LPA for a determination as to whether or not the prior approval of the authority would be required as to a) transport and highway impacts; b) land contamination risks; c) flooding risks and d) impacts of noise from commercial premises on the intended occupiers of the development.

56. Taking into account all representations received and in light of comments from the Highway Authority and relevant consultees the proposals are considered acceptable in terms of the above areas listed. It is therefore considered that prior notification is not required and the development can proceed

RECOMMENDATION

That prior notification is not required.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

- Submitted Application Forms, Plans and supporting documents
- Town and Country Planning General Permitted Development Order (as amended)
- National Planning Policy Framework
- Statutory response from the Highway Authority
- Internal consultations responses
- External consultations responses

| | |
|---|--|
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| <p>Durham County Council</p> <p>Planning Services</p> <p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p> | <p>1 Kensington Bishop Auckland DL14 6HX</p> |
| | <p>Comments</p> |
| <p>Date 9 May 2019</p> | |

PLANNING DEVELOPMENT MANAGEMENT PERFORMANCE SUMMARY 2018/19

Statistical information is collated on a quarterly basis on the performance of core elements of the Planning Development Service, as part of the Council's corporate performance management framework.

In particular, information on the numbers and types of planning applications received and the timescales taken for determination are collated, monitored and, compared with other local planning authorities, both regionally and nationally. More detailed information is also collected and analysed about key elements of the processes involved, to help inform and improve the overall delivery of the service.

In your role as decision-makers, it is important that key information about planning performance is shared with our planning committees. As a bi-annual update, the information provided below details the headline performance information for the whole of the 2018/19 period, covering April 2018 through to March 2019 (with the exception of comparator authority data which is for 1 January 2018 to 31 December 2018).

Headline facts (2017/18 figures in brackets for comparison)

- 2629 (2747) planning applications were received of which 107 (136) were for major development.
- The number of 'major' planning applications determined within the statutory 13 week timescale was 95.6% (97.6%).
- The number of 'minor' planning applications determined within the statutory 8 week period timescale was 92.6% (89.8%).
- The number of 'other' planning applications determined within the statutory 8 week period timescale was 97.8% (96.3%).
- The number of all categories of planning application determined within the statutory timescale was 96.2% (94.5%).
- The number of Mineral and Waste applications determined within the statutory timescale was 100% (100%).
- There were 45 appeal decisions received, of which, only 7 were allowed (52/15).

In broad terms, the headline facts above show consistent, and in most cases, improved performance across key indicators in comparison to 2017/18.

The tables below show the key results in more detail and with a breakdown reflecting the area planning teams which in turn serve the relevant planning committees. More detailed information relating to all the performance indicators measured by the service can be obtained upon request from Stephen Reed, Planning Development Manager.

PLANNING APPLICATIONS

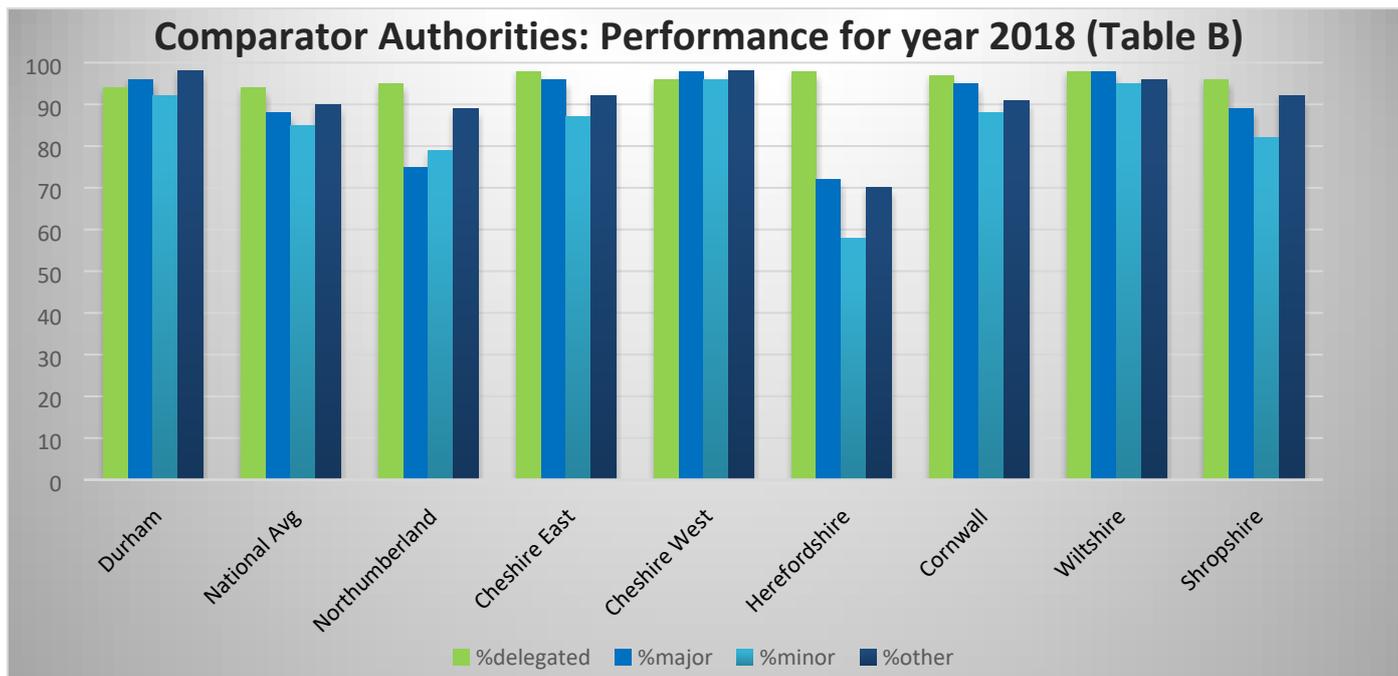
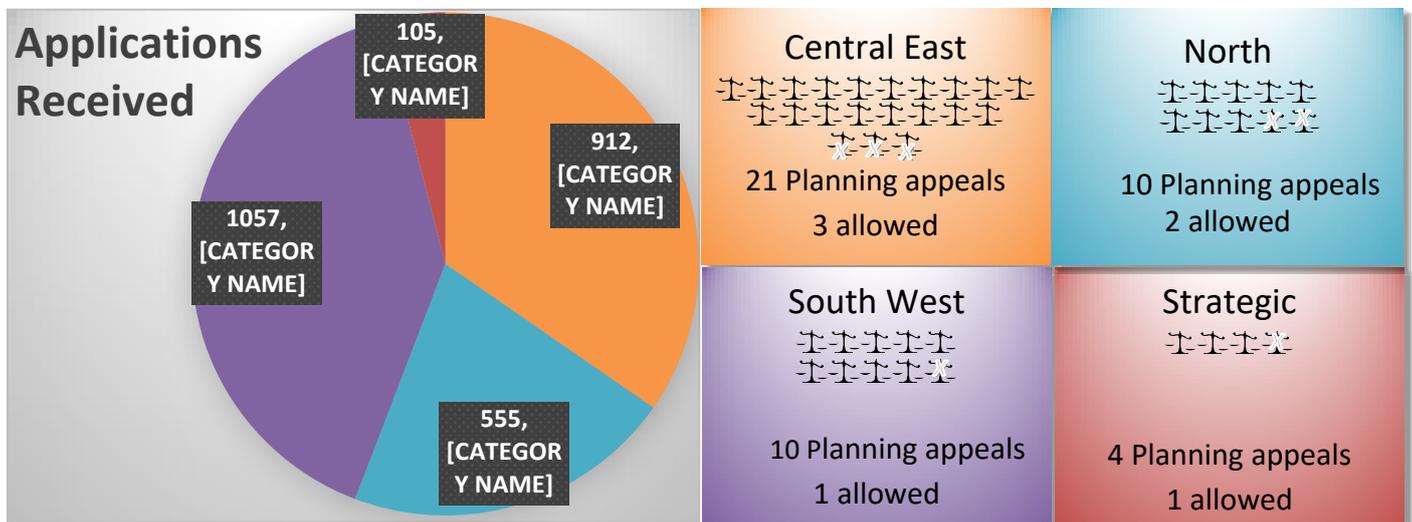
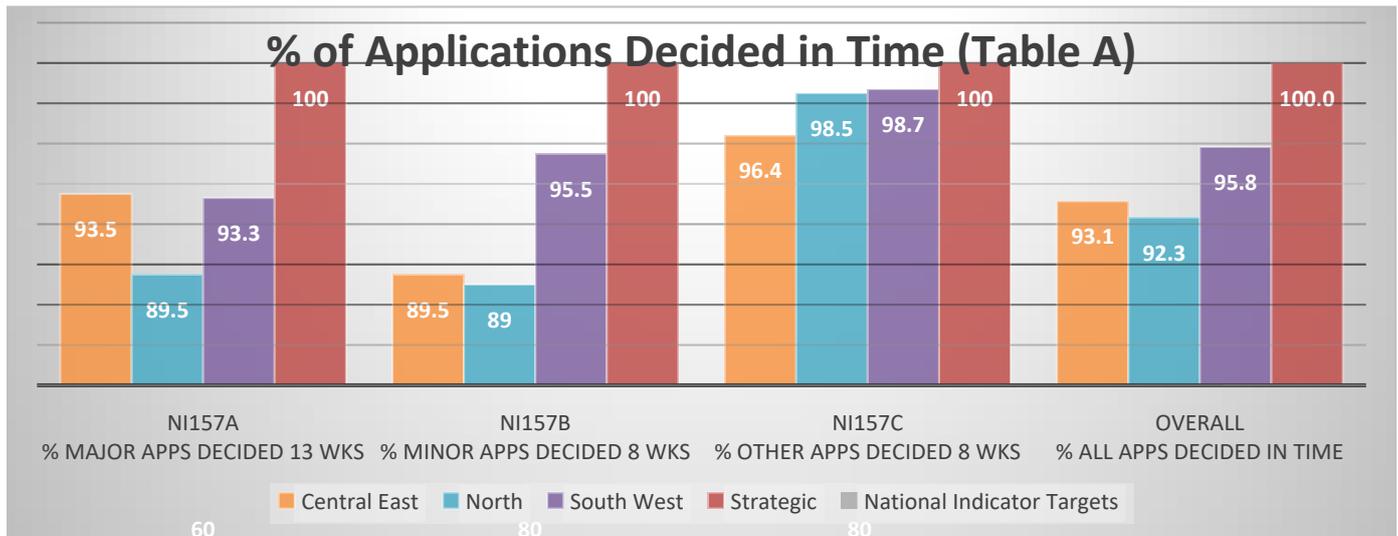


Figure 1(Source –CLG Live planning statistics table 132/134)

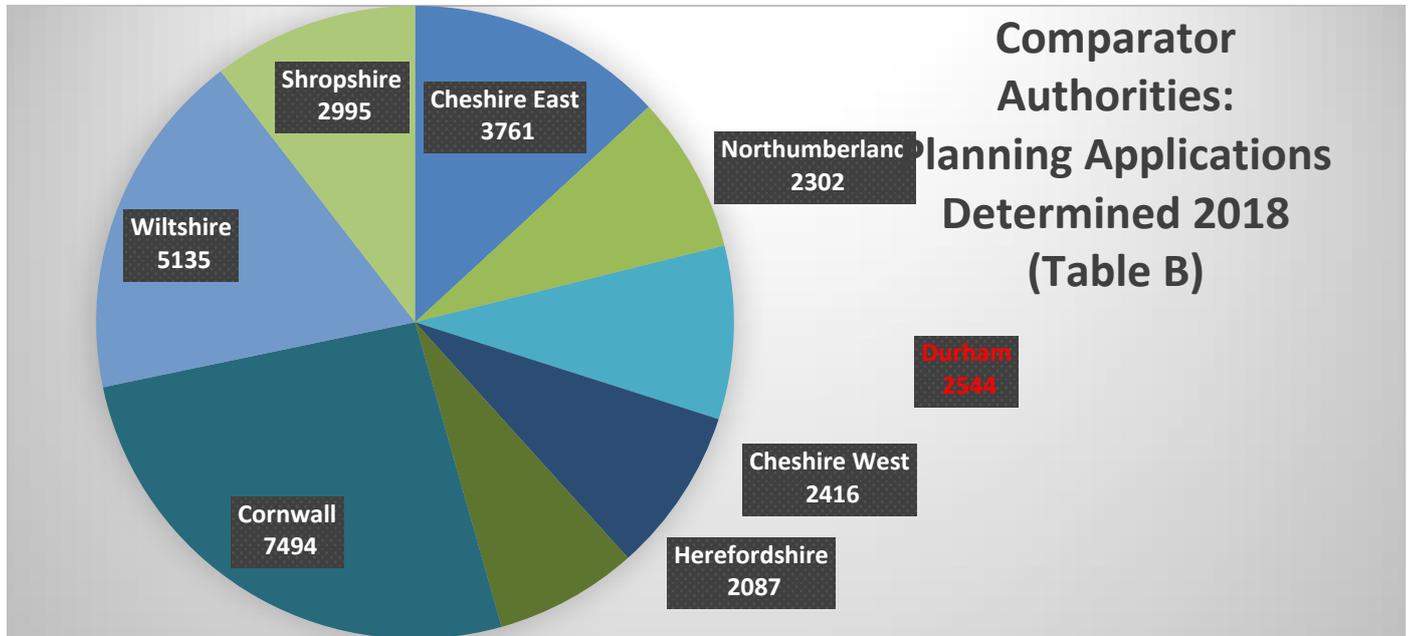


Figure 2(Source –CLG Live planning statistics table 134)

ENFORCEMENT

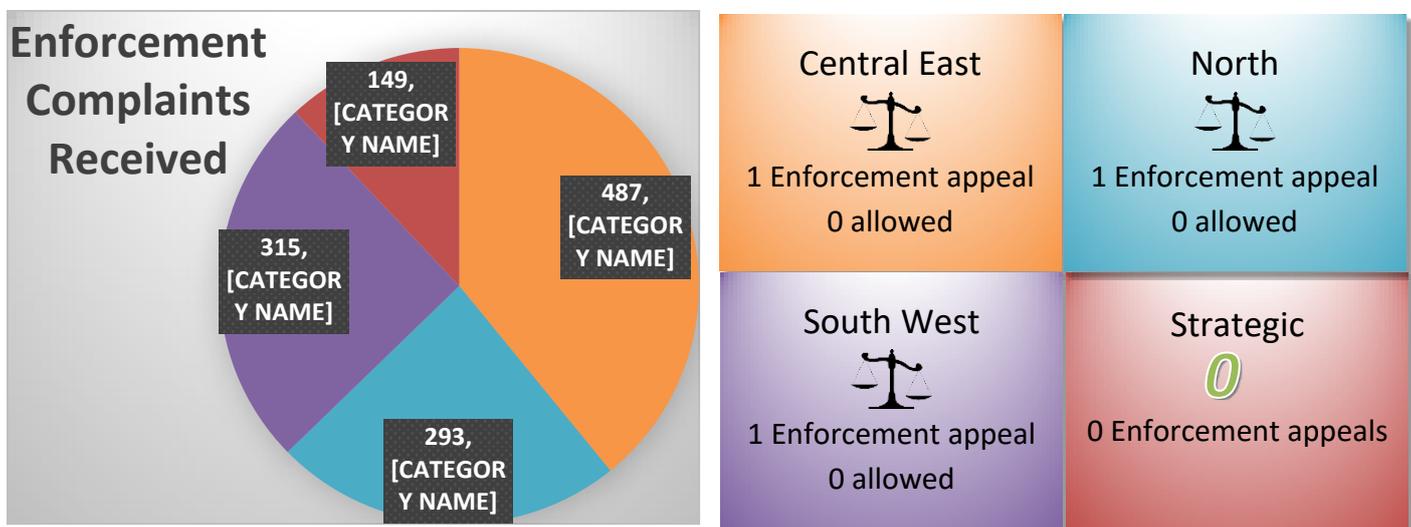
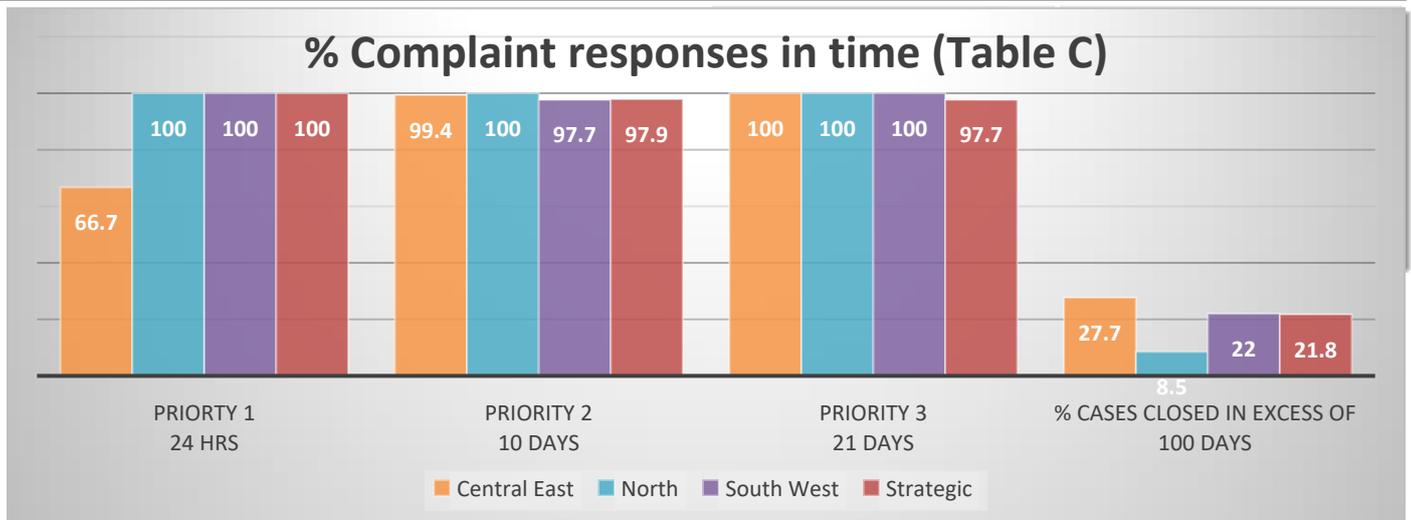


Table A (% of Applications Decided in Time)

| Area Office/Benchmark | NI157a – Majors - % | Total Apps | Apps Achd | NI 157 b - Minors - % | Total Apps | Apps Achd | NI 157 c - Others - % | Total Apps | Apps Achd |
|------------------------|---------------------|------------|-----------|-----------------------|------------|------------|-----------------------|-------------|-------------|
| Central East | 93.5 | 31 | 29 | 89.5 | 200 | 179 | 96.4 | 343 | 330 |
| North | 89.5 | 19 | 17 | 89.0 | 146 | 130 | 98.5 | 388 | 382 |
| South West | 93.3 | 30 | 28 | 95.5 | 337 | 322 | 98.7 | 630 | 622 |
| Strategic | 100 | 55 | 55 | 100 | 19 | 19 | 100 | 25 | 25 |
| <i>Average 2017/18</i> | <i>97.6</i> | | | <i>89.8</i> | | | <i>96.3</i> | | |
| <i>Target 2018/19</i> | <i>90.0</i> | | | <i>90.0</i> | | | <i>95.0</i> | | |
| Overall Result: | 95.6 | 135 | 95 | 92.6 | 702 | 650 | 97.8 | 1386 | 1359 |

Table B (Source - CLG Live planning statistics tables 133 and 134)

| Planning authority | Major developments | | Minor developments | | Other developments | | | |
|--------------------|--------------------|---|-----------------------|---|-----------------------|--|-----------------------|--|
| | Total decisions | Percentage of decisions delegated to officers | Total major decisions | Percentage within 13 weeks or agreed time | Total minor decisions | Percentage within 8 weeks or agreed time | Total other decisions | Percentage within 8 weeks or agreed time |
| England | 413,519 | 94 | 14,789 | 88 | 119,969 | 85 | 278,761 | 90 |
| Cheshire East | 3,761 | 98 | 185 | 96 | 1,054 | 87 | 2,522 | 92 |
| Cheshire West | 2,416 | 96 | 97 | 98 | 656 | 96 | 1,663 | 98 |
| Cornwall | 7,494 | 96 | 255 | 95 | 3,502 | 88 | 3,737 | 91 |
| Durham | 2,544 | 94 | 151 | 96 | 724 | 92 | 1,669 | 98 |
| Herefordshire | 2,087 | 98 | 92 | 72 | 911 | 58 | 1,084 | 97 |
| Northumberland | 2,302 | 95 | 110 | 75 | 742 | 79 | 1,450 | 94 |
| Shropshire | 2,995 | 96 | 110 | 89 | 1,232 | 82 | 1,653 | 97 |
| Wiltshire | 5,135 | 98 | 155 | 98 | 1,267 | 95 | 3,713 | 96 |

Table C (% Complaint responses in time)

| Area Office/Benchmark | Priority 1 -24 hours % | Total Apps | Apps Achd | Priority 2 -10 day % | Total Apps | Apps Achd | Priority 3 - 21 days % | Total Apps | Apps Achd | Cases close 100+ days % | Total Cases | 100+ |
|------------------------|------------------------|------------|-----------|----------------------|------------|------------|------------------------|------------|------------|-------------------------|-------------|------------|
| Central East | 66.7 | 3 | 2 | 99.4 | 362 | 360 | 100 | 109 | 109 | 27.7 | 578 | 160 |
| North | 100 | 3 | 3 | 100 | 206 | 206 | 100 | 70 | 70 | 8.5 | 295 | 25 |
| South West | 100 | 15 | 15 | 97.7 | 174 | 170 | 100 | 112 | 112 | 22.0 | 304 | 67 |
| Strategic | 100 | 2 | 2 | 97.9 | 97 | 95 | 99.7 | 43 | 42 | 21.8 | 110 | 24 |
| <i>Average 2017/18</i> | <i>100</i> | | | <i>98.3</i> | | | <i>99.7</i> | | | <i>18.8</i> | | |
| <i>Target 2018/19</i> | <i>100</i> | | | <i>100</i> | | | <i>100</i> | | | <i><20</i> | | |
| Overall Result: | 95.7 | 23 | 22 | 99.0 | 839 | 831 | 99.7 | 334 | 333 | 21.4 | 1287 | 276 |