



Area Planning Committee (South and West)

Date Thursday 24 October 2019

Time 2.00 pm

Venue Council Chamber - County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 19 September 2019 (Pages 3 - 24)
5. Applications to be determined:
 - a) DM/19/02500/FPA - The North Eastern Hotel, Clarence Street, Spennymoor (Pages 25 - 42)
Change of use and extension to form 18no. 1 bed assisted living residential units with shared facilities
 - b) DM/19/02010/FPA - Land at Winston Bridge Caravan Park, Ovington Lane, Ovington, Barnard Castle (Pages 43 - 66)
Demolition of existing structures, Proposed 36 no. static caravan and/or lodge pitches, site office and parking with associated infrastructure, amendments to the site access, engineering works and landscaping
 - c) DM/19/02002/OUT - Site of Former Kensington Hall Hotel, Kensington Terrace, Willington (Pages 67 - 88)
Housing development of 16 no. dwellings (Outline - All Matters Reserved Other Than Access) (Amended 5.9.19)
 - d) DM/19/02221/FPA and DM/19/02222/LB - 80 Newgate Street, Bishop Auckland (Pages 89 - 110)

Change of use of former department store to 3no. ground floor units with flexible A1/A3 use and 27 apartments, associated internal and external alterations and partial demolition

- e) DM/19/02223/FPA and DM/19/02224/LB - 80 Newgate Street, Bishop Auckland (Pages 111 - 130)

Change of use of former department store to 3no. ground floor units with flexible A1/A3 use and 62 no. bedroom hotel, associated internal and external alterations and partial demolition

- f) DM/19/02547/FPA - Clarence Green and Travellers Green, Newton Aycliffe (Pages 131 - 152)

47no. dwellings and associated infrastructure

6. Planning Development Management Performance Summary Q1/Q2 - 2019/20 (Pages 153 - 162)
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
16 October 2019

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

Councillor J Clare (Chair)
Councillor J Atkinson (Vice-Chair)

Councillors D Bell, J Blakey, L Brown, J Chaplow, E Huntington, G Huntington, I Jewell, J Maitland, S Quinn, G Richardson, J Shuttleworth, 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 - County Hall, Durham on **Thursday 19 September 2019 at 2.00 pm**

Present:

Councillor J Clare (Chair)

Members of the Committee:

Councillors J Atkinson (Vice-Chair), D Bell, L Brown, J Chaplow, E Huntington, G Huntington, I Jewell, J Maitland, S Quinn, G Richardson, F Tinsley and P Jopling

1 Apologies

Apologies were received from Councillors J Blakey, J Shuttleworth and S Zair.

2 Substitute Members

Councillor P Jopling was substitute for Councillor S Zair.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 18 July 2019 were agreed as a correct record and signed by the Chair.

5 Applications to be determined

6 DM/19/00431/FPA - Land To The North West Of The 68 Cafe, Toft Hill

The Committee considered a report of the Planning Officer regarding an application for the siting of 10 holiday lodges on land to the North West of the 68 Café, Toft Hill (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor Hugill, Local Member, addressed the Committee in objection to the proposal. He considered that should the application be approved it would be a blot on the landscape, which was visible to anyone travelling on the A68. He queried whether sufficient sanitation could be provided in that area as there was no electricity, water supply, or sewerage in the area.

Furthermore there was a well established badger set which would be disturbed. With regards to the sustainability of the site, there was a reliance on vehicular traffic as there were no nearby shops, no footpaths from the site. This would increase traffic flow through the village, which was particularly bad at school drop off and pick up times and furthermore the access to the site was from a road which he did not consider safe due to the speed which vehicles were travelling.

Councillor H Smith, Local Member, objected to the proposed application. Whenever a planning application in the Evenwood Division went to Planning Committee she generally attended to speak and represent the views of local residents. There had been 12 public comments on the planning website, all of which objected to the application and none in support. Other residents had expressed that they wanted to comment on the application, but were afraid to.

The site was on a field outside Toft Hill beside the C33 road running between Toft Hill and Hamsterley. The A68 road was very close by and separated from the site by a small field to the north. The field was in an elevated position and had commanding views of the surrounding countryside and down into Weardale. It was a very beautiful location of high landscape value, very rural in its feel, and it would be seriously adversely affected by the proposed development.

She quoted the Landscape Officer who had confirmed that the introduction of structures, tracks, cars and other paraphernalia was entirely at odds with the character and was visually detrimental not only to the field itself but to the wider landscape in whose context it is seen.

The Campaign to Protect Rural England had objected to the application.

The site was currently grazing land and she frequently saw a number of different species of wild animals and birds in the area, yet no information was provided with the application to show how effects on wildlife could be mitigated.

The field had been the site of mining activity and included a mine shaft within the field boundary, however no mining survey had been submitted and therefore the Coal Authority had fundamental concern to object.

The Environment Agency had also objected due to insufficient information to demonstrate that the risks of water pollution by foul water could be safely managed. The Drainage and Coastal protection department had objected because insufficient information had been given with regards to surface water drainage and the risk of flooding in surrounding areas. The Highways Department had confirmed that insufficient information had been provided to demonstrate safe access to and from the site.

She questioned the use of the site for holidaymakers. The plans are for wooden lodges and a play area and picnic site but there was no reference to a shop or any other amenities on site in the application. There had been no reference to any on-site supervision or site manager and local residents had concerns about the potential for anti-social behaviour.

Toft Hill had very little services, the closest shops were several km away in Bishop Auckland, Evenwood or Cockfield. Without a car it would be very difficult for the visitors to get to any local attractions as the bus service was limited, with no Sunday or Bank Holiday service, and the closest bus stop several hundred metres away.

There was a local pub in Toft Hill but it would be dangerous for visitors to walk to it – the C33 had a speed limit of 60mph and no pavements or no street lighting until the edge of the Toft Hill settlement boundary was reached.

The increase in car traffic through a village that already suffered from significant traffic problems was one of the main objections local people had identified. The applicant had sent a letter to Councillor Smith which stated that his clients would mostly be visitors from abroad and would be met at Newcastle Airport or Darlington station and brought to the site by minibus and therefore a car would not be needed, but he had not explained how they would access services.

The holidaymakers would be only a small field away from the A68 which carried a lot of traffic, with many HGVs grinding their way up the hill in low gear towards Toft Hill. The Environmental Health officer had pointed out that wooden chalets were less effective at screening noise than masonry buildings and that the noise impact on the site was likely to be intrusive.

The local economy of Etherley and Toft Hill would benefit very little from this development, and the detrimental effects on the landscape far outweighed any possible benefits – it would be an inappropriate development in a wholly unsuitable location and she asked the committee to accept the officers' recommendation and refuse it.

The South and West Planning Team Leader confirmed that the reliance on cars to access services was expected with regards to tourism as they tended to be sited in more rural areas.

Mr Ketley, Planning Consultant, spoke on behalf of the Applicant and confirmed that his client had delivered a number of high quality schemes in the North East prior to this application, such as Direct Worktops in Shildon and Darlington Football Club. The proposal was for a small scheme holiday site, 10 log cabins of a very high quality, making a significant contribution to the visitor economy. He confirmed that many of the concerns raised could be addressed by conditions, should the Committee be minded to approve the application.

He referred to a the County Durham Visitor Accommodation Future Study, a report commissioned by the Council in 2012 and the most up to date evidence based document available to the Authority. It identified that there was not currently a large number of holiday lodges in the region and identified that holiday lodges and log cabins were an expanding market and should be supported, especially in the North Pennines and Durham Dales area. The scheme complied with the study as well as the Teesdale Local Plan and the NPPF in supporting rural tourism accommodation.

Mr Reynolds addressed the Committee and made reference to the developments which he had been involved in prior to the application and stated that he had never experienced the problems encountered with this application.

With regards to the noise and disturbance outlined in the report, he considered that the site was sited much further from the roadside than other businesses with planning permission. Mr Reynolds was not satisfied with the process, felt it had been a conspiracy from the beginning and the most difficult planning application he had been involved with, despite the large scale of his previous applications. He also confirmed that he had been advised by the Planning Officer three weeks prior to the meeting, that the application would be refused.

The Chair confirmed that the Planning Officer had to make a judgment, hence the recommendation in the report, but assured Mr Reynolds that the Committee made the final decision based on all of the evidence presented to them.

With regards to the inconsistency noted by Mr Reynolds, the Planning Officer confirmed that the nearby caravan park was exclusive to Caravan Club members and had been certified through a separate process, and Café 68 was of a more substantial construction.

In response to a question from Councillor Atkinson, Mr Ketley confirmed the log cabins would be spacious, and the structure of high quality timber, with a pitched roof.

Councillor Jewell commented on the lack of sufficient information and queried whether the Applicant had been given the opportunity to submit further detail. The Planning Officer confirmed that he had written to the Applicant on 26 June 2019 to request further information, however nothing had been submitted, although the Planning Officer had been involved in further discussions.

In response to a question from Councillor Maitland, Mr Ketley confirmed that there was a mains water supply on site and the electricity was in the process of being secured.

Councillor Huntington was concerned that the Coal Authority had not been satisfied as having a mine shaft on the site was potentially dangerous for children holidaying in nearby chalets.

Mr Ketley confirmed that the site was located in an area which had been classified high risk due to former mine workings and it was recognised that further information would need to be submitted to the Coal Authority to confirm that the site was suitable for development. The groundwork for this proposal, given that it was a log cabin scheme, would require light foundations and would not interfere with previous mine workings and there had been no stabilisation issues in the past, however should the Committee be minded to approve the application, they could add a condition with regards to the submission of a ground stability report to be submitted and agreed with the Coal Authority prior to the commencement of works.

Councillor Tinsley could see why the location would be appropriate to build holiday homes, the site had spectacular views however as well as views off site, there were also views into the site and he agreed with Officers and Local Members that this was a particular problem due to the elevation.

The site was in an isolated location and although there was a local pub a few hundred yards away, there was no access to local shops and services and no pedestrian route off the site.

Councillor Tinsley appreciated the comments with regards to the quality of the scheme, but he would dispute this as in order to determine the quality of the scheme, the information had to be provided to support this and it was clear from Councillor Jewells question that the application did not include satisfactory information even though the Applicant had been given ample time to provide it.

A scheme which has significant impact on biodiversity was by definition not a high quality scheme, and Councillor Tinsley challenged the conclusion that the design was of a high quality. A mono pitch roof was not in his view, not something associated with a high quality log cabin – he would personally describe the design as more like a domestic shed than a log cabin.

In summary he concluded that the proposal had a very significant landscape impact, it was in an isolated location, had questionable access to services, and there were issues with regards to the design of the scheme. Councillor Tinsley proposed a motion to refuse the application as outlined in the Planning Officers report, seconded by Councillor Jopling.

Councillor Richardson confirmed that the reasons to grant this application were not there and as a local, he was aware that it was once a motorcycle scrambling track, then it had been subjected to opencast mineworking's. He begrudged the loss of agricultural land and could not support the application in its current form.

Resolved

That the application be **REFUSED** for the reasons outlined in the report.

Councillor L Brown entered the meeting at this point.

a DM/19/01389/FPA & DM/19/01390/LB - 13 West Terrace, Staindrop, Darlington

The Committee considered a report of the Planning Officer regarding an application for an extension to the side/rear of 13 West Terrace, Staindrop, Darlington. Works to include the demolition of an existing extension, relocation of a garden wall, erection of a garage, and a new dwelling and garage within the rear garden (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Ms Mashiter, Clerk to Staindrop Parish Council was in attendance and asked the Committee to consider their objections raised as the following which had been submitted in the report;

The Parish Council objected to the application after having considered both the original and amended plans for the site. The site had poor access from the development on to Moor Road which could cause a major hazard and add to existing congestion close to a key junction road – the road had existing issues with regards to parking. The proposed dwelling was

disproportionately large and out of character with its surroundings. The site was also it was in a Conservation Area.

The planting of trees and hedgerow did not diminish the size of the development and he suggested it be moved from a conservation area or improve the access.

The Principal DM Engineer confirmed that the plans submitted included provision for the access to be widened and would result in it becoming safer than the existing access point. Although he agreed the existing access route was compromised, there had been no accidents recorded whilst it had operated for the existing dwelling. There should be no increase in parking demand on Moor Road as the development had off street parking and in conclusion the development would not cause any hazardous increase.

Mr Sams spoke in objection to the proposal. The proposal was outside of the village boundary where there is presumption against new housing unless relating to agricultural use and on agricultural land. The site was agricultural land not a garden which the plans alluded to. This application was for a house on agricultural land and would share an access with the current property which already suffered from restricted access – most properties on West Terrace had two cars and sometimes three. The area was constantly inundated with parked cars.

Mr Sams was astonished that the Principal DM Engineer had confirmed there had been no accidents as NEAS had attended a serious incident recently in which a person had to be cut out of a vehicle and air lifted to hospital. He also had a letter from the Police which indicated the problems as a result of parking. The junction was an accident blackspot and the proposal would only be further impacted by the addition of more parked vehicles.

The new property was to the rear of a number of a small Grade II listed buildings with strong character in the village. Currently they were subject to a backdrop of open countryside to the rear which made them stand out as heritage assets. The plan submitted showed a lower roof profile claiming the property would not be visible from the road. Mr Sams believed this was misleading – the site previously included a row of mature hedgerow which the Applicant ripped out and the site was now clearly visible from Moor Terrace which was on a higher level to the site.

The public right of way towards the rear of the plot, had unrestricted views and photographs had been submitted to the Planning Officer to demonstrate the prominence of the proposed development.

Mr Sams stated that the listed buildings in front of the new build were only 4.8m high and the proposed dwelling was 2m higher. It was clear that the

proposal would have a detrimental impact on the heritage assets and no exceptional circumstances had been provided. The proposal was against national and local policy and Mr Sams requested the Committee to support the local community and the Parish Council and reject the application.

The Principal Planning Officer confirmed with regards to the settlement boundary as drawn in the Teesdale District Local Plan, the land was technically within open countryside, however settlement boundaries were generally considered out of date and based on time limited information. An assessment was needed on its current form and due to the mature vegetation to the rear and elsewhere within the site, it was not read as an extension to the open countryside. There had been no objection from Councils Landscape or Conservation Officers and with regards to the removal of trees, he confirmed that this did not require planning permission - the site was outside a conservation area and the application had to be assessed on the sites current form.

Mr Willis spoke on behalf of the Applicant. The family had owned the current site for over fifty years and where Mrs Hamilton's Mother lived until she passed away. The Hamilton's lived on a nearby farm with an abattoir and butchers shop and employed 12 people. The proposal would allow them to retire from the business and they would use the current dwelling as a holiday cottage. They had consulted with the individual responsible for the Councils' drive for tourism who had confirmed that this type of accommodation was lacking.

He reiterated the proposal and confirmed that the existing cottage would get much needed refurbishment and the garage and extensions would be removed. The garden wall rebuilt and a new extension in keeping with the period and design of the existing cottage.

The Applicants had consulted with the Councils internal Officers and their Architect had taken all comments on board and refined the design in accordance with their advice. The new home had been designed with natural materials and the alterations to the existing property were in keeping with the character of the Conservation Area.

The new dwelling, whilst a little bigger than the existing cottages, it was in keeping with the character of the village and it was lower in height than both Orchard House and 8 West Terrace, and the footprint smaller. With regards to the privacy distances they far exceeded the required amount. The site was endorsed by mature trees and the boundaries would be planted up even further.

Mr Willis confirmed that the Council had asked to pursue key viewpoints from specific places in front of the existing cottages. The drawings had been

produced by professional topographic surveys, accurate within mm and they showed the cottage would not be seen from the key viewpoints and that the proposal would not be a detriment to the Conservation Area.

With regards to the existing vehicle access, he confirmed that there had never been any accidents at the current access and the Highways Authority had offered no objection and therefore deemed to be safe. Finally, Mr Willis added that this was a highly sustainable location with a wide range of services, and it was not car reliant. Throughout the process a wide range of consultees had been consulted and there had been no objection offered. There were no policy, design or technical reasons to refuse the application and therefore asked for it to be approved.

Councillor Richardson asked for an explanation on why the incident which involved NEAS attendance had not been reported. He advised that he was supporting the views of local people. The application did not meet the criteria of the Parish Plan. The application had first been submitted with unsuitable access and withdrawn. The new application included a widened access, however the plans did not show that this was on a junction. Moor Road joined the main road to Barnard Castle which is why vehicles travelled so fast.

No consideration was given to the impact on the junction to the A688 and the vehicles parked outside of each house on the road towards the junction. The size of the dwelling had been slightly reduced but it still impacted on the Conservation Area – it was outside of the settlement boundary, it was not in the SHLLA and on agricultural land. It had insufficient highway safety and it impacted on visual amenity and he moved refusal of the application.

The Principal DM Engineer confirmed that his assessment was of the access point and the B6279 Moor View. There had been reference to two no. accidents on the junction to the A688 in the past five years. All accidents resulting in injury had to be reported to police recorded on the Police National Computer and he confirmed that one was a rear shunt and the other was a vehicle pulling out onto the road resulting in slight injury. He was unable to explain why the incident involving the NEAS had not been recorded on the PCN. Furthermore, on assessing the increase in traffic from the proposed development, this was calculated at 8-10 trips per day which was not a materially significant number of trips on a junction which had over 500 vehicles passing through per day.

Councillor Tinsley referred to the issues around access, the size of the development, the historical status of a conservation area, however this was backland development which were prone to generate these types of issues. He noted that the site was outside of the settlement boundary, however he felt that the site was a normal extension of the settlement boundary.

Staindrop was a sustainable village and the new dwelling was within the curtilage of the existing Grade II listed building, therefore the impact was minimised. With regards to the width of the access, Councillor Tinsley noted there was significant areas within the site boundary for parking and therefore the additional dwelling was not going to generate any additional on-street parking.

Councillor Tinsley concluded that on balance, there were no significant and demonstrable reasons why the Committee should refuse the application and he therefore moved the recommendation for approval, which was seconded by Councillor Atkinson, however he asked that the Senior Planning Officer to respond to Mr Sams who had made reference to it being against national and local policies.

The Principal Planning Officer confirmed that there was some conflict in that it was outside of the settlement limits and contrary to the Local Plan Policies however the NPPF recognised that settlement limits were out of date in this instance. In conclusion, the development was acceptable and in accordance with the NPPF and in general Local Plan Policies. Although being outside of the settlement boundary, the benefits were found to outweigh any conflict and there had been no objection raised by Design and Conservation or Landscape Officers who had concluded that the development was acceptable in terms of the impact on heritage assets. There were no grounds to sustain a refusal.

Councillor L Brown confirmed that she agreed with Councillor Richardson's concerns about Highway Safety as she was familiar with the junction and of how busy it is, and therefore seconded his proposed recommendation to refuse.

Resolved:

That the application be APPROVED subject to the conditions outlined in the report.

7 DM/19/01350/FPA - Land East of Old Granary Farm, Morley

The Committee considered a report of the Planning Officer regarding an application for retrospective application for retention of single dwelling on Land East of Old Granary Farm, Morley (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor H Smith, Local Member, addressed the Committee and described their duty as very difficult, in determining this application. She confirmed that she was in support of this application and hoped it was approved.

She confirmed that there had been instances within her division where someone had wilfully and deliberately built something for which they did not have planning permission, but she did not believe this to be the case with this application and having met the applicants, she was convinced that this was a genuine mistake.

Councillor Smith said that although Members were used to in-depth discussions about the planning process, the process was more complex and confusing for first-time applicants. She believed that Mr and Mrs Harbottle had found themselves in this position because of their inexperience with navigating the planning process. They used a planning agent and a builder who had both given them inaccurate advice.

Councillor Smith confirmed that the original application in 2014 was to convert a derelict barn into a dwelling. The planning report stated that following a structural survey, the building could be converted with “minimal intervention”. Considering the barn had no roof and there were trees growing inside the walls, that could now be described as being over-optimistic. It was found to be in a poor state and the applicants were advised by their builder that a rebuild would be better.

Councillor Smith confirmed that an email regarding a bat survey was sent to Mr and Mrs Harbottle’s former planning agent in August 2014 and made it clear that planning permission was for conversion of the old barn and not a new build. The email was never shown to the applicants and only came to light in Feb 2019 when the applicants themselves contacted the planning department and the misunderstanding came to light.

Councillor Smith referred to the drawings and measurements that were submitted for the original application in 2014 and said they were found to be inaccurate. The original plans were flawed, and what was approved then could not have been successfully built.

Councillor Smith had visited the house which had been built on the exact footprint of the old barn and had re-used stone from it. It broadly shared its appearance with the previously approved plans for the barn conversion, and all the materials used were appropriate for the building design and location. The house had been completed to a very high standard. Because it was built on the barn’s footprint there were some compromises made in the layout of the house, particularly with regard to the width of upstairs corridors and head room. If the applicants had not been keeping to the original footprint their house might have looked somewhat different.

The Planning Officer had stated that no additional landscape harm had occurred compared with the barn conversion previously approved. Councillor Smith advised that house enhanced the visual amenity of its location.

With regards to the personal circumstances of Mr and Mrs Harbottle, Councillor Smith confirmed that the house had 10 acres of land with it on which horses which were breed and showed were kept. For this reason they needed to live on site to care for their animals. If planning permission was not approved, their equine business would struggle to survive.

As reliance on a car was the principal reason given for recommending refusal, Councillor Smith confirmed that should they attempt to continue keeping horses on the land whilst living elsewhere, they would undertake more car journeys than currently.

A lot of emphasis had been placed in the report on this being an isolated development in a rural location with no nearby facilities and poor public transport links, making private car use necessary, however all those factors were unchanged since the original application.

Neither in 2014 nor in 2019 have there been any objections made to the planning application by nearby residents or parish council.

Mr and Mrs Harbottle fully accept the point raised in the report, that the responsibility to ensure they had the correct permissions in place before commencing works rested with themselves, but Councillor Smith hoped the Committee would accept that this unfortunate situation was not arrived at deliberately. Since the situation came to light they had suffered months of stress and anxiety. If permission was not granted for their house to remain it would result in their financial ruin and have devastating consequences for their family life and mental wellbeing.

Finally, she asked that Members take on board their situation and approve the application.

The South and West Planning Team Leader confirmed that the NPPF allowed conversions in open countryside in order to bring buildings back into productive use, but included a different view on new build dwellings in the countryside in isolated locations. By strictly following the policy, the Planning Officer had to arrive at the conclusion.

The Agent, Mr Lavender, confirmed pointed out a number of inaccuracies in the report – the first was that in paragraph 2 of the report, reference was made to a four bedroom detached dwelling, however this was part of a range

of buildings so a connective building. In paragraph 31 there seemed to be a contradiction from the Landscape Officer and it was confirmed that the word 'no' was missing and the Landscape Officer had offered no objection.

From my involvement they acknowledge that from March 2014 there is a misplaced trust in those advising at the time. There was no attempt to mislead the authority. They had been led to believe that due to the condition of the building on the commencement of work that they could dismantle and rebuild it using the same materials.

They were not shown the email in August 2014 which emphasised the permission was for a conversion and they only saw it early this year. Ironically the drawings were incapable of producing #

House is of the highest quality and highly sustainable. The dwelling raised no technical objections. The policy section advises on a balance on impacts.

He disagreed with the word isolated as this was not compatible with the dictionary definition of the word, which had been relied on by planning case law. This was a building that was connected to other dwellings.

Mr and Mrs Harbottle realised there was a mistake made but unfortunately they had not received the guidance they expected.

Mr Lavender confirmed that the design quality and workmanship was of the highest standard. Whilst he accepted there was a point of principle for the planning authority, there was a human issue and a development which had no adverse impact associated with it. The consequences were enormous in human and financial terms and whilst the local authority had a duty, the Committee had a discretion.

A mistake had been made but should be balanced against the quality of development - which looked like the permission intended, and the consequences if they were to refuse the planning permission. The development had no adverse impacts, no objections and he hoped the positives from the application were considered and that Mr and Mrs Harbottle would be allowed to retain their home.

Councillor G Huntington agreed that the Planning Officer had arrived at the correct conclusion, but as a Committee member he concluded that the development was in keeping with original building, it had no objections, built from original stonework and in this situation he intended to support the applicant.

Councillor Jopling wondered why the email in 2014 had been sent to the planning agent and not copied to the applicant. She also considered that Mr

and Mrs Harbottle were victims of circumstances, they had built a lovely building and she felt that the Committee should make a judgement and approve the application.

Councillor Tinsley confirmed that there was only one reason for refusal – an isolated building in the countryside – a difficult reason to sustain when the planning authority had granted permission in 2014 for the same.

The Applicants had proactively engaged in the planning process. Development was on the same footprint, the materials were the same and reused. It was an app design with no ls harm. No objections from people in the community. If the application was refused, it would be flattened and this would not bring back the heritage asset which was important to note.

The Council should never be in a position where anyone could build a development without planning permission, however the Committee had the discretion to consider all of the circumstances. The Planning Officer was not afforded the same discretion, which is why he had arrived at the conclusion he had, but Councillor Tinsley considered that this was a situation where the Committee should exercise that discretion and approve the development. He moved the application for approval

Councillor Jewell confirmed that although difficult decision, this was a case where the Committee should go against the Officers recommendation.

Councillor Atkinson confirmed that he believed it was a genuine mistake and he seconded the motion to approve the application. Councillor Chaplow agreed and felt the recommendation should be overturned.

Councillor Brown commented that thankfully the Planning Committee were able to exercise discretion but she was concerned about this setting a precedent. The Planning Development Solicitor confirmed that this would not set any precedent, after having a lengthy debate

Councillor Maitland asked why inspectors had not picked up on this – inspectors do go out but this was an approved inspector and they were not required to feedback to the planning authority.

The South and West Team Leader confirmed that when consent was originally granted, the removal of permitted development rights and he felt it was appropriate to ensure this was added should approval be granted.

Members did not feel like the adverse impacts of the development significantly and demonstrably outweighed the benefits and they afforded significant weight to the Applicant's personal circumstances.

Resolved

That the application be APPROVED subject to the South and West Team Leader and the Chair and Vice Chairs agreed conditions.

8 DM/19/01406/FPA - 96 Wheatbottom, Crook

The Committee considered a report of the Planning Officer regarding an application for a change of use from A1 (retail) to C3 (residential) use. Creation of additional residential unit. External alterations (resubmission of DM/19/00291/FPA) at 96 Wheatbottom, Crook (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor Reed Local Member had submitted a statement to be read which confirmed her views on the application. The property had been unoccupied for several years, standing derelict and unsightly. Bringing it into use would benefit the whole community and therefore she asked that the application be approved

Councillor Patterson, Local Member, presented Members with a slideshow which included site photographs.

She gave a history of the site which was last occupied in 1881 according to census information. Wheatbottom was part of Helmington Row, not Crook. The site had been identified for demolition on the old district plan, to put a road through, it was inhabitable and had not been used for many years. The ground floor had most recently been a convenience store with storage and before that it had been a grooming parlour, an office, a betting shop, a grocers, a general dealers, and a printers.

A previous planning application had raised concerns over parking and the issues remained. The main objection was with regards to the lack of parking. The building was on the A690 and on viewing photographs of the highway, she confirmed that there were no vehicles parked on the road as this was a dangerous road having had three recorded accidents in three months.

There was no on-street parking, however there was an area adjacent to the public house nextdoor which was land owned by the Council and maintained by the landlord of the public house. This was a required access route for deliveries to the public house and access to the garage to the rear, and it was the main access for the allotment holders. It could also not be relied upon as it could be purchased and fenced off at any time and she confirmed that the pub had enquired about buying the land.

There was a private residential street, Hanover Gardens opposite the development, with private residential parking which was enforced by the housing association. Ravensworth Court was to the rear which also had no available parking. To the side of the property there was a grassed area of public open space, owned by the Council and she suggested the applicant could not ask for permission for an approved access route which would then allow for parking spaces to be created to the rear.

Councillor Patterson referred to the NPPF tables 7 and 8 and confirmed the total number of parking spaces per dwelling required for apartments and houses that had only communal parking provision as being a minimum of three, for this application and for apartments and houses that had in-curtilage parking provision, there was an expectation of four. This dwelling had no communal or in-curtilage parking, there was no off-street parking, and there was no control over whether future tenants had vehicles.

The application was contrary to the both the NPPF's parking recommendations and the Wear Valley District Local Plan which sought to protect highway safety.

The Highways Authority had assessed the site as having adequate off-street parking, but according to policy adequate parking would consist of in-curtilage parking spaces.

Councillor Patterson confirmed that the NPPF view when considering reduced parking was that it was important to recognise that developments with reduced parking could have an unacceptable impact on existing on-street parking, and also on the amenity enjoyed by existing residents. This application would impact on a business which had been trading for many years.

Despite being within walking distance of the Town Centre, the apartments could attract tenants with two to four vehicles and should Members be minded to approve, Councillor Patterson asked for a condition to include some sort of parking provision in accordance with the NPPF.

In summary the application

- Reliance on off-street Parking of which there was none
- Was contrary to NPPF and Wear Valley DLP Policy H18
- Highways had objected to the original application on parking grounds
- It was not part of the town centre
- Negative impact on the landlord of the Public House, Allotment Holders and neighbouring residents

The Principal DM Engineer confirmed that he could not dispute some of the issues raised with regards to parking, however this application was for a dwelling which already had permission associated with a ground floor business and five bedroom accommodation. If this was to be brought back into use, it had the potential to create more parking demand than what the application would create.

The view of the Highways Officer was that the development was in a sustainable location, within 400 metres of the town centre, with good public transport links. There was no guarantee that the development would result in an additional four cars, but it could not result in any – there was an expectation that tenants in a property of this type would walk and when marketed, this would not appeal to tenants who had multiple cars due to the lack of associated parking spaces. With regards to the Council owned land adjacent to the Public House and currently used as a car park, this could be purchased and fenced off at any time and would result in customers and allotment holders having to park on the street.

When assessing the impact, it was not deemed to be severe enough to sustain an objection. Should parking problems arise in future, the Principal DM Engineer confirmed that the Council could consider putting waiting restrictions in place.

Councillor Brown agreed that highway safety was compromised, and she had experienced the impact of vehicles parking over private driveways.

Councillor Atkinson confirmed that should Members go with the alternative and refuse the application, this building may never be developed and the benefits outweighed the negative impact so he moved the recommendation to approve as outlined in the report.

Councillor Jewell considered this a small development and it would bring a decaying building back into use. He acknowledged that should it be brought back into use, there would be more parking issues than would be associated with a two bedroom flat and he therefore seconded the recommendation to approve.

Councillor G Huntington agreed that a highways objection was unsustainable.

Resolved:

That the application be APPROVED subject to the conditions outlined in the report.

9 DM/18/02742/FPA & DM/18/02743/LB - Former Pumping Station to the North East of Presser Villa, Bale Hill, Blanchland

The Committee considered a report of the Planning Officer regarding an application for Residential conversion and extension of pumping station (amended description/plans 11/03/2019) Former Pumping Station to the North East of Presser Villa, Bale Hill, Blanchland (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Mr Tulip, Chairman of Hunstanworth Parish Meeting, objected to the application on behalf of residents who did not feel that many of their issues, including the addition of the proposed orangery, had been correctly addressed by the Planning Authority.

The North Pennines Area of Outstanding Natural Beauty (AONB) Partnership had submitted consultee comments in April 2019 which asked that the conversion should strongly respect the form and function of the original building, of which the orangery did not. They stated that there was no justification for the addition of the orangery in the form or use of the former pumping station, it was obtuse and overt when viewed from the wider landscape and should be removed. Furthermore when lit, from the inside it would become an unacceptably dominant element of the new dwelling. Given their disapproval, Mr Tulip was shocked by the response of the Planning Authority who stated any harm to the overall character of the building from the proposed orangery, was considered limited. He felt comments from the AONB Partnership had been completely ignored. He thought that as a parish in an AONB, they would be protected from adverse development by the specialised advice and guidance from the AONB Partnership. The difference of opinion was alarming and he asked the Planning Officer to explain the contradicting statements.

The Planning Officer confirmed that in addition to the AONB Partnership, the Design and Conservation Officer and Historic England were consulted and offered no objection to the application, they commented on the urgency for re-use and repair of the building to secure its future and prevent further deterioration. The orangery was considered to be a lightweight feature to be added to improve the viability of the scheme overall.

The NPPF acknowledged that whenever a building of this nature that didn't have residential use previously, would subsequently have such a use, there would be some inevitable harm with the alterations, however it is considered that that harm would be considered less than substantial and should be weighed against the public benefits of the proposal, including where

appropriate securing its optimum viable use. This development would ultimately secure public benefits in repair and long-term retention of the grade II listed building and it was therefore considered that the public benefits outweighed the less than substantial harm.

Mr Morwood lived in the neighbouring property and shared access with the property and although he had already raised his concerns, he had received no satisfactory response. This was a site which was 1300 feet up in the North Pennines and during Winter months the track could be up to several feet high with snow for periods of a few days to several weeks. He had lived there for more than twenty years. More often than not both vehicles would be abandoned at the top of the track to wade through the snow, but the area at the top of the track was narrow and was barely able to fit both cars on it. A dwelling with five bedrooms would result in at least two vehicles which would leave them fighting for a space or parked on the highway, preventing the snow plough from getting through.

Mr Morwood disputed the reference to passing places in the report, they were not designated passing places – they were areas where vehicles had encroached onto the adjoining land under the control of the sporting estate tenant and therefore could be fenced off at any time. He had consulted a legal advisor who had advised that there could be a legal basis for maladministration and potential challenge in court.

The location plan contained a large area of land at the top of the track which was not part of the track, not suitable for parking and neither the applicant or Mr Morwood had any rights over it.

The Senior Ecologist confirmed that she had undertaken a habitat regulations assessment and as well as the ecological reports submitted, she was satisfied that the level of mitigation proposed would render the application de minimis in terms of impact on protected species.

On behalf of the Applicant, the Agent Ms Cranley, addressed the Committee in support of the application.

The Applicant was required to make best use of their assets and dispose of them when they were no longer required for operational purposes. The proceeds of these sales were reinvested back into the water and drainage system. Presser Pumping Station was one of their disposal sites. This grade II listed building had lain vacant for over 20 years – and was at risk unless a viable alternative use can be found.

Due to the constraints of the site and the listed building, interest in development opportunities was limited. Ms Cranley confirmed that since 2011, the Applicant had sought an alternative use for the site. It had been

marketed for community use, small scale employment, holiday accommodation, recreation and rural enterprise, but no interest had been secured.

Following discussions with the Council in 2017, it had been agreed that residential use offered the best way forward and that securing planning permission would help to de-risk the site for a potential investor. The original proposals were subject to local objection, however, the applicant responded proactively to the issues raised and a revised scheme was prepared. The addition of three new dwellings had been removed and the proposals focused on the conversion of the listed building. The garden curtilage was reduced to avoid domestication of the site, and the landscape and boundary treatments had been redesigned to meet the requirements of the Council's landscape and ecology officers.

Ms Cranley confirmed that further ecological work had been undertaken and the Council had carried out a full Habitats Regulations Assessment which had been approved by Natural England. Further discussions were undertaken regarding the access with arrangements agreed with Highways. A meeting was held with the Parish Council and local residents to explain the proposals and respond to any outstanding concerns or queries. While most issues had been addressed, several local objections remained. In particular, the glazed extension caused concern to some residents, but it was explained that this was an essential part of the scheme – which took advantage of the merits of the site and was crucial to attracting a potential owner.

The extension occupied the site of the former crane shed and allowed an original doorway to be reinstated to provide a link between the old and new. The light touch glazing allowed the historic fabric to be seen and also afforded views of the landscape beyond. To address concerns around lighting it was agreed that electronic blackout blinds would be conditioned – a solution that had been successfully employed elsewhere in the AONB.

Ms Cranley confirmed that the revised scheme had addressed the comments raised by Council Officers, Statutory Consultees, the Parish Council and Local Residents. The application would regenerate a redundant brownfield site and preserve the industrial legacy of the area, it would repair, refurbish and reuse of a grade II listed building, protecting it for future generations. It would secure substantial ecological enhancements and the proposals represented sustainable development that offered a viable future for the building. She urged Members to accept the Officers' recommendation and approve the scheme.

The Principal DM Engineer responded to confirm that the Officer's view was that two vehicles could pass on the track, however he advised that the likelihood of vehicles passing was occasionally and reversing onto the main

road would not be a cause for concern, given the levels of traffic on the main road. With regards to the comments on winter road conditions, this was normal and expected for households throughout the County, including non-rural areas.

The Chair reminded Members that when visiting the site it was clear that without any reconstruction work, the building would be lost.

Councillor Atkinson confirmed that this was the second time the application had been considered and although he was not convinced the orangery was a necessary addition, the benefits of the scheme as a whole, outweighed any negative impacts. With regards to the issue of passing on the track, he felt the view from the road was clear enough for any vehicles entering the track and they would naturally hold back to allow a vehicle to exit the site. He moved the recommendation to approve.

Councillor Tinsley agreed that residential use was the only use for this type of building and the alternative would be to let the building to deteriorate. He seconded the recommendation.

Councillor Jewell commented on his frustration that this application had not been concluded at the previous planning committee. In terms of balance, this application would bring a heritage asset back into use. The mitigation associated with the orangery was sufficient to protect the dark skies.

Resolved

That the application be APPROVED subject to the conditions outlined in the report.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/02500/FPA
FULL APPLICATION DESCRIPTION:	Change of use and extension to form 18no. 1 bed assisted living residential units with shared facilities
NAME OF APPLICANT:	Allure Developments Ltd
ADDRESS:	The North Eastern Hotel, Clarence Street, Spennymoor, Co Durham
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Mark O'Sullivan, Senior Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to the former North Eastern Hotel located to the south west of Spennymoor Town Centre. The use of the building as a Public House ceased several years ago and although the two storey building remains structurally sound, externally the appearance of the property and wider site is poor.
2. The site occupies a prominent location at the western entrance to the Town Centre, immediately to the south of the road junction between the C152, Whitworth Terrace and High Street. Clarence House (a residential care home) is located to the south east of the site beyond a public footway, with a public car park serving Clarence Street to the south west. 'The Railway' Public House is located to the west of the site with residential properties situated to the south and west beyond these intervening site uses.
3. 'Allure Developments' are seeking planning permission for the conversion and refurbishment of the former Public House to create an assisted living residential development (use class C2) comprising 18no. single person en-suite bedrooms (9no. on each floor) with communal living and cooking facilities, on-site staff facilities and communal garden area. The property would be leased to the County Council which under the Homeless Reduction Act in 2018, has a greater duty to intervene at an earlier stage of homelessness and to provide temporary accommodation across the County. Changing Lives has entered into a contract to provide a homeless support service for the County and would operate and manage the proposed facility.
4. The intended use of the building would be for single adults (male and female) aged 18+ from County Durham with low-medium support needs with the facility to be staffed 24 hours per day, 365 days a year. All units would be for single occupancy only and an assessment of users would be completed prior to taking up residency at the premises. In the event that there was any change in the circumstances of residents that would result in them being considered high risk, these individuals would be accommodated elsewhere.

5. The proposed use would involve the refurbishment of the existing premises and provision of a two storey extension within a section of the existing yard to the south east of the building. A landscaped garden area (some 186m²) would be created adjacent to the extension which would be bordered by a replacement boundary brick wall and fence. This would be fronted to the south west by a limited amount of on-site parking provided in the form of 3no. staff parking bays to be accessed directly from Clarence Street.
6. The applicant has provided a briefing note in support of their application detailing the role of Changing Lives and a summary of this is included within the 'applicants statement' section of this report for reference. Of particular note is confirmation that the proposal would provide supported accommodation to individuals but not in the form of a bail hostel, care facility, drug and alcohol rehabilitation centre, needle exchange or prescribing service, permanent accommodation or B&B style accommodation.
7. The application is being reported to the Planning Committee at the request of Spennymoor Town Council in response to public concerns raised over the categories of residents that will be placed in the accommodation. The Town Council seek reassurances from the developer regarding this matter.

PLANNING HISTORY

8. Planning permission was granted in October 2014 for the change of use of the former Public House to create a ground floor retail unit with 8no. residential apartments (ref: DM/14/02460/FPA). A subsequent variation of condition application (ref: DM/14/03564/VOC) was approved January 2015 to remove condition 7 of the 2014 approval relating to a restriction on the use of the associated parking area. However, it is understood that the approved scheme was never implemented.

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.
11. *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.

12. *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.
13. *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, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
14. *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.
15. *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.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *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.
18. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *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.

LOCAL PLAN POLICY:

20. The development plan is the Sedgefield Borough Local Plan saved policies:
21. *Policy E15 – Safeguarding of woodlands, trees and hedgerows* – expects development proposals to retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost.
22. *Policy E22 Reuse of buildings forming part of the Boroughs heritage* – seeks to promote the repair and re-use of buildings and structures which form part of the heritage of the borough or which significantly contribute to the environmental quality of the locality.
23. *Policy H18 – Acceptable uses within housing areas* – identifies residential institutions as an acceptable use within a housing area where it would comply with other plan policies, would not significantly harm the living conditions for nearby residents and where they are appropriate in scale to the character of the housing area.
24. *Policy H19 - Provision of a range of house types and sizes including affordable housing* – seeks to support proposals which would provide an appropriate variety of house types and sizes, including the provision of affordable housing where a need is demonstrated.
25. *H22 – Sheltered accommodation, residential care and nursing homes* – Permission will normally be granted for sheltered accommodation, residential care homes and nursing homes within Spennymoor where the scheme would provide satisfactory vehicular access and parking, servicing and amenity areas, and where the development does not adversely affect the amenity of nearby residents.
26. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
27. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
28. *Policy D9 – Art in the environment* – seeks to encourage the incorporation of artistic elements in development schemes.

RELEVANT EMERGING POLICY:

The County Durham Plan

29. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively

advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. *Spennymoor Town Council* – Has requested the application be called-in to the planning committee in view of the nature of the proposed use to allow for greater public involvement in the determination process.
31. *Highway Authority* – No objections, subject to condition.
32. *NWL* – No objections.

INTERNAL CONSULTEE RESPONSES:

33. *Contaminated Land* – No adverse comments to make. No requirement for a contaminated land condition.
34. *Noise* – No objections.
35. *Spatial Policy* – Proposals can be assessed against saved policy H22 of the SBLP and therefore the application should fall to be determined in accordance with paragraph 11 of the NPPF. There are no policy objections to the principle of redeveloping this site for a specialist form of housing. Proposals would add diversity to housing tenure in Spennymoor and contribute towards creating a socially inclusive community whilst making efficient use of a previously-developed site in an existing urban area
36. *Durham Constabulary* – Raise no objections to the proposals. The Police have carefully considered the application and have been involved in the development of these proposals for some time.
37. *Ecology* – Raise no objections subject to the conditioning of the Recommendations detailed in Section 10 of the Bat Survey Report, including but not restricted to – sensitive timing of works to avoid impacts on breeding birds in the areas where their presence has been noted; inclusion of at least two integrated bat boxes into the completed building, as detailed in the report; production of a sensitive lighting strategy with respect to bat boxes and flight paths.
38. *Design and Conservation* – The proposed refurbishment of the building is welcomed. The building will be brought back into use and the proposed works will improve the overall appearance of a prominent gateway into Spennymoor Town Centre. Possible opportunity to revise fenestration around WC windows.
39. *Drainage* – Additional information is required relating to existing and proposed drainage layout plans, identifying surface water outfalls and information to confirm discharge rates.
40. *Care homes, adult and health services* – No comments received.
41. *County Durham and Durham Fire and Rescue Brigade* – No comments received.
42. *Houses in Multiple Occupancy* – No comments received.

43. *Regeneration* – No comments received.

PRE-APPLICATION CONSULTATION:

44. Prior to the submission of the application a public consultation exercise in the form of a 'drop in' session for local residents and businesses was held on Thursday 11 July 2019 between 0900 and 1700 at Spennymoor Leisure Centre. This was hosted by Durham County Council, Changing Lives and Allure Developments with Durham Constabulary also present. This drop-in session provided an opportunity for any questions and concerns to be raised about the proposals and was attended by over 100 people.

PUBLIC RESPONSES:

45. The application has been publicised by way of site notices and extensive neighbour notification. 57no. letters of objection have been received in response to this exercise with a summary of the main concerns raised as follows:

This is an inappropriate location for such a use, within the town centre and close to local Pubs, Care Homes, Schools and school routes, public parks, residential properties and Spennymoor Leisure Centre. The focus should be on more available sites elsewhere in less sensitive locations with this particular site converted to a more appropriate use.

Approval for such use in this location would act as a deterrent to future growth, tourism and investment in the town resulting in a negative impact on the character of the area.

Such use would result in unacceptable pressure on existing services within the settlement.

Users of the site would be alcohol dependant, recovering addicts, homeless, ex-military and sex offenders resulting in personal safety concerns for local residents. Such users would exacerbate existing crime and antisocial behaviour levels in the settlement where there is already a lack of police presence;

Alleged issues at another Changing Lives site at Plawsworth (Chester le Street).

Those using the site will have no previous relationship or affinity with the town resulting in a lack of respect.

Perceived distress to neighbouring elderly residents at the adjacent care home who will overlook the site through facing windows.

Noise concerns resulting from future users of the site and building works associated with the development.

Highway and pedestrian safety concerns resulting from insufficient parking provision for users and staff and the lack of space or manoeuvring for loading and unloading of vehicles around the site.

The proposed location of bin stores adjacent to highway will pose a health risk to local residents.

Lack of neighbour and press notification by the LPA. Furthermore, the community drop-in session was poorly advertised and carried out at an inflexible time which focused only on those available during the day.

Reduction in property values.

Cllr Ian Geldard has written to the LPA stating that these proposals will fully renovate this building and return it to its former aesthetic glory, ridding the town of the existing eyesore. Notwithstanding this, the substantial local concern must be heard and the applicants given an opportunity to answer these concerns before the Planning Committee.

In addition, 1no. letter of support has been received from a local resident explaining that this facility will provide much needed assistance to those who need help providing it is managed correctly.

APPLICANTS STATEMENT:

46. Allure Developments have completed a number of high-quality conversion developments within County Durham which have in turn been put forward for various quality awards including LABC and DCC Environment Awards. Being highly commended for some and winning the regional award for one of our projects with the LABC.
47. Mr K Everitt of Allure Developments Ltd working with Create Architecture Ltd, initially started discussions with the Council in 2014 to propose a suitable redevelopment of the former North Eastern Public House. Immediately after purchase we have worked to secure the building through its optimal viable use, initially through discussions with national retailers and secured a planning permission in 2014 which has subsequently lapsed. This scheme was unable to be delivered as the retail market subsequently changed and retail tenants could no longer be secured, meaning the scheme was no longer viable. Following this there has been an ongoing dialogue between Allure and DCC with a view to achieve a viable scheme which in turn secures the regeneration and long term viability of the former North Eastern.
48. Durham County Council Housing Solutions commissioned a support tender in 2018 which will be delivered throughout the county with the aim of assessing and supporting service users, with Changing Lives winning this. The scheme has been worked up through extensive pre-application consultations, involving the proposed service provider, Durham County Council Housing officers, planning officers, The Police, the design team and ourselves, to ensure that we had addressed all potential issues and to ensure that the proposed scheme as submitted presents the best option for the development.
49. Prior to the application and through the consultation process there was a general concern as to the user group / proposed use of project once complete, with 'Local Members' visiting other properties managed by the end user, (Changing Lives) and attending pre-application discussions to address any concerns. A comprehensive public consultation was carried out by way of public meeting, hosted by Durham County Council, Changing Lives, the Police and ourselves (Allure Developments.) This was well attended and in general other than some concerns and misunderstanding of whom the residents will be supported. We have continued to work with both Durham County Council and Changing Lives whom have provided a Briefing Note to clarify whom the user group will and will not be, as we have seen a

number of general public objections based on what would appear to be a misunderstanding of the user group.

50. As confirmed within the Briefing Note it may be useful to clarify and understand what the project is and what the project is NOT? The project is to provide Supported Accommodation – this is accommodation where service users are housed that aren't ready to live out in the community and need to be provided with some life skills so they can successfully live independently. This accommodation will be staffed 24/7 with the service users involved in community activities as well as getting them into training and/or employment.
51. What the project is NOT
This will not be an Approved Premises (Bail Hostel);
This will not be a Care facility (including mental health, Learning Disabled and Addiction service);
This will not be a Drug and Alcohol Rehabilitation setting;
This will not be a Needle Exchange or prescribing service (Methadone Clinic);
This will not be permanent accommodation;
This will not be a bed and breakfast style accommodation;
52. From a regeneration point, the proposal representing continued sustainable development whilst also providing further investment within this area, it is generally supported by Local Councillors and residents and comprises a significant investment in the regeneration and redevelopment of a currently vacant and prominent building. We understand the proposal to be compliant with the National Planning Policy Framework, Relevant Local Planning Policy, Relevant Supplementary Planning Documents and Development Strategies and would ask that the application is considered and approved.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

53. 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, scale/design, amenity and fear of crime/public safety, highways, arboricultural and ecological impacts.

The principle of the development:

54. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The statutory development plan comprises the Sedgefield Borough Local Plan (SBLP) (1996). A new county wide development plan is currently in preparation; however, no weight can be afforded to the 'Submission Version' of the County Durham Plan which will be Examined in Public (EiP) during October/November 2019.
55. Policy H22 (Sheltered Accommodation, Residential Care and Nursing Homes) is a saved policy within the SBLP and is permissive of this type of facility within the Spennymoor settlement subject to providing satisfactory vehicular access, parking,

servicing and amenity areas, the development does not adversely affect the amenity of nearby residents; and its location is such that noise and disturbance from existing surrounding uses would not be detrimental to residents. Sheltered accommodation should normally be located on level sites with easy access to shopping facilities, community facilities and public transport. The supporting reasons for the policy state that there is support for care in the community initiatives which seek to integrate those with particular needs within the local community. They should be planned to form part of the neighbourhood so that they become accepted and the residents are known in the community. They should have easy access to roads and public transport and to all the amenities of town life (shops, facilities, churches etc). Isolated premises are not likely to be suitable for this type of accommodation. The application site is in an edge of centre location with good access to the town centre and the shops, services and facilities contained within.

56. Given policy H22 remains a relevant, saved policy upon which these “assisted living units” within use class C2 can be considered, the application is to be assessed and determined in accordance with paragraph 11c of the NPPF which requires development proposals that accord with an up to date development plan to be approved without delay. Furthermore, as the application is proposing a scheme comprising entirely of “assisted living” accommodation within Use Class C2, the exception under paragraph 64b of the NPPF would apply in this instance and a requirement for the provision of affordable housing is not applicable on this occasion.
57. Part 5 of the NPPF clarifies the Government’s objective of significantly boosting the supply of homes, and that the needs of groups with specific housing requirements are addressed. Paragraph 61 sets the requirement for the size, type and tenure of housing needed for different groups in the community to be reflected in planning policies. The proposals would add diversity to the housing tenure in Spennymoor and contribute towards creating a socially inclusive community.
58. Section 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land. Para 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. As the proposals seek to re-use an existing developed site within the main settlement, the application would glean support from these sections of the NPPF. It is further noted that permission was previously granted for residential development on this site in October 2014 under planning approval ref: DM/14/02460/FPA. Although this consent has since expired, no objections are raised over the principle of residential use in this location.
59. In view of the foregoing, there are no policy objections to the principle of developing this site for housing subject to the following material planning considerations.

Scale / Design:

60. Part 12 of the NPPF and saved policy D1 of the SBLP seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site. Saved policy E22 of the SBLP seeks to promote the repair and re-use of buildings and structures which form part of the heritage of the borough or which significantly contribute to the environmental quality of the locality. The application site is not located within a conservation area or area of special control although it is positioned

at a prominent gateway site into Spennymoor Town Centre nearby. Despite being vacant for some time and having fallen into disrepair, the North Eastern Hotel is also a distinctive building that can be regarded as a non-designated heritage asset and therefore the impact of the proposed development on the asset should be a primary consideration in the determination of the application. NPPF Part 16 seeks to ensure that identified heritage assets are 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.

61. The existing structure is constructed of facing brickwork, which has previously been painted (cream and red) with different band courses and detailing at window head, first floor level and eaves which are prominent on all elevations except that looking onto the rear yard to the south east. The roofs are predominantly natural slate finish with a central flat lead lined mansard section. The current building largely retains its original form, albeit for a small number of minor alterations including the changing and blocking of the entrance doors on the bull nose end, now apparent as a 3-bay window.
62. The applicant has developed a design solution in partnership with the Council to retain as much of this original building form as possible. Notwithstanding this, a small extension is proposed to the southern elevation set back from the principal west facing elevation and of reduced height so as to retain subordination to the original building. The proposed vertical cladding and red facing brick detail of the extension would respond positively to the existing building and would not seek to replicate or interfere with the original form. Given its location on the site and the retention of the existing trees around the boundaries (most notably to the north), the extension would be generally screened from view in its most prominent viewpoint at the vehicular gateway to the town centre.
63. In addition to the extension, works include the introduction of cladding panels to the existing fenestration pattern on the building. This changes the existing expanses of glazing but does not alter the original openings which would still be recognised within the elevation. All windows are proposed to be replaced and such details can be controlled by condition. The windows to proposed en-suite areas are arranged to work with internal walls also, hence why these appear 'busier' than their surrounds. The applicant has also detailed ventilation from these areas which would not significantly impact the exterior of the building in visual terms.
64. The applicant has included an annotation on proposed plans stating that artwork will be included within the fenestration. Whilst discussions are still ongoing regarding this detail it is intended that this artwork would be displayed onto the glazed bull nose element in the form of vinyl printed copies of local artists work attached to the inside of the windows. Works would be reproduced with artists permission and add to the already implemented artwork scheme throughout Spennymoor. Such matters are considered to satisfy saved policy D9 of the SBLP which seeks to encourage the incorporation of artistic elements on development schemes and can be dealt with by condition, to be addressed once the applicant has further information.
65. The proposed refurbishment of this historic building and its subservient and complementary addition to the southern elevation is welcomed from a design perspective. The building will be brought back into use and the proposed works will improve the overall appearance of a prominent gateway into Spennymoor Town Centre consistent with the principles of Parts 12 and 16 of the NPPF and saved policies D1 and E22 of the SBLP.

Amenity and Fear of Crime / Public Safety:

66. Saved policy D1 of the SBLP seeks to ensure a comprehensive and coordinated approach to new developments which take account of a sites natural and built features and the relationship to adjacent land uses and activities. Saved policy H22 of the SBLP seeks to support proposals for sheltered accommodation residential care and nursing homes where the living conditions are satisfactory for proposed occupants and their neighbours and where the development does not adversely affect the amenity of nearby residents.
67. The NPPF sets out at paragraph 127 that planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. Paragraph 91 advises that, 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: ...are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.
68. Crime and security as a planning matter increased in profile after Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under Town and Country Planning legislation.
69. Generally, Inspectors have on appeal taken the view that, given appropriate management, the occupants of these properties (*Hostels and care in the community establishments*) should not cause significantly greater impact than normal homes. The view that providing such facilities actually provides a wider benefit is often also cited and weighs against local anxiety.
70. A number of objections/concerns have been received from local residents relating to uncertainties over future occupants of the site. Further to this Spennymoor Town Council seek assurances over the categories of residents that will be placed into the accommodation.
71. It is acknowledged from the level and nature of concerns expressed that the proposal does raise issues of fear of crime/personal safety for many local residents. However, it is also considered that some of the perceptions around the specific nature and operation of the proposed use, and occupancy are based on partial information or assumptions about the use that are not reflected in the submitted application. This identifies potential residents as single and homeless with low to medium support needs. This would preclude residents that require high levels of care and supervision because of behavioural or dependency needs.
72. Whilst it is not the role of the Planning system to duplicate other regulatory systems and controls, nonetheless both Councillors and the public must have some assurance that the facility, if granted consent will both operate in the manner indicated, and that it will not change or evolve into a different form.
73. Within supporting documentation submitted by the applicant it is explained how "the project will accommodate residents with low to medium support needs and any assessment of people will have been done prior to taking up residency in the North Eastern. Any change in circumstances of residents that will result in them being

considered high risk will require them to be accommodated elsewhere". This 'right to decline' potentially unsuitable residents, would help to address one of the significant concerns of objectors.

74. It is further explained that there will be on-site staff presence 24 hours a day 7 days a week and a programme of support will be provided to individuals who have moderate support needs and have found themselves in situations which have led to a period of being homeless. The project will work by focusing on an individual's strengths and ambitions to enable a sustainable pathway into Employment, Education or Training and the required skills to live independently. A secure Door Entry System is to be installed as part of the operational and security requirements of the facility that would be controlled by members of staff and a CCTV system will also be installed to the interior and exterior of the building allowing staff to effectively monitor the building. Such details are to be controlled by condition. In addition, the applicants have provided a supporting note summarized within the 'applicant's statement' section of this report that seeks to dispel incorrect assumptions over what activity will and more importantly will not be taking place at the site.
75. It is also significant in this case that the head lease on the property will be retained by the County Council and that the service would be provided by Changing Lives on behalf of its Housing Solutions team. The Council is working with Changing Lives across the County on a number of initiatives and has done so for a number of years. The Company is a long established national charity based in the north east that has been providing support for vulnerable people many years and there would be scope for regular review of the operation and to address any identified through this working relationship. The due diligence of the applicant, has also been shown through the involvement of Durham Constabulary in the preplanning application consultation process, and that they raise no objections to the proposals. Within the accompanying Design and Access Statement the applicant further confirms an intention to continue working with the Police in relation to access arrangements, mail delivery, external lighting, bin storage, defensible space etc.
76. In summing up the fear of crime aspects associated with the proposal, it is not considered that there is anything within the intended nature of the use that provides a reasonable basis for concern. Furthermore, any operational issues that might arise could be mitigated both by a proportionate level of control through the systems that would be in place as part of any operational Management Plan, and by other regulatory agencies. Subject therefore to a suitable condition requiring the agreement of a management plan that reflects the intended operational details outlined by the applicant in this report there is no underlying reason why the use proposed should lead to an increase in crime, and no evidence had been put forward to show why this would be the case.
77. With regards amenity, the application site is located on the edge of Spennymoor Town Centre in a mixed use environment. The site is bordered by a nursing home to the south east, Public House to the west, car park to the south west, and residential properties beyond. A busy highway network frames the site in 3 directions linked to the main vehicular thoroughfare through the town and town bypass. The Council's Environmental Health section raise no objections to the proposed use of the site as assisted living residential accommodation noting the presence of existing residential properties in the surrounding area which co-exist with the existing busy highways network and non-residential uses. The site previously operated as a public house and any noise resulting from the proposed site use is unlikely to be such that it would cause significant and detrimental impacts upon the amenities of neighbouring properties. It is further noted that any noise complaints which may arise from future

use can be controlled and monitored under separate environmental health legislation.

78. The proposed conversion of the existing building would utilize existing window openings whilst ensuring satisfactory separation to neighbouring uses is achieved without resulting in new directly facing window openings between neighbouring land uses. To the southeast the proposed two storey extension would project only partially into the yard space whilst maintaining satisfactory separation from the adjacent nursing home in this direction (in excess of 15m away). Windows in this southern elevation of the extension would serve only communal day rooms at the ground and first floor levels and an internal stairwell with no resulting privacy concerns arising. To the north and east, window openings would overlook the adjacent carriageway with the nearest sensitive uses located beyond this some distance away. No environmental health objections are raised regarding the proximity of the surrounding road network to the site and in-particular as to the suitability of facing windows and resulting noise impact on future residents.
79. Externally works include the clearance of the existing yard to create a communal garden/landscaped lawn area which would operate as private, domestic garden space maintained by tenants. The replacement of the existing boundary wall around the existing yard with a more sympathetic lower wall and fence boundary detail (2m maximum height) would ensure sufficient privacy to future occupants of the site and the surrounding neighbouring uses, again avoiding any direct overlooking between neighbouring sites.
80. With regards the refurbishment and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. However, this can be appropriately controlled in terms of sensitive site operations and working hours so as to ensure the limitation of noise emission from the site during more sensitive periods of the day.
81. In view of the foregoing, no privacy/amenity concerns are raised over the impact of the proposed development on proposed occupants of the site and existing neighbouring uses consistent with the principles of saved policies H19, H21, H22 and D1 of the SBLP. Likewise, the proposals are considered to satisfy the provisions of Part 8 of the NPPF with regards fear of crime/public safety.

Highways:

82. Saved policies H17 and D3 of the SBLP, and Part 4 of the NPPF require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe.
83. The submitted plans detail the creation of 3no. staff parking bays located to the south of the main building and extension within the existing yard area, fronting west onto Clarence Street. With regards staffing levels, the applicant has previously confirmed that there should only be 2no. staff on shift at any one time. On the basis that the proposed 6no. staff (total) could presumably operate on a 3 shift pattern, the proposed on-site car parking arrangement would be deemed to represent a reasonable level of on-site car parking provision. Aside of this, the proposed development is virtually car free with no other on-site parking provision included. Based on the proposed C2 assisted living use and the specific tenant group involved, demand for off-street car parking would not be deemed to be as onerous a requirement as alternative site uses. A public carpark immediately opposite the site to the west will by its very nature provide additional visitor parking should it be

required at any time. In addition, given the siting of the premises close to the adjacent town centre and residential areas, the site is well positioned in relation to public transportation options and nearby public parking areas in the town which could serve the site if need be.

84. No highway objections are therefore raised to the proposals, noting the sustainable location and intended use of the site. Subject to a condition restricting the use of the premises for the intended purpose in the interests of highway safety, the proposals are considered to be consistent with the principles of saved policies H17 and D3 of the Sedgefield Borough Local Plan and paragraph 32 of the NPPF.

Arboricultural impact:

85. Saved Policy E15 of the SBLP expects development proposals to retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost. The application site is bordered to the north by mature vegetation on Council owned land, where adjacent to the C152 carriageway. Although none of these trees are protected, their retention is desirable given their role in screening the existing yard serving the site from the adjacent carriageway alongside this important gateway to the town centre. The proposed extension to the premises has been designed so as to avoid the root protection areas of these trees, with no resulting arboricultural objections raised. With no indication that the existing landscaping is to be impacted by the proposed development, the application is considered to satisfy the provisions of saved policy E15 of the SBLP.

Ecology:

86. Part 15 of the NPPF seeks to ensure that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. The application is submitted alongside a Bat Survey report (Ecosurv, July 2019). No objections are raised over the content of this report subject to the conditioning of the recommendations detailed in Section 10 of the report, including but not restricted to – sensitive timing of works to avoid impacts on breeding birds in the areas where their presence has been noted; inclusion of at least two integrated bat boxes into the completed building, as detailed in the report; production of a sensitive lighting strategy with respect to bat boxes and flight paths. Subject to the above, there would be no perceived impact on protected species with the proposals considered to satisfy the provisions of Part 15 of the NPPF.

Other matters:

87. In addition to the material planning considerations detailed within this report, a range of other public comments have been raised which are referenced below.
88. *Approval in this location would act as a deterrent to future growth and investment in the town resulting in a negative impact on the character of the area and impact local tourism;*
If managed correctly there would be no evidence to suggest this would be the case. The refurbishment of this important and historical site would improve the character of the town at this important gateway to the Town Centre and support future growth and investment opportunities in the town.
89. *Such use would result in unacceptable pressure on existing services within the settlement;*

Once again there is no evidence to suggest that this would be the case. The provision of an assisted living residential facility with 24 hours on-site support would likely reduce pressure on local service provision.

90. *Such users would only exacerbate existing crime and antisocial behaviour levels in the settlement where there is already a lack of police presence;*
The Police have been involved with the development of this application for some time and at no time have raised objections to these proposals.
91. *Distress to neighbouring elderly residents at the adjacent care home who will overlook the site;*
The care home to the southeast of the site is to be well screened from the North Eastern site by the construction of a new southern boundary wall and fence which will protect the amenities of future residents of the site and the adjacent care home, with the retention of the pedestrian footway separating the two sites to provide an additional buffer. No recorded objections have been received from residents or management of this care facility.
92. *Alleged issues at another Changing Lives site at Plawsworth (Chester le Street);*
The Plawsworth site is a different project offering a different level of service care provision.
93. *Location of bin stores adjacent to highway will pose a health risk to local residents;*
The provision of bin stores adjacent to the highway will allow ease of access for bin lorries. Should odour or vermin become an issue as a result, the Councils Environmental Health section can be notified, and issues tackled by way of separate Environmental Health legislation.
94. *Reduction in property values;*
Reduction in property values cannot be considered as material planning consideration relevant to the determination of the application.

CONCLUSIONS

95. The proposal would facilitate the refurbishment and conversion of this prominent non-designated heritage asset into 18no. 1 bed assisted living units with shared facilities falling under the C2 use class. The principle of residential use in this location has previously been accepted through historic planning consents and the intended re-use of this site would make efficient use of previously-developed land in an existing urban area. Proposals would add diversity to the housing tenure in Spennymoor and contribute towards the creation of a more socially inclusive community and the aims of sustainability in accordance with Policy H22 of the SBLP. The development would also assist Durham County Council to fulfil its statutory Duty to homeless people with a local connection to County Durham.
96. The proposed conversion works would retain many characteristics of the original building and the proposed extension to the southern elevation would provide additional floor space whilst remaining subordinate and respectful to the main building and its setting. Combined these works are considered to enhance the spatial character of the area, regenerating a key building within Spennymoor at the gateway to the Town Centre. These are all clear benefits of the proposal.
97. Consideration has been given to the nature and scale of the proposed development and resulting amenity, ecological and highways impacts with no overriding objections identified. The proposal has generated a significant level of public interest and the

material planning concerns raised have been considered. The application is required to be considered in the context of paragraph 11 of the NPPF, which states that development proposals that accord with up to date development plan policies be approved without delay. There have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Sedgefield Borough Local Plan. The application is considered to satisfy the provisions of Parts 2, 5, 8, 9, 11, 12, 15 and 16 of the NPPF and saved policies E15, E22, H18, H19, H22, D1, D3 and D9 of the SBLP. In view of the foregoing the application is recommended for planning approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

Time limit

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.

Approved Plans

The development hereby approved shall be carried out in strict accordance with the following approved plans:

20-02 P0 (Proposed plans), received 02 August 2019

20-11 P1 (Proposed elevations and 3D view), received 30 September 2019

90-01 P0 (Existing and proposed site plans including site location plan), received 25 September 2019

Reason: For the avoidance of doubt and in the interests of proper planning.

Restrict use

Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Statutory Instrument revoking or re-enacting these Orders with or without modification) the premises shall be used as an assisted living residential facility falling within the C2 use class.

Reason: Other uses within the same class or permitted changes of use are likely to raise other locational issues including those associated with increased car parking demand and amenity. As such the Local Planning Authority wish to control the use of the building in accordance with saved policies D1 and D3 of the SBLP and the NPPF.

Management Plan

The premises hereby approved shall be operated at all times in full accordance with a management plan, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building for the intended residential use.

Reason: In the interests of residential amenity, to address fears of crime, meeting the requirements of saved Policies D1 and H22 of the Sedgefield Borough Local Plan.

CCTV

Details of CCTV systems to monitor the entrances to the building shall be submitted to and approved in writing by the Local Planning Authority and implemented in full prior to the commencement of the use hereby approved. The CCTV system must be kept operational at all times the site is in residential occupation.

Reason: In the interests of residential amenity, to address fears of crime, meeting the requirements of saved Policies D1 and H22 of the Sedgefield Borough Local Plan.

Foul water drainage

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

Reason: To prevent pollution of the water environment in accordance with Part 14 of the NPPF.

Surface water drainage

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

Reason: To prevent pollution of the water environment in accordance with Part 14 of the NPPF.

Mitigation

No development shall take place unless in accordance with the mitigation detailed within Section 10 of the Bat Survey Report (Ecosurv, July 2019), including but not restricted to – sensitive timing of works to avoid impacts on breeding birds in the areas where their presence has been noted; inclusion of at least two integrated bat boxes into the completed building, as detailed in the report; production of a sensitive lighting strategy with respect to bat boxes and flight paths.

Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF.

Windows

Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows shall be submitted to and approved in writing by the Local planning authority. The windows shall be installed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy D1 of the Sedgefield Borough Local Plan.

Public art

The development hereby approved shall not commence by the undertaking of a material operation as defined by section 56(4)(a)-(d) of the Town and Country Planning Act 1990 until arrangements have been made to secure the provision of public art provision in accordance with a detailed scheme which has been submitted to and approved in writing by the Local planning authority. Works shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved.

Reason: In the interests of the amenity of the area in accordance with policy D1 of the Sedgefield Borough Local Plan.

Construction

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

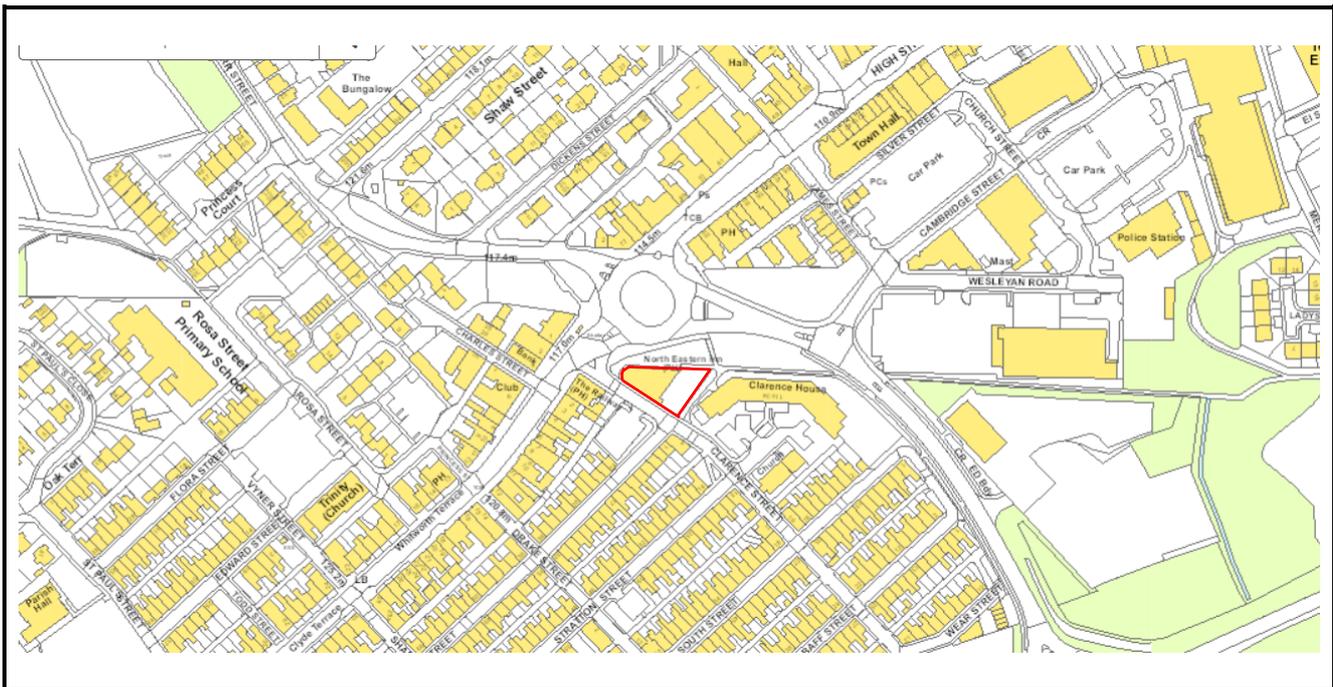
Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with saved policies H17 and D1 of the Sedgfield Borough Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period. All pre-commencement conditions have been agreed in advance with the applicant as necessary.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and supporting documents
- National Planning Policy Framework
- Sedgfield Borough Local Plan
- Statutory response from the Highway Authority and NWL
- Internal responses from Contaminated Land, Environmental Health, Spatial Policy, the PALO, Ecology, Design and Conservation and Drainage



 <p>Planning Services</p>	<p>Change of use and extension to form 18no. 1 bed assisted living residential units with shared facilities</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>Comments</p>	
	<p>Date 24 October 2019</p>	

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/02010/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing structures, Proposed 36 no. static caravan and/or lodge pitches, site office and parking with associated infrastructure, amendments to the site access, engineering works and landscaping
NAME OF APPLICANT:	E & M Richmond Ltd
ADDRESS:	Land at Winston Bridge Caravan Park, Ovington Lane, Ovington, Barnard Castle, DL11 7BL
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Amy Williamson, Senior Planning Officer, 03000 261391, amy.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a rectangular shaped parcel of land, 2.4 hectares in area, associated with Winston Bridge Caravan Park. The site, and the existing park, are located between the villages of Ovington and Winston, immediately to the south of the River Tees in the south west of the county. The application site lies perpendicular to the existing park, extending to Ovington Lane, which demarks the eastern boundary of the site.
2. The application site is relatively flat, although levels drop away across its western portion towards the River Tees. The site currently comprises a grassed amenity area associated with the existing caravan park that contains the vehicle access to the existing caravan park and reception off Ovington Lane. There are 3 no. buildings located centrally on the application site, a detached bungalow, garage and workshop.
3. An extensive wooded area extends along the southern and western sides of the site, designated as ancient woodland. There are further, smaller groupings of trees within the site east of the bungalow on a north-south orientation. The southern and eastern boundaries of the site also contain hedging while the northern side is generally open with some mature trees planted towards the existing caravan park.
4. Low Fewster Gill Farm lies around 50m to the south of the application site, beyond the wooded area. Other residential properties at Ovington Lane lie around 60m to the south at the closest point. Existing holiday accommodation at Highcliffe Waters

Holiday Village lies around 200m away on the northern side of the River Tees. Agricultural land borders the northern and eastern site boundaries.

5. The site lies within an Area of High Landscape Value and Teesbank Woods Local Wildlife Site lies directly to the north. St Andrews Church, a grade I listed building, is situated in an elevated position to the east side of Winston, around 1.5km from the application. This building can currently be seen in long distance views looking eastwards from the site.

The Proposal

6. Planning permission is sought for an extension of the existing caravan park to create an additional 36 no. pitches for static caravans or lodges. It is proposed that the development would be delivered in three phases. Phase 1 would provide 11 no. new pitches on land immediately to the south east of the existing reception building which is already well screened by topography and existing trees. Phase 2 would involve the installation of 11 no. pitches and associated internal access road to the south eastern side of the site. Phase 3 would provide a further 14 no. pitches wrapped around those in phase 2, and a new reception building and car parking. Additional screen planting is proposed to the north, south and eastern boundaries of the site as part of the phase 1 works and within phases 2 and 3 to the eastern part of the site. The construction of phases 2 and 3 would not commence for a period of 5 years following the completion of landscaping within phase 1. This is to allow the landscaping time to establish and provide effective screening.
7. It is proposed that the lodge and static caravan pitches would each have 1 no. parking space adjacent the units with additional car parking provided adjacent to the new reception building. It is also proposed that each unit would provide decking that would extend 1m to one side and project 2m past one end of the unit.
8. The existing bungalow, garage and workshop buildings are proposed to be demolished to facilitate the development. The existing reception building would be retained, while a new reception building would be constructed in a central position on the application site within Phase 3. The new reception building is proposed to be in the form of a lodge, with a footprint of 12.5m x 6m.
9. The existing vehicle access to Ovington Lane is proposed to be relocated to a position further northward, which would provide an improved junction radii and sight visibility for users of the caravan park. The internal access road is also proposed to be realigned to connect to the proposed access to Ovington Lane.
10. The application is reported to the Planning Committee as it constitutes major development with a site area over 1ha.

PLANNING HISTORY

11. Previous planning permissions at the site relate to minor developments such as a club house and WC facilities and change to year round usage of the existing caravan park, which has been operational since the 1970's.

PLANNING POLICY

NATIONAL POLICY

12. 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.
13. 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.
14. *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.
15. *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.
16. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
17. *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.
18. *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.
19. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating

objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

20. *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.
21. *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.
22. *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.
23. *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.

LOCAL PLAN POLICY:

24. The following policies of the Teesdale District Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
25. *Policy GD1 – General Development Criteria.* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
26. *Policy ENV1 - Protection of the Countryside:* Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
27. *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 siting and design of buildings.

28. *Policy ENV 7 – Development affecting Local Nature Conservation Sites* – Development proposals which are liable to damage the nature conservation value of sites notified as being of local nature conservation importance will not be approved unless: the case for development clearly outweighs the intrinsic value of the site and the resulting damage is kept to a minimum through careful design, siting and compensatory measures.
29. *Policy ENV8 – Safeguarding Plant and Animal Species Protected by Law*. States that development that would significantly harm said protected species will not be permitted unless mitigating action is achievable and that the overall effect will not be detrimental to the species and the overall biodiversity of the district.
30. *Policy ENV9 – Development Affecting Ancient woodland*: Development which would damage areas of ancient woodland will not be permitted unless there are no alternative and available sites and the resulting impact is minimised through careful design, siting and compensatory measures.
31. *Policy ENV10 – Development affecting Trees or Hedgerows*. Development will only be permitted where it avoids unreasonable harm or loss of any tree protected by a preservation order, a tree within a conservation or any trees, tree belts or hedgerow which contribute to landscape diversity, setting of buildings, protected species habitat or visual amenity.
32. *Policy ENV14 – Protection of Water Quality*. States that development that would unacceptably prejudice the quality of surface or ground water will not be permitted.
33. *Policy ENV15 – Development affecting Flood Risk*. Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.
34. *Policy ENV17 – Sewage Infrastructure and Sewage Disposal*. Proposals which will increase the demands for off-site sewage infrastructure will be permitted only where adequate capacity already exists or satisfactory improvements can be provided.
35. *Policy BENV 11 – Archaeological Interest Sites* – Before the determination of planning applications which may affect a known or potential site of archaeological interest, developers will be required to undertake a field evaluation and provide the result to the Local Planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance will not be approved. Development which affect sites of regional or local importance will only be approved where the applicant has secured a scheme of works which will preserve remains in situ or where this is not possible by excavation and record.
36. *Policy TR3 - Camping and Caravanning Sites*: Supports the principle of the development of chalet sites in situations where it does not detract from the character of the area; is adequately screened by local topography or existing tree cover; is served by adequate infrastructure; site services are limited to site occupants only; and does not adversely affect the amenities of the neighbouring properties.
37. *Policy TR4 – Static Caravans and Chalets* – Permission for static caravans, chalets and other dwellings permitted expressly for holiday accommodation will only be granted if occupation by any one person or groups of people is limited to not more than 6 weeks in any one calendar year.

38. *Policy T2 – Traffic Management and Parking*: Car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-supportplanning-and-development-decision-making-at-the-moment> (Teesdale District Local Plan)

RELEVANT EMERGING POLICY:

The County Durham Plan

39. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 28 June 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

40. *Barforth Parish Council* – No comments received
41. *Drainage and Coastal Protection* – No objections subject to a condition to agree final details of drainage scheme to be informed by infiltration test results and soakaway design calculations
42. *Environment Agency* – No objections, however note that the applicant may need to apply to the Agency to vary the current environmental permit to include additional sewerage volume under separate legislation
43. *Highways Authority* – No objections subject to conditions requiring the new vehicle access to be installed and brought into use and the current access permanently closed prior to first use of any of the new pitches. Sight visibility splays shall be provided at the new access and kept free of obstruction at all times and brown tourist direction sign to be repositioned to new access point
44. *Highways England* – No objections subject to condition requiring compliance with caravan delivery management plan to avoid impacts on highway safety on the A66

INTERNAL CONSULTEE RESPONSES:

45. *Archaeology* – No objections subject to conditions to secure programme of archaeological works including trial trenching to test geophysical survey information.
46. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections subject to adopting a conditional approach to secure relevant land contamination assessments.

47. *Design and Conservation* – No objections subject to landscape phasing condition to prevent any impacts on setting of heritage assets, including grade I listed parish church in Winston village.
48. *Ecology* – No objections subject to condition requiring compliance with recommendation and compensation set out in ecological impact assessment
49. *Environmental Health and Consumer Protection (Pollution Control)* – Following submission of amended Noise Management Plan and removal of children’s play area from scheme, no objections are now raised.
50. *Landscape* – Advise that the site is located within and Area of High Landscape Value and is primarily visible from Ovington Lane. However subject to the approval of a detailed planting plan, the proposed landscape strategy will, in time, achieve good screening of the site. The proposed vegetation will also be more in keeping with the Teesdale landscape than the existing leylandii-type conifers that are proposed to be removed. The proposed demolition of existing structures will have a minimal, but positive, landscape effect. Overall no objections are raised subject to conditions to secure implementation of development and planting phases collaboratively to ensure later phases of development are appropriately screened.
51. *Landscape (Arboriculture)* – No objections subject to compliance with tree protection measures and landscaping proposals detailed in the application
52. *Spatial Policy* – Advise on the Local Plan policies relevant in the determination of the application and state that as there are relevant and up to date saved policies from the TDLP, which accord with the NPPF, the development should be determined in accordance with these policies and para. 11 is not engaged in this instance.
53. *Visit County Durham* – No objections, advise that visitor accommodation market demand studies indicate that there is an overall demand for more visitor accommodation in the County

PUBLIC RESPONSES:

54. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents, 2 no. letters of objection have been received from local residents raising the following points:
 - The site is within an area of high landscape value, adjacent to an area of ancient woodland and in proximity to a local wildlife site, therefore it is a highly sensitive location.
 - The application site sits awkwardly with the existing well screened caravan park and is on high ground at the top of the slope.
 - The site is highly visible travelling from the north east along Ovington Lane and can also be seen in longer distance from Winston village and St Andrews Church.
 - New hedging and existing hedging cut back to facilitate the new access will take a long time to mature and would mean the extension to the caravan park is visually prominent in views from the north. As such it is considered the development would detract from the distinctive quality of the local countryside contrary to saved policy ENV3 of the TDLP, which is not considered to be out of date and should still carry weight in decision making. Proposed landscaping is not considered satisfactory to overcome this issue.
 - There is no public transport nearby and the site is not considered to be in a sustainable location for the expanded use

- Additional traffic and noise would be generated, in particular due to the proximity of caravans to adjacent dwellings and from the play area, which would have a detrimental impact on the amenity of adjacent residents
- An existing utility area located behind the existing reception building has been used for tipping of rubbish and rubble, damaging the fence of the adjoining property owner and causing a visual eyesore, concerns about use of this area have been ignored by caravan site staff and it is considered likely this will be expanded in association with the proposed development.

55. *CPRE* - Acknowledge the desire to promote tourism in the County, however the site is located within an area of high landscape value, the proposed extension would be clearly visible in the landscape and would have an unacceptable impact on the County's valuable natural heritage. As such the development would be contrary to saved policies ENV1, ENV3 and TR3 of the TDLP and the NPPF and should be refused.

APPLICANTS STATEMENT:

56. The development proposals will extend the existing Winston Bridge holiday park which is successful and well established within the locality. The applicant, Meridian Parks are the new owner and operator of the park seeking to improve and sustain the high standards of design, management and maintenance that are already in place. The extension to the park would contribute to the local visitor economy in line with TR3 of the Teesdale Local Plan and Draft Policies within the County Durham Plan regarding Visitor Accommodation.

57. There are no outstanding technical objections from statutory consultees in determining the application. Indeed, the applicant has made positive changes to the proposed development to remove play equipment and establish a noise management plan to manage impacts on residential amenity. A detailed and phased planting strategy has been agreed up front with Officers to ensure that the proposals are accommodated within the surrounding landscape.

58. In addition to economic benefits associated with the enhancement of a rural business, the relocation of the site access and improvements to visibility splays on Ovington Lane will have a significant benefit to the safety of road users.

59. Following details submitted to the Council, it is clearly demonstrated that the proposals accord with the objectives of Local and National Policy in relation to rural business, flood risk, heritage, design, highway impact and the natural environment. There are no adverse effects that would significantly and demonstrably outweigh the benefits of the scheme. As such, we fully support the Officer recommendation to approve the application in line with paragraph 11 of the NPPF.

PLANNING CONSIDERATIONS AND ASSESSMENT

60. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of development, impact on character

and appearance of the area, highway safety, residential amenity, impact on protected species and biodiversity, flood risk and drainage.

Principle of development

61. Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The Teesdale District Local Plan (TDLP) forms the statutory development plan and remains the starting point for determining applications as set out in the Planning Act and reinforced in paragraph 12 of the NPPF. The TDLP was adopted in 2002 and was intended to cover the period to 2010, However NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, 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).
62. In terms of policies most relevant to the principle of development of the site, firstly Policy ENV1 of the TDLP sets out that in order to protect the Countryside development beyond settlement limits will only be allowed for specific including tourism proposals, providing they does not unreasonably harm the landscape and is permitted by other policies of the TDLP.
63. Policy TR3 of the TDLP supports the development of new chalet accommodation in the countryside, recognising that this development forms and important element of tourism accommodation provision in the County. This is provided the development does not detract from the character of the area and conforms to other criteria controlling specific impacts of the development.
64. The above policies of the TDLP are considered to be consistent with Part 6 of the NPPF, which promotes sustainable rural based tourism and leisure developments which respect the character of the countryside and landscape setting. Although policies within the TDLP in relation to establishing settlement boundaries are considered out of date, this does not mean that they should be disregarded or be given no weight. The weight that can be afforded to Policy ENV1 is therefore reduced. Full weight should however be afforded to Policy TR3 due to its consistency with the NPPF, whilst being recognised as the most important policy for the determination of the development proposal, particularly as there is no ambiguity in this instance whether the site is located within the Countryside. As such the application should be determined in accordance with paragraph 11 (c) of the NPPF which requires development proposals that accord with an up to date development plan to be approved without delay and the planning balance test set out in paragraph 11 (d) of the NPPF is not engaged in this instance.
65. Subject to a detailed analysis of the impacts of the proposals, particularly around landscape impact and residential amenity, it is considered that the development in principle would accord with Policies ENV1 and TR3 of the TDLP and Part 6 of the NPPF.
66. With regards to tourism development, the NPPF at Part 6 sets out that planning policies and decisions should support the sustainable growth and expansion of business in rural areas and enable sustainable rural tourism and leisure

developments which respects the character of the countryside. Therefore, it can be considered there is support in principle for rural development such as that proposed.

67. The benefits to rural tourism are also considered to be a material consideration, weighing in favour of the development proposals. In this respect it is advised by Visit County Durham that, the visitor economy is extremely important to County Durham and as of June 2017, 93% of visitors to County Durham were day visitors, spending around £20.18 per day, whereas overnight visitors spent on average around £169.14 per trip. In this way, around 40% of all tourism expenditure in the county can be attributed to only 7% of the total visitors. Consequently, encouraging overnight stays is a key issue for the tourism economy within County Durham.
68. In 2012 the Council commissioned the County Durham Visitor Accommodation Futures Study (CDVAFS), which examined both existing offer, and market potential for various forms of visitor accommodation across the County. Although now 7 years old, this document remains the most up to date detailed study of visitor accommodation for the County. The CDVAFS identifies that there is market potential and developer interest in the acquisition of existing sites for major expansion and development. The CDVAFS also identifies the Durham Dales as an area of tourism growth but acknowledges much of the landscape is sensitive.
69. This would suggest that there is a potential need for this development in terms of increasing the amount and type of accommodation offer within the area in and around the Durham Dales, and although economic benefits have not been quantified as part of the application, it would appear reasonable to conclude that this proposal would have a positive impact upon the tourism offer of this part of the County, as well as the wider local economy for associated visitor expenditure. This would be consistent with the NPPF's approach to supporting a prosperous rural economy.
70. Having regard to the above, it is acknowledged that there would be a positive benefit to the local economy as a result of increased visitor numbers and job creation. 3 no. new full time jobs would be created and visitor spend in surrounding settlements would have some positive effect on the economies of the local area. The proposal is in line with the guidance in NPPF Parts 2 and 6 in these respects. However, in order to comply with relevant policies from the TDLP, the key issue is whether the development would result in any adverse environmental impacts, which is considered below.

Impact on character and appearance of the area

71. TDLP Policy GD1 seeks to protect and enhance the countryside of Teesdale, requiring that developments do not unreasonably harm the rural landscape of the area, has regard to and retains landscape features while requiring that major developed sites incorporate structural landscaping. TDLP Policy ENV1 seeks to protect and enhance the countryside by restricting development proposals except for agricultural or other compatible uses in the countryside such as proposals for tourism as permitted by Local Plan policies. Policy TR3 of the TDLP supports the development of new caravan and chalet accommodation provided that it doesn't detract from the character of the area; is adequately screened by the local topography or existing tree cover which is within the control of/or managed by the applicant; is appropriate in terms of scale, design and materials.
72. The site is located within an area of high landscape value (AHLV), TDLP Policy ENV3 requires that new development not to detract from the areas special character and pays attention to the landscape qualities. TDLP Policy ENV10 seeks to protect trees and hedgerows including both those which have formal means of protection but

also those not protected by which contribute positively to the locality. Land immediately adjacent to the site is designated ancient woodland and TDLP policy ENV9 states that development which would damage areas of ancient woodland will not be permitted.

73. These policies are considered consistent with Parts 12 and 15 of the NPPF with paragraph 170 (b) recognising the intrinsic character and beauty of the countryside, trees and woodland, whilst paragraph 127 (c) requires that development is sympathetic to its landscape setting. NPPF paragraph 170 (a) states that valued landscapes should be protected and enhanced. The above policies can therefore be afforded full weight in the decision-making process, whilst recognising the reduced weight afforded to Policy ENV1 of the TDLP as out above.
74. The County Durham Landscape Character Assessment places the site within the Lowland River Terraces Broad Landscape Type, and the Parks and Recreation Grounds Local Landscape Type. The Landscape Strategy for the site is to conserve or enhance.
75. In assessing the development against the above policy context, it is recognised that chalet, caravan and camping sites are an important element of tourist accommodation provision. These developments are considered appropriate within certain locations in the countryside. The development of such sites within the countryside, can, however have a severe effect on the landscape, and careful attention must be paid to ensure that new sites do not detract from the appearance of the surrounding environment.
76. Whilst the eastern part of the site is generally flat, it slopes away towards the River Tees to the west, where the existing caravan park is located within a woodland. At present the flat, eastern part of the site does not contain much hedging or tree planting along its northern boundary and is not well screened within the landscape. As such there are currently open views into the site travelling southwards along Ovington Lane and at a longer distance from the village of Winston around 1.5km to the north east.
77. This eastern element of the site is however, relatively well screened in views from the south by the a densely wooded area running along the western half of the southern boundary of the site, which extends southwards towards Ovington Lane and along the banks of the River Tees. Existing dwellings and buildings adjacent to Ovington Lane and hedging and some trees to the western half of the southern boundary also provide reasonable screening of the site from this direction. Due to topography and extensive woodland along the river banks, the site is not generally visible in views from the north west on the opposite side of the River Tees. The existing roadside hedge to the south east currently provides some screening of the site in this direction, with only limited glimpses through lower sections and the site entrance gate.
78. To respond to the differing levels of visibility of the site, the development is intended to be delivered in three phases. Phase 1 relates to provision of the proposed new vehicle access and 11 no. pitches to the western part of the application site. This element effectively will be enclosed by existing mature vegetation, while substantial areas of new planting are proposed, also in a phased approach, to screen the later phases of development.
79. It is proposed that before any works commence on the site, native species hedge and shrub structure planting would be completed to the north and southern sides of the side, in accordance with detailed specifications which have been submitted as

part of the application. Following completion of the new vehicle access, additional native species hedging would be planted along the eastern site boundary, together with a small additional area within northern boundary of the site. After the new access has been completed, lodges and static caravans within phase 1 of the scheme would then be brought on to site. The lodges and caravans within phase 1 would be well screened by existing topography and planting, with the new planting enhancing this. After the caravans and lodges within phase 1 have been installed, a series of specimen trees and native shrubs would be planted around this part of the site.

80. Following the completion of all the planting within phase 1, the subsequent phases (2 and 3) would not be implemented for a period of at least 5 years. This would allow all of the tree and hedge planting around the perimeter of the site time to establish and mature and mitigate the impacts of the later phases. Conditions are recommended to secure implementation of the development and the landscaping in accordance with the phasing details submitted. Subject to the landscape mitigation it is considered that the proposed static caravans and lodges would be well screened and would not result in any adverse visual impacts.
81. Given the sloping nature of the western part of the site a condition to agree existing and proposed site levels and sections is recommended in relation to likely engineering works required to provide a level surface on which to position the caravans and lodges. Precise details of the appearance of caravans, lodges, decking and railings is also recommended to ensure these relate acceptably to the character of the site and its surroundings in any limited glimpses where they are seen.
82. The Council's Landscape Officer and Design and Conservation Officer raises no objections to the application subject to the above conditions, particularly around securing the phasing of the development. Overall, having regard to the above the development is not considered to result in any adverse visual or landscape impacts and would comply with saved Policies GD1, ENV1, ENV3, and TR3 of the TDLP and Parts 12 and 15 of the NPPF in this regard.
83. Existing trees to the western side of the southern site boundary lie within an area of ancient woodland. Saved Policies ENV9 and ENV10 of the TDLP do not support developments that would harm existing trees and ancient woodlands. Paragraph 175 of the NPPF also sets out that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodlands) should be refused unless there are wholly exceptional reasons. However, in this instance an Arboricultural Impact Assessment (AIA) has been submitted, which indicates that only one small grouping of non-native species trees on the site would be removed to facilitate the development. These are situated to the east of the existing bungalow and comprise cedar and cypress trees, the loss of these trees would be mitigated by replacement planting of native species trees. The AIA demonstrates that the development is capable of being accommodated without any impacts on the ancient woodland, subject to the specification of tree protection measures and an Arboricultural Method Statement to be provided in due course to be agreed by condition. The Council's Tree Officer raises no objections to the application subject to these conditions, and it is considered the development would not have any significant adverse impacts on existing trees or any negative impacts on the adjacent ancient woodland, in accordance with Policies ENV9 and ENV10 of the TDLP and satisfying the requirements of paragraph 175 of the NPPF.
84. S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed

buildings or their setting or any features of special architectural or historic interest. St Andrews Church, a grade I listed building, is located in Winston Village around 1.5km away to the north east. The Council's Design and Conservation Officer advised that subject to the delivery of the proposed mitigation and due to the separation distances, there would be no impact on the setting of the grade I listed building of St Andrews Church within the village of Winston. The development would therefore accord with Part 16 of the NPPF and the requirements of S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in this respect.

85. Overall, whilst the comments of local residents and the CPRE are noted, on balance, based on an objective assessment of the development including taking into account the views of relevant consultees, it is considered the development would not result in any significant adverse impacts on the character and appearance of the surrounding area, or wider landscape, in accordance with saved Policies GD1, ENV1, ENV3, ENV9, ENV10, and TR3 of the TDLP and parts 12 and 15 of the NPPF.

Highway Safety

86. Policy GD1 of the TDLP requires new developments to be served by a suitable access, while Policy TR3 of the TDLP states that developments should not be detrimental in terms of road safety. These policies are considered consistent with the NPPF which at Paragraph 108 states that development should achieve a safe and suitable access for all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Given the consistency of TDLP Policies GD1 and TR3 with the NPPF, full weight can be given to them in the decision-making process.
87. The existing vehicle access to the site is considered to be unsafe by the Highways Authority due to substandard levels of sight visibility as a result of its proximity to a bend in the road to the south, the position of hedging and positions of gates, fences and posts. As such a new vehicle access is proposed as part of the development, which would be situated 26m further north of the existing. The existing roadside hedge to the east of the site would be required to be removed to facilitate the new access and visibility splays of 2.4m x 100m in each direction and replanted in a recessed position. No works are required to the existing roadside hedge on land adjoining the site to the north to accommodate the visibility splays.
88. Each of the pitches is proposed to have its own parking space and further communal parking would be provided in front of the new reception building to be delivered in phase 3. A small car park is proposed to be retained adjacent to the existing reception. It is therefore considered that adequate car parking would be provided to meet the needs of the extended site.
89. The Highways Authority raise no objections to the application subject to conditions requiring the new vehicle access to be installed, brought into use and the current access permanently closed, and for sight visibility splays to be provided at new access and kept free of obstruction at all times. These conditions are considered appropriate and are recommended below.
90. The closest settlements to the site are Ovington, which is around 1km to the south west and Winston around 1.7km to the north. Both of these villages contain a limited range of facilities, it is understood neither of them have a shop but both contain public houses and bus stops. Ovington Lane which connects the site to these villages does not contain a footpath and is a narrow, unlit country road which would not be desirable to walk. There do not appear to be any riverside public rights of way

leading to either settlement. Beyond this the closest settlements which contain shops and services are Gainford, around 5.8km to the east and Barnard Castle, around 11.5km to the west. The existing site does contain a club house and a children's play area but does not appear to contain any shops or services beyond this. As such it is considered likely that users of the extended caravan site would be reliant on private car journeys for shopping and other services and the development cannot be considered to be within a sustainable location. However, it is acknowledged that this is the case for many tourism developments within the countryside and in this instance a limited range of facilities do already exist on the site.

91. The site lies around 4.5km to the north of the A66, part of the strategic highway network, for which Highways England are the relevant Authority. Highways England initially raised concerns about the potential impacts of the development upon use and safety on the A66 resulting from the delivery of caravans and lodges to the site. As such a Caravan Delivery Management Plan was submitted by the applicant. Following a minor amendment to the plan relating to the routing of deliveries, Highways England now raise no objections to the application and it is considered the development could be accommodated without any highway safety implications on the strategic highway network.
92. Having regard to the above, the unsustainable nature of the location is acknowledged however this is not considered to amount to a policy conflict, particularly given the established uses on the site. Overall, it is considered that the development would not raise any issues of highway safety in accordance with TDLP Policies GD1 and TR3 and Part 9 of the NPPF.

Residential Amenity

93. TDLP Policy GD1 part (D) states that new development should be compatible with surrounding existing land uses. Policy GD1 also advises that development should not significantly pollute the environment including noise. TDLP Policy TR3 requires new caravan and chalet sites should not adversely affect the amenities of neighbouring occupancies. These policies are considered to be consistent with NPPF which at Parts 12 and 15, requires that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. Full weight should therefore be afforded to Policies GD1 and TR3 of the TDLP in the decision making process.
94. The proposed development would introduce a noise source in proximity to existing residential properties situated around 50m to the south at the closest point. The current noise climate of the area is considered to be relatively low and as such raised voices, children playing and use of outdoor areas in the evenings are considered likely to be audible with gardens and outdoor areas at the existing dwellings and potentially inside when windows are open. As such, at the request of Council's Environmental Health and Consumer Protection (Pollution Control) officer, a Noise Management Plan was provided in support of the application.
95. In reviewing the submitted information, the Environmental Health and Consumer Protection (Pollution Control) Officer advises that the Noise Management Plan is reasonable and provides rules in relation to activities on the site. Amongst other means of controlling noise, it states that there will be a general curfew after 22.00, that a grounds keeper will be on site 24 hours a day and would be able to respond to complaints about unreasonable behaviour. A proposed play area on the site has also been removed from the scheme. Subject to a condition to ensure adherence to the

Noise Management Plan, it is recommended that the development would adequately mitigate against any potential noise impacts arising from the proposed development.

96. It is acknowledged that the proposed use would result in some additional noise in terms of comings and goings, vehicles and use of outdoor spaces. However, it is considered that any noise generated would not cause nuisance or significant disturbance to existing residents to such an extent that would warrant refusal of the application on these grounds.
97. The development proposes some limited external lighting around the site. Based on the submitted information, this would be distributed across the site and not concentrated in any one location. Lights would be of a low level and would not be excessively bright. In darkness they would be viewed within the same context as adjacent residential and agricultural uses and the existing caravan park. As such while there would be a slight change in character from the current open use which is not illuminated, lighting would be to a limited extent and is considered to not have any significant adverse impacts on the amenity of adjacent residents.
98. The concerns of local residents are noted, and it is acknowledged the proposal would change the manner in which the site is used. However, based on the advice of the Council's Environmental Health and Consumer Protection (Pollution Control) Officer, subject to the implementation of the mitigation detailed in the Noise Management Plan, the impacts to the amenity of adjacent residents are not considered to be to such an adverse extent that would warrant refusal of the application on these grounds. Therefore, on balance, the proposal is not considered to have unacceptable impacts on the amenity of existing residents and would accord with the requirements of TDLP Policies GD1 and TR3 and Parts 12 and 15 of the NPPF.

Impact on protected species and biodiversity

99. TDLP Policy GD1 (J) seeks to ensure that developments would not endanger or damage important national or wildlife sites or that of the ecology of the wider area. TDLP Policy ENV8 seeks to protect species protected by law and including their habitats, while Policy ENV7 seeking to protect sites of nature conservation. These policies are each considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, encourages net biodiversity gains and stringently protects ecological sites of the highest significance.
100. An Ecological Impact Assessment and Biodiversity Impact Calculation have been submitted in support of the application. The reports conclude that the majority of the site is of low ecological value, however the buildings, trees and woodland were found to be of value to bats, with a bat roost is present in the garage proposed for demolition. The submitted reports conclude that mitigation would be required in the form of controlling how and when works are carried out, detailing habitat creation, protecting sensitive trees from construction and ensuring that a sensitive lighting scheme is adopted. It is also concluded that a bat licence will be required from Natural England prior to the demolition of this building.
101. The Council's Ecology Officer advises that the methodology of the reports and their subsequent conclusions are sound. In relation the requirement for a bat licence, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England which is normally obtained after planning permission has been granted.

102. The Conservation of Habitats and Species Regulations 2017 contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out activity which would harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that:
103. The activity to which the license is required must be for imperative reasons of:
- overriding public interest or for public health and safety;
 - There must be no satisfactory alternative and;
 - Favourable conservation status of the species must be obtained.
104. Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty the 2017 Regulations and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS.
105. In this case mitigation is to be provided by the provision of bat and bird boxes, minimal external lighting, and soft fell removal of trees on the site. The Council's Ecology Section are satisfied with the proposed mitigation to ensure there would be no adverse impacts upon bats as a protected species, which are of local parish significance.
106. Having regard to the Habitats Regulations it is considered that there is overriding public interest that the development scheme can be implemented in order to provide enhanced visitor accommodation in the County and due to the resulting benefits of the development on the local economy of the area. There is no more suitable alternative to the proposals as it would not be feasible to retain the garage in situ. The proposed mitigation is appropriate to ensure there will be no significant impact on the conservation of the local bat population as a whole and that favourable conservation status of the species will be obtained. It is therefore considered that Natural England would be likely to grant a licence. Accordingly, the LPA can discharge its duties under the Habitats Regulations.
107. A Biodiversity Impact Calculation has been submitted in support of the application, which identifies that the development would result in a net gain to biodiversity from soft landscaping proposals. The Council's Ecologist considers this to be satisfactory and demonstrates compliance with the requirements of Part 15 of the NPPF subject to a condition requiring the development to be carried out in accordance with the recommendation and compensation set out in the Ecological Impact Assessment and delivering the proposed landscaping.
108. The Local Wildlife Site (LWS) referred to by objectors is Teesbank Woods, which comprises the woodland on either side of the River Tees and extends south eastwards to encompass part of the woodland to the north west of Low Fewster Gill Farm. The potential impacts on the LWS are considered in the Ecological Impact Assessment. Due to the localised nature of the proposals it is not considered the development would result in any direct impacts on the LWS and providing mitigation measures are complied with, as advised by the Council's Ecologist.
109. Existing trees to the western side of the southern site boundary lie within an area of ancient woodland, which contains priority habitats. There is currently an open boundary on the site with the ancient woodland and plans indicate this would be retained, however the woodland is dense and there are no footpaths leading into it from the site. Therefore, it is not considered there would be any increased use of the

woodland resulting from the development given its inaccessible nature. As such priority habitats in this area would not be adversely affected by the development.

110. Overall it is considered that the proposal would not have any adverse impact upon protected species or biodiversity in accordance with the requirements of Policy GD1 of the TDLP and Part 15 of the NPPF in relation to protected species and net biodiversity gain.

Flood Risk and Drainage

111. The National Planning Policy Framework (paragraph 163, footnote 50) states that a Flood Risk Assessment (FRA) must be submitted when development is proposed classified as major development. TDLP Policy ENV15 also advises on development and flood risk and whilst the general thrust of the policy is consistent with the advice in the NPPF it is somewhat out of date in its references to now superseded national advice.
112. Policy ENV14 of the TDLP states that development will not be permitted which would unacceptably prejudice the quality of surface or ground water. Paragraph 165 of the NPPF requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
113. Policy ENV17 of the TDLP highlights that development will be restricted to locations where adequate infrastructure already exists or where additional provision can be made in time to serve the development.
114. A Flood Risk Assessment and Drainage Strategy have been submitted in support of the application. The site lies outside flood zones 2 and 3 which run along the banks of the River Tees to the north west of the site. The Environment Agency have been consulted on the application and raise no objections to the application.
115. The site is currently served by an existing cesspit to treat foul water. The proposed development is considered likely to result in a 33% increase on the amount of foul water produced. The suitability of the existing system to accommodate the increase would be reviewed by the applicant and if necessary an additional package treatment plant provided, if this is necessary an updated environmental permit with the Environment Agency is likely to be required, which is covered by separate legislation.
116. The Council's Drainage Team have reviewed the submitted information and note that infiltration test results and soakaway drainage calculations with respect to surface water drainage have not been provided. As such a condition is recommended to agree these details, which is considered appropriate.
117. Subject to the above condition, it is considered that adequate foul and surface water drainage is capable of being provided and subject to relevant conditions the development would accord with TDLP Policies ENV14, ENV15 and ENV17 and Parts 14 and 15 of the NPPF.

Other Matters

118. A Geophysical Survey and Archaeological Evaluation have been submitted in support of the application, these investigations identify a prehistoric ditch in a central position within the site and is in a position where the remains would be impacts upon by the development. The Council's Archaeology Team recommend conditions relating to a programme of archaeological work and submission of the post investigation report, subject to this condition it is considered the development would

accord with the requirements of saved Policy BENV 11 of the TDLP and Part 16 of the NPPF.

119. An Initial Screening Assessment Report for Contaminated Land has been submitted with the application. The Contaminated Land Officer has considered the proposals and submitted assessment. As the development involves change of use to a more sensitive receptor and given the removal of asbestos, fuel storage and importation of soils, a contaminated land condition requiring the submission of Phase 1 (Preliminary Risk Assessment), Phase 2 (Site Investigations and Risk Assessment, Phase 3 (Remediation Strategy) and Phase 4 Verification Reports (as necessary) is recommended by the officer, this is considered appropriate. On this basis the proposals are considered acceptable with regards to risks from contaminated land and would accord with TDLP Policy GD1 and the requirements of Part 15 of the NPPF.

Conclusion

120. The main purpose of the NPPF is to achieve sustainable development and the NPPF sets out that there are three strands to sustainable development which are mutually dependant - economic, social and environmental. It is acknowledged that there would be some positive benefits within the local economy arising from the proposed development, associated with increased visitor numbers and job creation.
121. In environmental terms the proposed phased approach to development and landscaping would ensure there are no resulting adverse visual or landscape impacts in accordance with Policies GD1, ENV1, ENV3, ENV9, ENV10, and TR3 of the TDLP and parts 12 and 15 of the NPPF.
122. The existing vehicle access into the site would be improved with associated benefits in terms of highway safety for both new and existing users. There would be no adverse impacts on the strategic highway network and the development would accord with TDLP Policies GD1 and TR3 and part 9 of the NPPF.
123. The change in the manner in which the site is used would inevitably result in some impacts in terms of noise, comings and goings, vehicle movements and additional light to existing residents in the cluster of adjacent dwellings around 50m away. However, these impacts would be adequately mitigated by adherence to the submitted Noise Management Plan and a low level scheme of external lighting. As such it is not considered that such impacts would warrant refusal of the application on these grounds. Therefore, on balance, the proposal is not considered to have unacceptable impacts on the amenity of existing residents and would accord with the requirements of TDLP Policies GD1 and TR3 and Parts 12 and 15 of the NPPF.
124. Subject to adopting a conditional approach, it is considered that adequate foul and surface water drainage is capable of being provided, the development would not increase flood risk or affect water quality and is therefore in accordance with TDLP Policies ENV14, ENV15 and ENV17 and the NPPF.
125. Overall the development would have positive benefits on the local economy and in terms of highway safety. No significant social or environmental impacts have been identified that would result and overall, the proposal is considered to be in accordance with relevant Policies from the TDLP and the NPPF, there are no material considerations which indicate otherwise and therefore 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 following approved plans:

Drawing No. 1564-1-51 REV B Planting Plan East received on 16 September 2019
Drawing No. 1564-1-50 REV B Planting Plan West received on 16 September 2019
Planting Schedules received on 16 September 2019
Drawing No. 1564-1-2(i) Rev E General Arrangement Plan received on 9 September 2019
Drawing No. 1564-1-2(ii) Rev E General Arrangement Plan with Phasing of Works received on 9 September 2019
Drawing No. 1564-1-3 Rev A Site Location Plan received on 24 June 2019
Drawing No. 1243-E-001 Rev P1 Proposed External Lighting Layout Sheet 1 of 2 received on 24 June 2019
Drawing No. 1243-E-002 Rev P1 Proposed External Lighting Layout Sheet 2 of 2 received on 24 June 2019

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, ENV1, ENV3, ENV8, ENV9, ENV10, ENV14, ENV15, ENV17, TR2, TR3 and T2 of the TDLP.

3. Prior to the commencement of any part of the development other than installation of the new access or planting works detailed drawings including sections showing the existing and proposed site levels shall be submitted to and approved in writing by the local planning authority, the development thereafter shall be carried out in accordance with the approved details.

Reason: In the interests of the preserving the character and appearance of the surrounding area, in accordance with saved Policies GD1, ENV1, ENV3, TR2 and TR3 of the Teesdale District Local Plan and Parts 12 and 15 of the NPPF.

4. No development shall commence until a scheme for the provision of surface water drainage, including infiltration test results and soakaway drainage calculations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the approved details and timetable agreed.

Reason: To ensure that surface water is adequately disposed of in accordance with Policies ENV14, ENV15 and ENV17 of the Teesdale District Local Plan and Parts 14 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that an acceptable drainage scheme is incorporated into the development.

5. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted

scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

If the phase 1 assessment identifies that further investigation is required a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the development can be carried out safely.

6. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

7. Prior to the commencement of the development a tree protection plan and arboricultural method statement in accordance with BS.5837:2012 shall be submitted to and approved in writing.

No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising 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. Protective fencing shall remain in place for the duration of all construction works on the site.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: To ensure that adequate tree protection is in place prior to the commencement of any construction works and that there are no resulting adverse impacts on mature trees to be retained within the site and the adjacent ancient woodland, to preserve the visual amenity of the surrounding area, in accordance with policies ENV9 and ENV10 of the Teesdale District Local Plan and the NPPF.

8. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of

archaeological work will then be carried out in accordance with the approved scheme of works.

Reason: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

9. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

Reason: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

10. The development hereby approved shall be undertaken in a phased approach in accordance with the phasing detailed on Drawing No. 1564-1-51 REV B (Planting Plan East), Drawing No. 1564-1-50 REV B (Planting Plan West) and Drawing No. 1564-1-2(ii) Rev E (General Arrangement with Phasing of Works) in the following order:-

- The planting detailed within Phase 1a shall be completed prior to the commencement of any construction work hereby approved.
- The planting detailed within Phase 1b shall be completed in the first planting season, following the substantial completion of the new access road hereby approved.
- The planting detailed within Phase 2 shall be completed in the first planting season following substantial completion of the construction works detailed within Phase 1.
- The construction works detailed within Phase 2 thereafter, shall not commence until a period of five years has expired following the completion of planting works detailed in Phase 1b.
- The planting detailed within Phase 3 shall be completed in the first planting season following the substantial completion of construction works detailed within Phase 2.
- The construction works detailed within Phase 3 shall not commence until the completion of the planting detailed within Phase 3.

Reason: To ensure adequate screen planting is provided and there are no resulting adverse visual or landscape impacts from the development, in accordance with Policies GD1, ENV1, ENV3, ENV9, ENV10, and TR3 of the Teesdale District Local Plan and Parts 12 and 15 of the NPPF.

11. Prior to first use of any of the new pitches the new C169 site junction shall be installed and made available for use and the existing C169 access shall be abandoned and permanently closed off including soil and seeding of redundant access construction in C169 verge, all in accordance with drawing no. LTP/3183/P1/01.01A (Preliminary Access Design and Visibility Splays) within the Transport Statement (Local Transport Projects, June 2019), Drawing no. 1564-1-51 Rev B (Planting Plan East) and Drawing No. 1564-1-2(ii) Rev E (General Arrangement Plan with Phasing of Works).

Reason: To ensure there are no adverse impacts to highway safety resulting from the proposed development, in accordance with Teesdale District Local Plan Policies GD1 and TR3 and part 9 of the NPPF.

12. Prior to first use of the new C169 entrance visibility splays of 2.4m x 100m shall be created to either side of the junction, these shall be maintained and kept free of obstructions at all times in perpetuity.

Reason: To ensure there are no adverse impacts to highway safety resulting from the proposed development, in accordance with Teesdale District Local Plan Policies GD1 and TR3 and part 9 of the NPPF.

13. Prior to first use of the new C169 entrance the brown tourist direction sign in the C169 highway shall be relocated opposite the new site entrance point.

Reason: To ensure there are no adverse impacts to highway safety resulting from the proposed development, in accordance with Teesdale District Local Plan Policies GD1 and TR3 of the Teesdale District Local Plan and part 9 of the NPPF.

14. Prior to their installation precise details of the appearance and colour finish of the caravans and lodges and associated decking and railings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the preserving the character and appearance of the surrounding area, in accordance with saved Policies GD1, ENV1, ENV3, TR2 and TR3 of the Teesdale District Local Plan and parts 12 and 15 of the NPPF.

15. Prior to their installation precise details of the specification of all hard landscaping materials and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the preserving the character and appearance of the surrounding area, in accordance with saved policies GD1, ENV1, ENV3, TR2 and TR3 of the Teesdale District Local Plan and parts 12 and 15 of the NPPF.

16. The development hereby approved shall be implemented in complete accordance with the Noise Management Plan (NJD Environmental Associates, Ref: NJD19-0100-002R, dated: 6 September 2019).

Reason: To ensure that adjacent residents do not experience adverse levels of noise and disturbance which would adversely affect their amenity, in accordance with saved Policies GD1 and TR3 of the Teesdale District Local Plan and parts 12 and 15 of the NPPF.

17. The development hereby approved shall be implemented in complete accordance with the mitigation measures detailed in the Ecological Impact Assessment (Naturally Wild, Ref: SAV-19-01 R4, September 2019).

Reason: To conserve protected species and their habitat in accordance with saved Policy GD1 of the Teesdale District Local Plan and part 11 of the NPPF.

18. The development hereby approved shall be implemented in complete accordance with the Caravan Delivery Management Plan (Local Transport Projects, Ref: LTP/19/3183 Rev 2, Dated: 23 September 2019).

Reason: To ensure that the A66 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways

Act 1980, in the interests of road safety and to comply with Teesdale District Local Plan Policies GD1 and TR3 and Part 9 of the NPPF.

19. The development hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operator shall maintain an up-to-date register of the names of all occupiers and of their main home addresses and telephone numbers and shall make this information available at all reasonable times to the local planning authority.

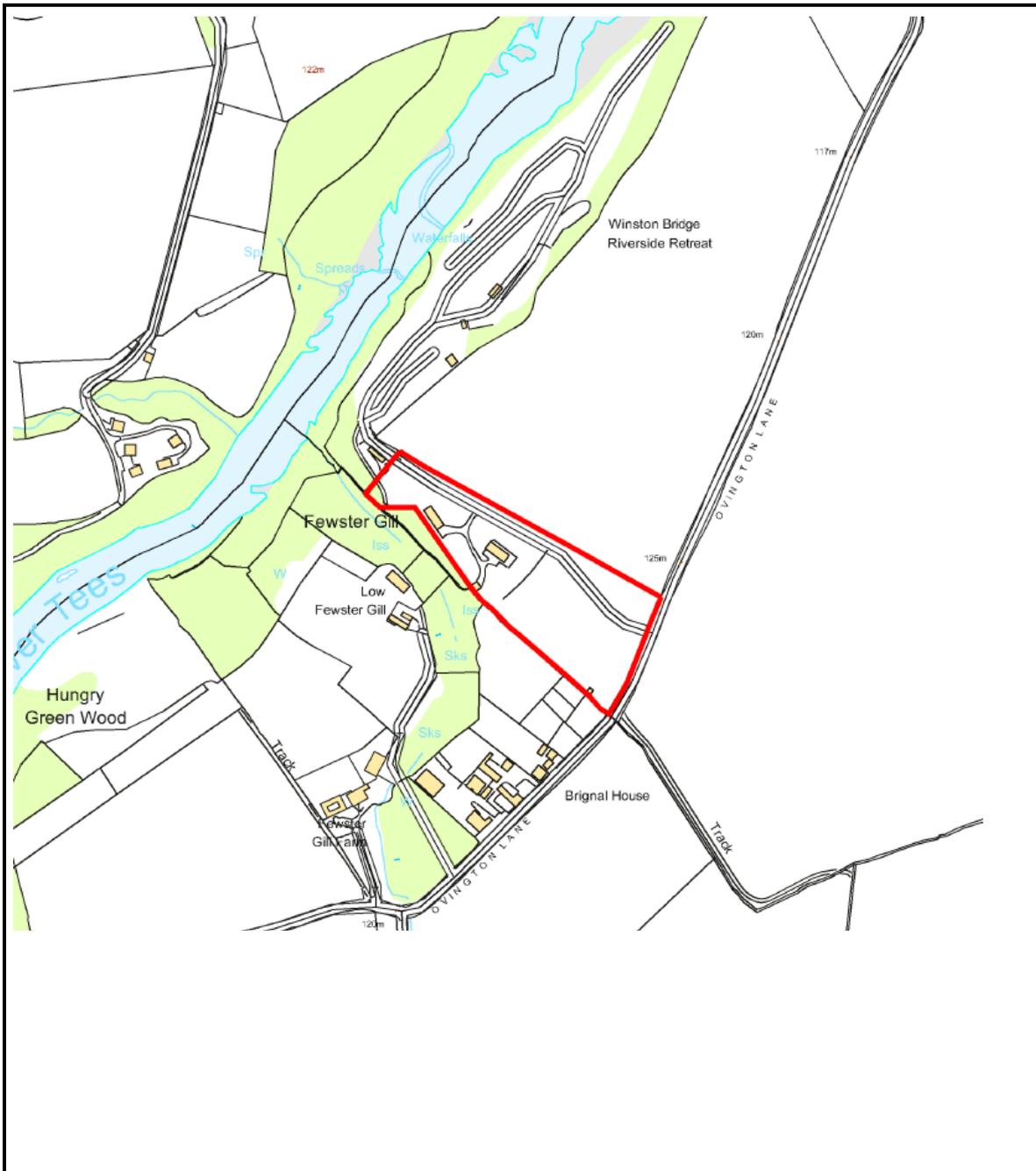
Reason: To ensure that the development is occupied as holiday accommodation only, in order to comply with Policies GD1, and TR3 of the Teesdale District Local Plan and Part 6 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve this 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) (CC) 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 consultation responses
Internal consultations responses
External consultations responses



Planning Services

Demolition of existing structures, Proposed 36 no. static caravan and/or lodge pitches, site office and parking with associated infrastructure, amendments to the site access, engineering works and landscaping

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Ref: DM/19/02010/FPA

Land at Winston Bridge Caravan Park, Ovington Lane, Ovington, Barnard Castle, DL11 7BL

Date 16 October 2019

Scale Not to scale

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/02002/OUT
FULL APPLICATION DESCRIPTION:	Housing development of 16 no. dwellings (Outline - All Matters Reserved Other Than Access) (Amended 5.9.19)
NAME OF APPLICANT:	Mr Michael Barron
ADDRESS:	Site of Former Kensington Hall Hotel, Kensington Terrace, Willington, DL15 0PJ
ELECTORAL DIVISION:	Greater Willington
CASE OFFICER:	Amy Williamson, Planning Officer, 03000 261391, amy.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site consists of an irregular shaped parcel of land located to the north west of Willington. The site extends to approximately 0.37 hectares (ha) in area and was previously occupied by the former Kensington Hall Hotel. The hotel was demolished over 10 years ago, with only hard standings and foundation slabs remaining. The site has become overgrown with self-seeded vegetation following demolition of the building.
2. The site is enclosed to the north, east and west by a brick retaining wall of varying height with an array of mature trees positioned behind the wall. The site is largely flat with land levels sloping upwards immediately to the north beyond the retaining wall. Vehicle access to the site is gained from the south east corner opposite Kensington Terrace, adjacent to a turning head at the end of the row of terraced houses.
3. Willington Town Park lies to the south west of the site. Terraced housing on Kensington Terrace and Coronation Terrace are located immediately to the south of the site, leading to Willington Town Centre and the A690 beyond. Willington Woods Natural Green Space lies to the north of the site. A Public right of Way (Footpath no.194, Greater Willington) is located adjacent to the south west corner of the site, that heads away in a north west direction.

The Proposal

4. Outline planning permission is sought for the erection of up to 16 no. dwellings on the site, with all matters reserved, other than access. Vehicle and pedestrian access

is proposed be taken to the south of the site, slightly off set from the line of the highway on Coronation Terrace. Indicative details show that the dwellings would likely be a mixture of semi-detached and detached dwellings arranged around a centrally positioned T shaped turning head. Matters of scale, appearance, layout and landscaping would however be reserved for future consideration.

5. Initially the scheme proposed 17 no. dwellings, however following concerns about the density of the development and the ability to provide adequate residential amenity for new residents, it has been amended to 16 no. dwellings.
6. The application is being reported to the Planning Committee as it constitutes major residential development.

PLANNING HISTORY

7. Full and outline planning permission has been granted for various residential developments on the site previously, including proposals for 31 no. apartments and 7 no. town houses in March 2007, 44 no. apartments in December 2007 and 7 no. dwellings and garages in 2016.

PLANNING POLICY

NATIONAL POLICY

8. 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.
9. 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.
10. *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.
11. *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.

12. *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, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. *NPPF Part 6 - Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *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.
15. *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.
16. *NPPF Part 11 - Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *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.
18. *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.
19. *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.

20. *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.

LOCAL PLAN POLICY:

Wear Valley District Local Plan (2007) (WVDLP)

21. *Policy GD1: General Development Criteria:* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
22. *Policy H3: Distribution of Development:* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.
23. *Policy ENV11: Sites of Nature Conservation importance and Local Nature Reserves:* Sets out that development which will adversely affect sites of Nature Conservation Importance or Local Nature Reserves will only be allowed if the development is of overriding local importance and it can be demonstrated that there are no alternative development site. The policy also sets out that developments should include measures to conserve and enhance nature conservation interest and where practicable provide replacement habitats and features.
24. *Policy BE4: Setting of a Listed Building:* Development which impacts upon the setting of a listed building and adversely affects is special architectural, historic or landscape character will not be allowed.
25. *Policy BE23: Provision of Public Art:* In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.
26. *Policy H15: Affordable Housing:* The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.
27. *Policy H22: Community Benefit:* States that on sites of more than 10 dwellings the Local Authority will seek a contribution, where appropriate, to related social, community and/or recreational facilities
28. *Policy H24: Residential Design Criteria:* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
29. *Policy RL5: Sport and Recreation Target:* For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land

should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.

30. *Policy T1: Highways*: Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

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 <https://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan

31. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 28 June 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Greater Willington Town Council* – In response to the original proposal for 17 no. dwellings commented that expressions of concern from local residents have been received regarding the development relating to highways and parking issues, the excessive level of development on the site and the limited level of neighbour notification
33. *Drainage and Coastal Protection* – Following submission of a revised flood risk and drainage assessment raise no objections are raised, subject to a condition requiring the development to be carried out in accordance with the submitted assessment.
34. *Highways Authority* – Advise that following the submission of amended plans, no objections are raised to the proposed vehicle access. Indicative details of car parking and site layout have been provided and would be finalised at the reserved matters stage, however it is considered the scheme is capable of providing adequate off-street car parking in accordance with the Council's Car Parking and Accessibility Standards.

NON STATUTORY RESPONSES:

35. *Archaeology* – No objections, advising that probability of surviving, undisturbed, below-ground remains is low.
36. *Durham Dales, Easington and Sedgfield NHS Clinical Commissioning Group* – Following a reduction in the number of dwellings, advise that a contribution of £7728 is required to mitigate the impact on local healthcare services by new residents.

37. *Design and Conservation* – Following the reduction in the number of dwellings and submission of amended layout, have no further comments to make on the application.
38. *Ecology* – Note the identified loss in biodiversity and advise that contributions of £6000 would be required to provide 0.5 hectares of species rich grassland proposed to mitigate the loss of biodiversity
39. *Environmental Health and Consumer Protection (Contaminated Land)* - Notes that further intrusive works and gas monitoring are required to inform a remediation strategy, a contaminated land condition is recommended to agree these details and a verification report, confirming compliance with the remediation strategy
40. *Environmental Health and Consumer Protection (Air Quality)* – Offer no objections, advising that proposed development would not have a significant effect on air quality and a further, detailed assessment involving dispersion modelling is not required
41. *Environmental Health and Consumer Protection (Pollution Control)*– No objections subject to condition to restrict working hours during construction phase to prevent noise and disturbance to local residents
42. *Housing Development Team* – Recommends further discussions take place between the developer and the Housing Development Team in relation to the type and location of affordable units to be provided to ensure they meet local requirements and are deliverable. Affordable housing should be secured by a S106 agreement.
43. *Landscape* – Advise that some initial concerns have been addressed following the reduction in the number of dwellings, however further clarity in relation to planting, soft landscaping and boundary treatments should be provided in any reserved matters application.
44. *Public Rights of Way* – Note the presence of Registered Footpath 194 Great Willington to the west of the site, improvements to the Public Right of Way network are sought.
45. *Spatial Policy* – Advised that the application falls to be determined in accordance with the planning balance test set out in para 11(d) of the NPPF, open space contributions of £29,248.50 will be required to mitigate the developments impact as no public open space is being provided within the application site. 3 no. affordable dwellings should be secured in order to meet policy requirements.
46. *Sustainability/Low Carbon Economy Team* – It is advised that the residential development of the site, has the potential to provide relatively good access to some local services and facilities within a short walking distance. A condition is recommended to agree details of embedded sustainability and minimisation of carbon from construction and in use emissions.
47. *The Coal Authority* – Advise that a scheme of intrusive site investigations and remediation as appropriate is required and should be agreed and implemented by condition.
48. *School Places and Admissions Manager* – Advise that no contributions towards education provision are required.

PUBLIC RESPONSES:

49. A site notice was posted and the application was advertised in the local press, properties immediately adjacent to the site were notified in writing both in relation to the original application and once again following receipt of the amended proposals. 1 no. letter of representation and 1 no. letter of objection have been received in response to the original proposal raising the following points:
- The development has substantially changed from the previous approval for 7 no. dwellings to include an additional 10
 - The layout and density is over development and is excessive
 - Concern is raised about the potential significant increase in traffic generation, most plots would have driveways for 2 vehicles generating 33 vehicles and will result in excessive noise and disturbance from the use
 - There are no loading facilities or visitor parking spaces within the development and it does not comply with the Council's Parking and Accessibility Standards
 - Kensington and Coronation Terraces will be subject to increased traffic from the development creating a bottleneck with no clear right of way
 - There would be safety issues for pedestrians, in particular children, in the vicinity of the site going to the adjacent park and play area and to the public footpath route leading the Cumberland Terrace
 - The application should be determined by the planning committee as opposed to delegated powers

APPLICANTS STATEMENT:

50. An outline planning application was submitted for the proposed development of approximately 17no. dwellings on the site of what was once known as the Kensington Hall Hotel at Willington, Co Durham, DL15 0PJ, with all matters reserved other than access, which was validated 22nd July 2019. Following subsequent discussions with the Council, the scheme was reduced to a maximum of 16no. dwellings, which is now presented for consideration. The site has been the subject of a number of planning permissions over recent years, including 3/2006/0114 – Outline planning permission with all matters reserved for residential development options – granted 7th April 2006, 3/2006/0930 – 31no. apartments and 7no. town houses – granted 30th March 2007 and 3/2007/0774 – 44no. apartments – granted 21st December 2007. The last approval granted on 5th July 2017 for 7no. dwellings ref DM/16/03449/FPA was one which, it is respectfully considered, was not in keeping with the character of the site and the surrounding area, whilst it was also not a viable scheme when balancing the cost to build against the market values created.
51. The application site, which has previously been cleared, stands at the northern end of Kensington Terrace, a street of red brick, two-storey Victorian terraced housing which leads northwards from the high street of Willington to the development land. Also adjoining Kensington Terrace are Kensington View and Coronation Terrace, whilst to the east of the site is a popular parkland area and to the north open land and to the west is further open land.
52. Despite the positive planning history relating to the site with the granting of several planning permissions, no development has materialised, and it is the applicant's intention with this proposal to deliver 16no. new dwellings, appropriately designed to suit the location in a range of three different house types using a palette of materials similar to that of the adjacent area. Whilst the application does not seek determination for appearance, landscaping, layout or scale, the proposed illustrative scheme provided aims to reflect a similar density to the surrounding area but for modern day marketing demands, which we believe to be a mixture of detached and

semi detached dwellings and not the high density apartment development or the low density large detached properties of past approvals.

53. The client is committed to complying with the local planning authority's requirement for the provision of affordable homes, ecology contributions, open space contribution and NHS contributions, which will be secured by a S106 agreement should planning permission be granted.
54. The proposed site is one on which a number of planning permissions have been granted for residential development over recent years, and it is considered that the current proposal represents a scheme which will finally deliver the provision of a mix of new housing to a central location within Willington. It is a proposal of a type which is supported by the policies within NPPF with, it is considered, no adverse impacts to weigh against the benefits of granting planning permission.

PLANNING CONSIDERATIONS AND ASSESSMENT

55. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of development, housing land supply, locational sustainability impact on the character of the surrounding area, highway safety, residential amenity, biodiversity, ground conditions, drainage, planning obligations and other issues.

Principle of Development

56. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVDLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
57. The WVDLP was adopted in 1997 and was intended to cover the period to 2006. Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, 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.
58. Policy H3 of the WVDLP adopts limits to development in order to direct new housing development to those towns and villages best able to support it (including Willington), balancing the requirement for new housing with the need to maintain the character of the surrounding countryside. The development would be located within the defined settlement limits of Willington and therefore would comply with WVDLP Policy H3.

59. The approach of Policy H3 of locating development in sustainable locations, whilst seeking to protect the character of the open countryside is considered consistent with the NPPF. Whilst the NPPF does not prevent a local planning authority from defining settlement boundaries to control development, these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Whilst this does not mean that relevant policies should be disregarded or be given no weight, the weight that can be afforded to them is reduced and paragraph 11 is engaged.
60. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole
61. As set out above the it is considered that Policy H3 of the Local Plan is out of date by virtue of the evidence which informed it, therefore, as Policy H3 is the policy which is most important for determining the application, the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF.

Housing Land Supply

62. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
63. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.
64. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over

the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.

65. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.

Locational Sustainability

66. Saved Policies GD1, H24 and T1 of the WVDLP jointly seek to promote that adequate and safe pedestrian and cycle routes are provided to facilitate access to services and amenities, prioritising pedestrian and cycle links. These policies also seek to ensure that adequate links and access to public transport are incorporated within the layout of the site.
67. Policies GD1, H24 and T1 of the WVDLP are considered consistent with the NPPF in this respect, with paragraph 103 of the NPPF which sets out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 110 of the NPPF also sets out that applications for development should give priority of priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment. Due to their consistency Policies GD1, H24 and T1 of the WVDLP should be afforded full weight in the decision-making process.
68. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. The site lies centrally within Willington and forms part of the Willington Cluster comprising Willington and Sunnybrow. Although both are historically settlements in their own right, they are considered to effectively function jointly. The Willington Cluster is ranked 17th within the County based on the services and facility within the area and is, therefore, considered capable of accommodating appropriate housing growth. The scale of development is considered proportionate to the size of the settlement.
69. In terms of distances to services and amenities, in general, it is considered that a walking distance of 1650-2000m or a 20-minute walk is considered at the upper end of what future residents could be expected to walk, taking into account topography and desirability of routes. These distances are based on good practice guidance set out in the Chartered Institute of Highways and Transportation (CIHT) documents including 'Guidelines for Providing for Journeys on Foot' and 'Planning for Walking', The Department for Transport's 'Manual for Streets'.
70. The site is situated around 115m to the north of Willington High Street, connected via Kensington Terrace which contains a footpath on both sides of the road. The High Street contains a range of shops, services, public houses, hot food takeaways and a library. The closest bus stops providing services to Durham, Crook and Bishop Auckland are located to the south of the adjacent park around 110m to the south east of the application site. Our Lady and St Thomas RC Primary School is situated around 107m to the south west, Willington Primary School lies around 290m to the south and Parkside Academy is located around 750m to the south east, within the wider settlement. Willington Town Park, which includes a play area and recreational space lies immediately adjacent to the east side of the site.

71. The application site is close to the core of local services and facilities within the Town Centre and is considered to be a sustainable location for new residential development, of this scale, where new residents would not be reliant on private car journeys. The development is therefore considered to comply with the requirements of WVDLP Policies GD1, H24 and T1 and Paragraphs 103 and 110 of the NPPF.

Impact on the character of the surrounding area

72. Policies GD1 and H24 of the WVDLP seek to ensure that new development is of good design and in keeping with the character and appearance of the surrounding area, and be appropriate in terms of its form, scale, mass, density and layout, to its location. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their consistency with the NPPF, significant weight should be afforded to WVDLP Policies GD1 and H24 in the decision-making process.
73. The site was a former hotel, now demolished, with some hard standings and foundation slabs retained. It has become overgrown and is enclosed to the southern boundary with heras fencing. It is considered that an appropriate redevelopment of the site would have the potential to improve the appearance of the site and the visual amenity of the surrounding area.
74. The application is an outline application with all matters reserved other than access, as such the layout, scale, appearance and landscaping of the development would be reserved for future consideration. Indicative details have however been submitted which show that the proposed dwellings would be accommodated around a central T shaped turning head. Dwellings are indicated as 2, 3 and 4 bedroom detached and semi detached properties. Off street parking would be positioned to the front of dwellings and gardens to the rear.
75. Consultation has been held with the Council's Design and Conservation Officer, who initially raised concerns regarding the density of the development and the resultant site layout which would be dominated by parked cars and hard landscaping. As a result the applicant has reduced the number of dwelling proposed on site from 17 to 16 and amended the indicative site layout and mix of dwellings. The Council's Design and Conservation Officer advises that the amended scheme addresses previous concerns.
76. The amended indicative scheme would suggest a density of around 43 dwellings per ha, which is relatively high, however it is recognised that smaller developments inherently have a higher density than larger schemes as no public open space is generally provided on site. The indicative density of development would be higher than the previous planning permission for 7 no. detached dwellings. However higher density proposals have previously been approved on the site, whilst the density of the proposed development is considered to relate to that of the surrounding area which is typically characterised by terraced dwellings. The indicative site layout sets out that minimum separation distances between dwellings within the site and minimum garden depths as set out in Policy H24, could in large be achieved. Overall the site is considered adequate to accommodate 16 no. dwellings together with related off street parking and gardens, whilst recognising that a detailed assessment of the layout and appearance of the development would be undertaken in any reserved matters application.

77. The comments of the Council's Landscape Officer seeking further clarity on planting, soft landscaping and boundary treatments are noted, however these matters would be considered in detail at the reserved matters stage. A condition requiring a tree protection plan indicating the effects of the detailed layout on trees on and immediately surrounding the site is considered appropriate as suggested by the Council's Arboricultural Officer.
78. The Grade II Listed Building of Our Lady and St Thomas Roman Catholic Church lies approximately 80m to the west of the site, however due to surrounding vegetation and topographical changes there is no intervisibility between this building and the development site. As such the development would not result in any adverse impacts upon the setting and significance of the designated heritage asset and there would be no conflict with Policy BE4 of the WVDLP, Part 16 of the NPPF and the requirements of S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
79. Having regard to the above and the comments from local residents, on balance, it is considered that an acceptable scheme can be achieved at the reserved matters stage which would result in an appearance of the site whilst representing good design and be in keeping with the character of the surrounding area in accordance with Policies GD1 and H24 of the WVDLP and Parts 12 and 15 NPPF in this respect.

Highway Safety

80. Policies GD1, H24 and T1 of the WVDLP seeks to ensure that new developments provide safe access, adequate parking facilities and should not create unacceptable levels of traffic which exceed the capacity of the local road network. These policies are considered consistent with the NPPF which seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved. The NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. Given the consistency of WVDLP Policies GD1, H24 and T1 with the NPPF, full weight can be given to them in the decision-making process.
81. Approval of means of access into the site are sought as part of the current application. The sole vehicular and pedestrian access would be in a central position to the southern side of the site. The Council's Highways Authority have been consulted and advise that the proposed access arrangements are satisfactory.
82. It is also advised that redevelopment of the site would inevitably result in new vehicle movements up Kensington Terrace by future occupants. Existing residents of Kensington Terrace currently park outside their properties on the street, however, the road is relatively wide, does form part of the adopted highway and is in good condition. It is therefore advised by the Highways Authority that even with existing on street parking and the additional traffic associated with the development, both in terms of new residents and during the construction phase, that the proposed development could be accommodated without any adverse impacts to users of Kensington Terrace or the wider highway network.
83. Precise numbers and details of off street car parking would be agreed under the reserved matters of layout and are reserved for future consideration. It is considered from the indicative details that the scheme is capable of achieving adequate off-street car parking that would comply with the requirements of the Council's Car Parking and Accessibility Standards.

84. Overall, whilst having regard to the above and the comments from the Town Council and the local resident, on balance, on the advice of the Council's Highways Authority it is considered that the proposed vehicle access is acceptable and the wider highway network could satisfactorily accommodate the additional traffic. In terms of access to individual properties, turning space and car parking arrangements, it is considered that an acceptable scheme can be achieved at the reserved matters stage which would not be detrimental to highway safety in accordance with Policies GD1, H24 and T1 of the WVDLP and Part 9 of the NPPF.

Residential Amenity

85. WVDLP Policies GD1 and H24 require the design and layout of development to have regard to the amenity of those living or working in the vicinity of the development site while setting out appropriate separation distances. These policies are considered consistent with parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution. Full weight can therefore be afforded to WVDLP Policies GD1 and H24 in this respect.
86. Policy H24 of the WVDLP specifically sets out that 21m separation distance should be maintained between habitable room windows, and 15m separation distance between habitable room windows and opposing gable walls. The indicative site layout shows the scheme would achieve these minimum distances, with the exception of plot the front to gable distance of plot 11 to plot 13 which would measure approximately 13.2m. However as a primary facing distance this is considered acceptable, while adequate private amenity space would remain available to the rear. Based on the indicative layout, there would be no significant overlooking from the development to adjacent residential dwellings.
87. The indicative layout shows that each of the dwellings would have a front and rear garden or amenity area. Whilst rear gardens in a small number instances would fall below the minimum 10m advocated in the WVDLP, on balance they are considered of an acceptable size while that there is space for off street car parking to be provided to the front of the dwellings and adjacent to the turning head.
88. It is inevitable that there would be additional comings and goings along Kensington and Coronation Terraces resulting from the development, particularly given the current vacant nature of the site. However, given the proposed residential use, it is not considered that these movements would be excessive and to such an extent that result in significant noise and disturbance to existing residents. The residential use would be commensurate with adjacent uses and is considered to correspond acceptably in this regard. Nevertheless, given the proximity of the site to adjacent dwellings, the Environmental Health and Consumer Protection Officer (Pollution Control) advises that conditions to control working hours on the site during the construction phase would be required, this request is considered appropriate.
89. Whilst the comments of the Town Council and local resident are noted, having regard to the above it is considered that 16 no. dwellings could be accommodated on the site whilst maintaining an acceptable level of residential amenity for new and existing residents, in accordance with the aims of Policies GD1 and H24 of the WVDLP and Parts 12 and 15 the NPPF.

Biodiversity

90. Policies GD1 and ENV11 of the WVDLP seeks to ensure that developments would not endanger or damage important national or wildlife site or that of the ecology of the wider area. This policy is considered consistent with Part 15 of the NPPF which seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
91. A Biodiversity Impact Assessment has been submitted in support of the application, which concludes that the development would not have any negative impact on species especially protected by law. The report however identifies that the development would result in a net loss to biodiversity. The Assessment concludes could be offset by creation of 0.5 hectares of species-rich grassland elsewhere.
92. The Council's Ecologist advises that the methodology and conclusions of the report are sound, and the development is unlikely to have a significant impact on any ecological interest. It is also calculated that that a contribution of £6000 would cover the creation of offsite grassland, its establishment and initial to ensure a net biodiversity gain could be achieved.
93. This contribution could be secured via a s106 agreement, to which the developer is agreeable. As such the development would not result in any loss of biodiversity and would accord with the requirements Policies GD1 and ENV11 of the WVDLP and Part 15 of the NPPF.

Ground Conditions

94. Policy GD1 of the WVDLP states that new development should not be detrimental to public health or pollute the environment. This policy is considered consistent with Part 15 of the NPPF which seeks to prevent new development from contributing to, being put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air and water pollution or land instability.
95. A Geo-environmental Appraisal has been submitted in support of the application which identifies that remediation works, in relation to land contamination may be required. The Council's Environment, Health and Consumer Protection (Contaminated Land) Officer has been consulted on the application and notes that further intrusive works and gas monitoring would be required to inform a remediation strategy. As such a conditional approach is recommended to agree these details and a verification report, confirming compliance with the remediation strategy, this is considered appropriate.
96. The site is situated within a coalfield development high risk area and the Geo-Environmental Appraisal contains an assessment of coal mining risk, including some intrusive site investigations. The Coal Authority have been consulted on the application and raise no objections subject to a condition requiring further intrusive site investigations and remedial works, as necessary, this is considered appropriate.
97. Subject to the above conditions, it is considered the proposed development would not raise any unacceptable risks in terms of contaminated land and coal mining legacy, in accordance with Policy GD1 of the WVDLP and Part 15 of the NPPF.

Drainage

98. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest

probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. 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.

99. The application is accompanied by a flood risk assessment (FRA) and Drainage Assessment, which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA does however identify a low risk of surface water flooding on the site due.
100. The submitted drainage strategy proposes connection to mains sewers, including an attenuation tank, hydrobrake and permeable paving to treat and control the discharge rate of surface water.
101. The Council's Drainage and Coastal Protection Officer advises that the proposed drainage strategy is satisfactory and a condition should be attached requiring compliance with the submitted Flood Risk and Drainage Assessment, which is considered appropriate.
102. Whilst the concerns and objections of local residents are noted, based on advice of the Council's Drainage and Coastal Protection Officer, subject to conditions requiring compliance with the submitted Flood Risk and Drainage Assessment. The development is considered to comply with Part 14 of the NPPF in this respect.

Planning Obligations

Affordable Housing

103. Policy H15 of the WVDLP sets out that the Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing. This policy is considered consistent with paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided. The Council's Strategic Housing Market Assessment (SHMA, 2019) is the most up to date evidence base used to inform the need for affordable housing. The site falls within a medium viability area, meaning that 15% of dwellings would need to be affordable. This equates to 3 no. affordable units, which would be secured as part of the s106 agreement.

Open Space Provision

104. Policy GD1 of the WVDLP sets out that adequate open space is incorporated within the design and layout of the site. This is detailed further in WVDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development, or as an alternative, developers are be expected to make a contribution to the provision of such facilities. This is replicated in WVDLP H24 also sets out that on developments of more than 10 dwellings, the Council will seek to negotiate a contribution, where appropriate, to the provision and subsequent maintenance of social, community and/or recreation facilities in the area. NPPF paragraph 96 highlights 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. Paragraph 127 requires amongst other matters that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

105. The targets referred to in Policy RL5 and the background supporting information of the policies have been revised under the Council's Open Space Needs Assessment (OSNA, 2018), which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Therefore, whilst the general aims of Policies RL5 and H24 are consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policies are not fully up to date.
106. The OSNA identifies that for developments of 19 no. dwellings or less it is normally expected that contributions are made towards improvement or delivery of off site provision. Based on the proposed 16 no. dwellings, contributions are calculated at £27,667.50 towards the provision and enhancement of off site open space provision. These contributions would be secured as part of the s106 agreement. As such the development is considered to comply with saved Policies GD1, RL5 and H24 of the WVDLP and the requirements of the NPPF.

Healthcare Provision

107. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential healthcare services where a deficit would result or be exacerbated by the proposal. The Durham Dales, Easington and Sedgefield Clinical Commissioning Group (DDES CCG) has advised that based on the additional population likely to be generated by the development there is a requirement for contributions of £7728 to be provided to mitigate the impacts of the development, which could be secured by a s106 agreement. This would ensure that the impacts of the new population upon local healthcare provision is satisfactorily mitigated, in accordance with para. 92 of the NPPF.

Other Issues

108. The Council's Sustainability Team have been consulted on the application and note that the site would utilise brownfield land and would have good access to local services within a short walking distance. However, it is highlighted that no information about how sustainability would be embedded into the development has been provided, such as the use of renewable energy systems to provide heating and electricity. A conditional approach to secure this information is suggested. However, whilst the emerging County Durham Plan sets out targets for reductions in CO2 and emissions during the construction and lifetime of the building, given the status of the plan insufficient weight can be afforded to these targets. Therefore in the absence of any specify planning policy, the Planning Authority cannot impose conditions to secure reductions at this stage.
109. Policy BE23 of the WVDLP sets out that in appropriate cases, the Council will encourage the provision of works of art as part of development. However, the indicative plan shows there would be limited opportunity to provide any public art within the site. As such in this instance it is not considered appropriate to require the provision of public art as part of the development, while mindful of other obligations required in terms of affordable housing, open space, biodiversity mitigation and healthcare provision a meaningful contribution is unlikely to be secured.
110. Policy GD1 of the WVDLP states that new development should provide links into the local footpath and cycleway networks where practicable. Public right of Way

(Footpath no.194, Greater Willington) is located adjacent to the south west corner of the site, heading away from the site in a north west direction. The Public Rights of Way Officer recommends that contributions are provided towards improvements to the nearby footpath network. However, the right of way is not within the application site and any use of this and other local footpaths resulting from the development is likely to be minimal, as such it is not considered that it is appropriate to request contributions in this regard.

Conclusion

111. The erection of 16 residential units in this location would comply with the locational strategy of Policy H3 of the WVDLP. The development would also comply with the criteria set out in Policies GDP1, H24 and T1 of the WVDLP in terms of residential amenity, highway safety and impact on the character and appearance of the surrounding area.
112. However, it is identified that the most important policies for determining the application (Policy H3) is considered out of date and as there are no policies within the framework that protect assets of importance, consideration should therefore be given to Paragraph 11 d) (ii.) of the NPPF. This sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole
113. The development would provide some limited benefit in terms of a boost to housing supply, although it is noted that this could be considered limited in the context of the Council's ability to demonstrate a 6.37 year supply of housing land. Less weight should therefore be afforded to the benefits of delivering new housing in this regard as such than would otherwise be the case if any shortfall in supply existed.
114. 3 no. affordable dwellings would be provided, which would be of benefit to local provision.
115. Typical of any residential housing development, the development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
116. The site occupies a sustainable location in Willington which itself is served by a good range of shops, services, employment and education opportunities. The introduction of additional residential development in this location would help support these facilities while residents would not be wholly reliant on the private motor car to access services and amenities.
117. The proposed development would secure improvement to the appearance of the site and the visual amenity of the surrounding area, which has deteriorated since demolition of the hotel buildings.
118. On balance, in this instance it is considered that there are no adverse impacts which would significantly and demonstrably outweigh the benefits associated with the development. There are no material considerations which indicate otherwise, and the application is recommended for approval.

119. The proposal has generated some public interest, with a number of letters of objection/concern having been received. The objections and concerns raised have been taken account and addressed within the report.

RECOMMENDATION

That the application be APPROVED subject to the following conditions and the completion of a s106 agreement to secure:-

- 3 no. affordable dwellings,
 - £27,667.50 towards off site open space provision,
 - £7,728 towards the provision and improvement of healthcare facilities and,
 - £6,000 towards biodiversity mitigation.
1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters.
- Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*
2. The development hereby approved shall be carried out in strict accordance with the following approved plans:
- Site Location Plan received on 21 June 2019
- Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with policies GD1, H3, H15, H22, H24, RL5 and T1 of the Wear Valley District Local Plan.*
3. The vehicle access hereby approved shall be carried out in complete accordance with the access details depicted on drawing no. P243-01 Rev D (Proposed Site Plan).
- Reason: To define the consent and approved access details in the interests of highway safety in accordance with Policies GD1, H24 and T1 of the Wear Valley District Local Plan and Part 9 of the NPPF.*
4. The development hereby approved shall comprise a maximum of 16 dwellings.
- Reason: To define the consent and the precise number of dwellings approved.*
5. Approval of the details of appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced other than remediation works.
- Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*
6. No development other than site investigations and remedial works shall commence until a land contamination scheme has been submitted to and approved in writing by

the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

7. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

8. Prior to the submission of reserved matters an appropriate scheme of intrusive site investigations shall be carried out. As part of the reserved matters application a report of findings arising from the intrusive site investigations and a scheme of remedial works (where required) for the shallow coal workings shall be submitted to and approved in writing by the Local Planning Authority. The development hereafter shall be carried out in complete accordance with the approved remediation scheme.

Reason: To ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

9. An arboricultural impact assessment leading to production of a tree protection plan in accordance with BS.5837:2012 shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application.

No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising 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. Protective fencing shall remain in place for the duration of all construction works on the site.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Protection Plan.

Reason: To ensure mature trees on and adjacent to the site are retained as far as possible and protected during the course of the development, in the interest of preserving the character and visual amenity of the surrounding area in accordance with Policy GD1 of the Wear Valley District Local Plan and the NPPF.

10. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To ensure the development does not result in any adverse impacts to the amenity of existing residents, in accordance with saved Policy GD1 of the Wear Valley District Local Plan and the NPPF.

11. The development hereby approved shall be implemented in complete accordance with the conclusions and recommendations detailed in Section 7 of the Biodiversity Impact Assessment Rev A (All About Trees, July 2019).

Reason: To conserve protected species and their habitat in accordance with Policies GD1 and ENV 11 of the Wear Valley District Local Plan and Part 15 of the NPPF.

12. The development hereby approved shall be undertaken in accordance with the Flood Risk and Drainage Assessment (CJ Emm Ltd, September 2019).

Reason: To ensure effective drainage measures and sustainable principles are adhered to, and to safeguard the proposed development from flood risk, whilst not increasing flood risk elsewhere, to comply with Part 14 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve this 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) (CC) 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
Wear Valley District Local Plan
Statutory consultation responses
Internal consultations responses



 <p>Durham County Council Planning Services</p>	<p>Housing development of 16 no. dwellings (Outline - All Matters Reserved Other Than Access) (Amended 5.9.19)</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>Ref: DM/19/02002/OUT</p>	<p>Site of Former Kensington Hall Hotel, Kensington Terrace, Willington, DL15 0PJ</p>
<p>Date October 2019</p>	<p>Scale Not to scale</p>	

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/02221/FPA and DM/19/02222/LB
FULL APPLICATION DESCRIPTION:	Change of use of former department store to 3no. ground floor units with flexible A1/A3 use and 27 apartments, associated internal and external alterations and partial demolition
NAME OF APPLICANT:	Mr J Bispham
ADDRESS:	80 Newgate Street, Bishop Auckland, DL14 7EQ
ELECTORAL DIVISION:	Bishop Auckland
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 the former Beales department store, a prominent grade II listed building, situated to the western side of Newgate Street in Bishop Auckland Town Centre. The property is located within the Bishop Auckland Conservation Area and is also within an area designated a Heritage Action Zone, seeking to revitalise the historic town centre.
2. The building dates to the late 19th century with a grand façade fronting on to Newgate Street and was originally occupied by the Co-operative. It was used as a department store until trading ceased in 2017. It is a large building with 3 distinct retail areas making up the primary element of the building adjacent to Newgate Street. Rear elements extend to Westgate Road to the west side and contain storage, offices, a former café on the first floor and other ancillary areas. A tall water tower and 2 no. delivery areas covered by flat roofs are also located to the rear of the building. It is of 3 storeys in height and includes a basement.
3. The front elevation contains a modern shop frontage on the ground floor with decorative stonework to the first and second floors above. The rear side of the building is much more utilitarian in character and the elevations are of more simplistic appearance in brick and render, without any elaborate detailing.
4. Planning permission and listed building consent are sought to provide 3 no. smaller flexible retail (A1) or restaurant/café (A3) units on the ground floor within the front section of the building, and convert the remainder of the retained ground floor and first and second floors to 27 no. 1 and 2 bedroom apartments, 12 no. on both the first and second floors and 3 no. on the ground floor. The basement would be retained with no alterations proposed in this space.
5. Part of the rear sales and storage areas behind units 2 and 3 would be demolished to consolidate the ground floor commercial space and allow space for car parking within an enclosed rear yard. In total 25 no. car parking space would be provided,

with 19 no. spaces for the proposed residential use and 2 no. spaces each per commercial unit.

6. Access to the car park would be from Westgate Road to the rear of the site and pedestrian access to the proposed apartments would be available from both the front and rear sides of the building. Ancillary facilities such as bin storage, cycle storage and plant would be accommodated in the retained rear wing adjacent to the car park.
7. Externally changes to the building would be minimal. Existing timber sash windows on the Newgate Street elevation would be retained and refurbished, with secondary glazing installed behind. New window openings would be provided in the rear elements of the building to accommodate the new residential use and existing windows to the rear would be replaced with double glazing.
8. The application is being reported to the committee as the proposal constitutes major development.
9. In addition to these applications, the applicant has also applied for planning permission and listed building consent to convert the building to 3 no. ground floor retail units and a 62 bedroom hotel above, which is being considered separately. The applicant intends to test the market with both proposed uses.

PLANNING HISTORY

10. Applications for planning permission and listed building consent have concurrently been submitted to convert the building to 3 no. ground floor retail units with a 62 bedroom hotel above.
11. Previous applications at the site relate to alterations to the building associated with the former retail and commercial uses.

PLANNING POLICY

NATIONAL POLICY

12. 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.
13. 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.
14. *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.

15. *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.
16. *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, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
17. *NPPF Part 6 - Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
18. *NPPF Part 7 Ensuring the Vitality of Town Centres* - Planning policies and decisions should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
19. *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.
20. *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.
21. *NPPF Part 11 - Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
22. *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.
23. *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.

24. *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.
25. *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.

LOCAL PLAN POLICY:

26. The following policies of the Wear Valley District Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
27. *Policy GD1: General Development Criteria*: All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
28. *Policy BE1: Protection of Historic Heritage*: The Historic Heritage of District should be conserved by the maintenance, protection and enhance of features of particular historic, architectural or archaeological interest.
29. *Policy BE4: Setting of a Listed Building*: Development which impacts on the setting of a listed building and adversely affect its special architectural, historical or landscape character will not be allowed.
30. *Policy BE5: Conservation Areas*: Identifies Conservation Areas within the former Wear Valley District.
31. *Policy BE6: New Development and Alterations*: Development within Conservation Areas should preserve or enhance the character of the area, use appropriate building materials and comply with the requirements of policy GD1.
32. *Policy BE23: Provision of Public Art*: In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.
33. *Policy H3: Distribution of Development*: New development will be directed to those towns and villages best able to support it. Within the limits to development of towns

and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.

34. *Policy H15: Affordable Housing:* The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing
35. *Policy H19: Living Over The Shop:* Proposals for residential use of upper floors of commercial properties in central areas of town centres will be permitted where they do not conflict with local plan policies. To facilitate such development full conformity to residential car parking standards will not be insisted upon in town centres.
36. *Policy H22: Community Benefit:* States that on sites of more than 10 dwellings the Local Authority will seek a contribution, where appropriate, to related social, community and/or recreational facilities
37. *Policy H24: Residential Design Criteria:* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
38. *Policy RL5: Sport and Recreation Target:* For every 1 hectare of land developed or redeveloped for residential purposes, at least 1300 square metres of land should directly be made available on- or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities, including changing rooms, by other agencies. Such land should be located and developed to accord with the provisions of proposal RL1. On sites under 1 hectare (24 dwellings) a proportion of this standard will be expected.
39. *Policy S1: Town Centres:* Seeks to protect Bishop Auckland Town Centre as one of the major retailing centres in the former District. Proposals for shops, offices and other commercial activities will be permitted in town centres. Proposals for retail developments which undermine the vitality and viability of these town centres will be resisted.
40. *Policy S15: Shop Fronts:* New shop fronts should be in keeping with the character of the building and surrounding area. Existing architectural features should be retained and incorporated in new shop front designs.
41. *Policy T1: Highways:* Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

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 <https://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan

42. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission

Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

43. *Bishop Auckland Town Council* – Are keen for the building to be brought back into use as soon as possible to safeguard its long term future and to make a positive contribution to on going regeneration in the town. However raise concern that the proposed parking provision is not sufficient to support the number of new residents.
44. *The Coal Authority* – No objections subject to standard informative regarding coal mining legacy
45. *Durham Constabulary* – Raise no objections but advise that from a policing perspective the proposed hotel development would be preferable due to the uncertainty of the clientele that would be residing in the apartments. The town centre already puts a large strain on policing resources and the apartments, if they were to attract the wrong type of residents or absent landlords, could put even more demand on policing resources in the town centre.
46. *Highway Authority* – Following submission of amended plans including pedestrian access off Newgate Street no objections are raised subject to a condition and informative to secure a new section of adoptable footway on Westgate Road between, and covering, the 2 no. proposed pedestrian entrances, together with an associated amendment to the Traffic Regulation Order to effect a corresponding truncation in the loading bay.
47. *Historic England* – Following the submission of amended plans indicating key internal historic features would be retained consider the proposal is in accordance with paras. 192 and 193 of the NPPF and support the application on heritage grounds.
48. *National Amenity Societies* – No comments received
49. *Northumbrian Water* – No objections

INTERNAL CONSULTEE RESPONSES:

50. *Archeology* – No objections, no requirement for archaeology condition
51. *Design and Conservation* – Following the submission of amended plans indicating key internal historic features would be retained and amendments to the entrance to the flats on Newgate Street, no objections are raised.
52. *Education* – There is sufficient space in local schools to accommodate new pupil numbers arising from the development and no mitigation is required
53. *Environmental Health* – No objections subject to conditions requiring development to be carried out in accordance with submitted noise assessment, to agree details of

kitchen extraction and ventilation equipment and to restrict noise from any such equipment to level commensurate with residential use above.

54. *Heritage Action Zone Coordinator* – Supports the proposal, which is likely to attract regional and national business interest, bringing more people into the town centre, support other businesses and increase the vibrancy of the area
55. *Housing Development Team* – Advise that due to vacant building credit as set out in para. 63 of the NPPF and planning practice guidance, there is no requirement to provide affordable housing as part of the scheme
56. *Lead Local Flood Authority* – No objections, note that the development involves refurbishment of an existing building and in light of the small scale of hard-standings, existing drainage connections and sustainable drainage not being suitable in this location, the disposal of foul and surface water into the public sewerage system is considered acceptable on this occasion
57. *Regeneration Team* – Support the application, note that re-use of the building was a key project identified in the Bishop Auckland Town Centre Masterplan, the 3 no. smaller commercial units will provide important business opportunities for business start ups and the re-occupation of the commercial ground floor element will help to revitalise the high street, the masterplan also identifies the need for more people to live in the town centre which would be achieved by the proposed residential development which would benefit local businesses
58. *Spatial Policy* – Note the relevant planning policy context for determining the applications and confirm open space contributions.

PUBLIC RESPONSES:

59. A site notice was posted, neighbouring properties were notified in writing and the applications were advertised in the local press, no representations have been received.

APPLICANTS STATEMENT:

60. The application proposes the re-use and restoration of a key Listed Building within the centre of Bishop Auckland for the purpose of providing 3 no. commercial units and 27 apartments on the upper floors of the building. The proposed development would provide significant social, environmental and economic benefits through the restoration and retention of a key Listed Building within the central conservation area and would provide an important contribution to the housing need within Bishop Auckland and seek diversify and expand the upon the existing commercial offer within the town centre. The proposed development through the retention of A1/A3 (Use Class) on ground floor would make a valuable contribution to the retail offer within the town centre and improve the overall vitality and viability of the area.
61. The proposal would accord with saved policies GD1, BE1, BE5, S1, S2, H18 and H24 of the Wear Valley Local Plan and would support the wider regeneration efforts within Bishop Auckland. Sustainable development would be achieved in social, economic and environmental terms and an entirely national and local planning policy compliant scheme would be delivered in this case. The Council is therefore respectfully requested to support the proposals by approving the application without delay in line with the requirements of paragraph 11 of the NPPF.

PLANNING CONSIDERATIONS AND ASSESSMENT

62. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, relevant Development Plan policies, 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, residential amenity, protected species, coal mining legacy, drainage and affordable housing.

Principle of Development

63. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVDLP) forms the statutory development plan and remains the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The WVDLP was adopted in 1997, Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due weight should be given to them, according to their degree of consistency with the NPPF.
64. Saved policy S1 of the WVDLP supports proposals for commercial uses including A1 and A3 within town centres and identifies Bishop Auckland as one of the major retailing centres in the former District.
65. Saved policy H19 of the WVDLP supports proposals for the residential use of upper floors of commercial premises in central areas of towns.
66. These policies are in accordance with part 7 of the NPPF which seeks to ensure the vitality of town centres. Para.85 states that planning decisions should support the role that town centres play at the heart of local communities, promoting their long term viability and vitality by allowing them to grow and diversify in a way that responds to rapid changes in the retail and leisure industries, allow a suitable mix of uses (including housing) and reflects their distinctive characters.
67. The above saved policies from the WVDLP are considered to be the most relevant policies for determining the applications. They are consistent with the NPPF and therefore carry full weight in decision making. As such the applications are to be assessed and determined in accordance with paragraph 11(c) of the NPPF which requires development proposals that accord with an up to date development plan to be approved without delay
68. Saved Policy H3 of the WVDLP adopts limits to development in order to direct new housing development to those towns and villages best able to support it, balancing the requirement for new housing with the need to maintain the character of the surrounding countryside. Given the age of the evidence which informed them, policies in relation to establishing settlement boundaries and location of new housing are considered out of date. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to them is reduced. However given the nature of the development and the sustainable, town centre location, this policy is not considered to be as relevant as policies S1 and H19 in the consideration of the applications.

69. Bishop Auckland Town Centre has been in economic decline for some years. Newgate Street and other retail areas contain a high proportion of vacant units, some of which are in a derelict and untidy condition. The Bishop Auckland Conservation Area is currently on the national heritage at risk register. The former Beales Department Store is a large building that would be difficult to re-use in its entirety for retail use in the current market. The building is an important designated heritage asset and is located within an area designated for heritage led regeneration as part of the Heritage Action Zone.
70. The proposed development would split the large retail unit into 3 no. smaller commercial units on the ground floor, each with a frontage on to Newgate Street, one of the primary shopping streets within Bishop Auckland Town Centre. The smaller units would be better suited to market requirements by virtue of their smaller size and improved layout. They would also have a flexible use and could be used for A1 retail or A3 restaurant/café use. As such it is considered the units would be more desirable to potential commercial operators.
71. The proposed residential use of the upper floors would bring a new residential population into the town centre. This would help to support existing businesses and services within the town centre.
72. Given the size of the building, nature of the proposed development and its central location within the town centre, it is considered that the scheme has significant potential to have a positive impact on the vitality and viability of the town centre and would assist in tackling current issues of economic decline. The Council's Regeneration Team and the Heritage Action Zone Coordinator offer support for the proposal due to these anticipated regeneration benefits.
73. Para. 192 of the NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with the conservation and the positive contributions conservation of heritage assets can make to sustainable communities including their economic vitality. The proposed development would secure a long term, viable use for this large, prominent grade II listed building centrally located within the Bishop Auckland Conservation Area, which has been disused for some time and in need of repair. In accordance with para. 192 of the NPPF the meaningful re-use and restoration of the building must carry significant weight in this case.
74. It is therefore considered that the principle of the proposal is acceptable and would accord with saved policies S1 and H19 of the WVDLP and the NPPF.

Impact on Heritage Assets and the Character of the Surrounding Area

75. Parts 12 and 16 of the NPPF and saved policy GD1 of the WVDLP seek to ensure good design in new developments, especially those affecting the historic environment, having regard to a sites natural and built features and the relationship to adjacent land uses and activities.
76. Para. 189 of the NPPF states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected in a proportionate level of detail. Para. 190 goes on to advise that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including the setting of a heritage asset) to avoid or minimise conflict between the heritage asset's conservation and the proposed development.

77. When considering the impact of proposed works on the significance of a listed building, paragraph 193 of the NPPF states that "great weight" be given to their conservation and states that, the more important the asset the greater the weight should be.
78. Given the designation of the property as a grade II listed building s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Furthermore as the building is located within the Bishop Auckland Conservation Area s72 of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
79. The three-storey frontage on Newgate Street as it exists today was built in four main phases; the first section of the building was built in 1873; in 1882-83 this was extended to the north into a tripartite arrangement with a central gabled block; this extension was replicated to the south side of the original building in 1892-94 to form a complete elevation of five blocks; the final phase of expansion resulted from the purchase in 1902 of the adjoining pre-existing building, dated 1894. Behind the street frontage the building comprises warehousing and offices ranging in date from 1883-1961. The building is known locally either as 'the Co-op' or 'Beales', the latter being the final company to operate in the premises.
80. The Bishop Auckland Co-operative Society ceased independent operation in 1968, but the building remained in Co-operative ownership, following a series of mergers and take-overs, until 2011 when it was sold to Beales Department Stores. Beales closed in 2017 and the buildings have remained vacant since.
81. The building is one of the grandest and most striking in Bishop Auckland and dwarfs most other buildings in the commercial centre of the town. Despite the fact that the architecture of the building may not be as grand as comparative buildings found in major centres it nevertheless makes clear the aspirational nature of the Co-op movement in this area of the north east.
82. The building as it exists today has been substantially altered over time and consists of layer upon layer of incremental alterations, demolitions and replacement, associated with the expansion of the Co-op's activities but still retains traces of its original form. The layout of the front-of-house aspects of the store responded to changing retail environments and evolved from individual compartmentalised departments, shops within shops, to the open plan layouts which survive today. These alterations inevitably involved major structural interventions which required the introduction of new columns and beams to replace formerly solid brick cross walls. Despite much change, a great deal of evidence of previous iterations does survive. The ground-floor shopfront was completely remodelled in the latter half of the 20th century and no evidence appears to survive of what pre-dated it. The current proposals would involve further interventions to the ground floor frontage are therefore a continuation of previous alterations and will not be harmful to historic fabric.
83. The whole complex as it remains represents over 150 years of changes during the life and decline of the Co-operative Society, and provides a picture of its commercial, economic, manufacturing and social activity. The building is clearly of exceptional local significance, with associations and memories for Bishop Auckland residents over many generations.

84. The complex of buildings retains a strong association with the wider co-operative movement which is an important feature of the labour movement in Industrial Britain, representative of the late-19th century development of increased rights and organisations to improve the rights of the working classes. Bishop Auckland is significant as one of the earliest co-operative societies in the North East, placing it at the forefront of the movement's activities within County Durham and connecting more broadly to the local mining communities, in whose interests co-operation was established. The building is a good example of an evolved Victorian retail store and combined warehouse, remaining largely intact, with the exception of internal rearrangements and refitting, and significant alteration to the shopfronts.
85. The rear warehouses retain evidence of the functioning of a large department store, in the form of sections of hoists, grilles, lifts, and evidence of transportation linked to cart entrances and tracks paved with timber cobbles. There is also evidence of a clear hierarchy of internal spaces, with decorative plasterwork within the rear section of the building indicating committee meeting rooms, a well-preserved board room and manager's office on the first floor, all retaining high quality late-19th century original fabric. Following comments from the Design and Conservation Officer and Historic England, the proposed layout plans have been amended to ensure key features within the retained northern, rear wing would be preserved as part of the development. A condition to agree a method statement demonstrating how this would be achieved is considered appropriate.
86. Externally, other than the proposed demolition, alterations would be to a minimal level. Existing modern shop fronts and timber sash windows to the frontage would be retained and repaired. New windows would be inserted at the rear and those existing to this side of the building would be double glazed. A new rear vehicle access would also be created.
87. The much altered interior of the building allows for a high degree of subdivision to achieve the proposed new use. However the proposed demolition of the rear ranges of the building to accommodate car parking and vehicle access would result in some harm to the significance of the building. This is required in order to achieve a viable form of development and would affect the least significant part of the building, with other more significant aspects being retained.
88. As the ground floor commercial units include potential for A3 (restaurant/café) uses, some kitchen extract and ventilation equipment may be required. Details of this have not yet been provided, however a condition to ensure this is appropriately sited and designed so as not to affect the character and significance of the grade II listed building and conservation area, is considered appropriate.
89. The associated harm to the significance of the grade II listed building resulting from the proposed demolition and subdivision to form new uses is considered to be less than substantial. Para. 196 of the NPPF states that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. In this instance the development would result in substantial public benefits, involving the meaningful re-use of a prominent and valued building in the heart of the Bishop Auckland, which has potential to act as a catalyst in reversing the decline of this part of the town centre and securing the retention and long term up keep of a grade II listed building. Therefore the public benefits of the scheme are considered to outweigh the less than substantial harm resulting from the alterations and demolition necessary to accommodate the proposed development.

90. Taking all of the above into account and having regards to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that significant weight must be given the preservation and functional re-use of the prominent and important grade II listed building. On balance it is considered that the proposal would preserve the character and significance of the grade II listed building. There is no conflict with the landscape, design and heritage policies of the NPPF in this respect or Saved Policies GD1, BE1, BE4, BE5 and BE6 of the WVDLP.

Highway Safety

91. Para. 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network are severe. Saved policies GD1 and T1 of the WVDLP seeks to ensure that new developments provide safe access and adequate parking facilities.

92. Vehicle access into the site would be to the rear off Westgate Road. This would lead through into an inner courtyard area former by the demolished parts of the buildings, where 25 no. car parking spaces would be provided, together with space for deliveries to the proposed commercial units. Pedestrian access to both the flats and commercial units would be available from both Newgate Street and the Westgate Road. Each of the commercial units would have 2 no. allocated car parking spaces, with the remaining 19 no. being for use by occupants of the apartments. Whilst the comments of the Town Council are noted, the Highways Officer considers that given the town centre location, where local facilities and public transport are easily accessible on foot, the proposed amount of parking is acceptable in this instance.

93. In relation to the proposed pedestrian access from Westgate Road, the Highways Officer notes this would conflict with an existing 24 hour loading bay within the public highway to the rear of the building and lead to potential safety issues. As such a new section of adoptable footway on Westgate Road between, and covering, the 2 no. proposed pedestrian entrances would be necessary, together with an associated amendment to the Traffic Regulation Order to effect a corresponding truncation in the loading bay. The Highways Officer recommends a condition and informative advising the applicant to enter into a S278 agreement under the provisions of the Highways Act to secure these works, both of which are considered appropriate.

94. Having regard to the above, no objections are raised by the Highways Officer and it is considered that the proposed access, parking and turning arrangements are acceptable. The development is not considered to result in any adverse impacts to highway safety and would accord with saved policies GD1 and T1 of the Local Plan and the NPPF.

Residential Amenity

95. Para. 127 of the NPPF states that new development should maintain a good standard of amenity for all existing and future users of land and buildings. Saved policy GD1 from the Wear Valley District Local Plan advises that new development should not disturb or conflict with adjoining uses. Saved Policy H24 sets out the standard of design expected of new residential development.

96. The proposed layout retaining a rear wing sitting perpendicular to the primary aspect of the building, would ensure there are no issues of overlooking or loss of privacy between any of the new apartments.

97. The proposed apartments would range in size from 52 square meters for the smallest 1 bedroom units to 92 square meters for the largest of the 2 bedroom units. This quantity of floorspace is considered adequate for the anticipated number of occupants of each apartment respectively. All habitable rooms would have access to natural light and ventilation.
98. Adequate off street car parking to serve the new residential use is provided as part of the development. No private outdoor amenity space is provided as this is not possible given the confined nature of the site, however it is close to areas of public open space within the town centre which could be used by new residents.
99. A Noise Assessment has been submitted in support of the application. The Noise Assessment concludes that, subject to the suggested mitigation, new residents would not experience any adverse levels of noise and disturbance from surrounding commercial uses within the town centre. The suggested mitigation proposes uprated glazing, which in more sensitive elevations would be achieved by secondary glazing, insulation and mechanical ventilation. Proposed mitigation is considered capable of being achieved without any adverse impacts to the fabric of the grade II listed building. The Environmental Health Officer advises that a condition is attached requiring the development to be carried out in accordance with the mitigation in the Noise Assessment and this is considered appropriate. As such it is considered the development could be accommodated to ensure that residents do not experience adverse noise and disturbance from other apartments and ground floor commercial uses and from the wider town centre.
100. The commercial units propose a flexible use, which may involve A3 (restaurant/café) uses, as such ventilation and extraction equipment may be needed in such units to control heat and cooking odours. The Environmental Health Officer advises that a condition to agree precise details of the location and specification of any extraction equipment is attached and this is considered appropriate.
101. Given the proposed residential use immediately above the units, the Officer also suggests a condition requiring noise details and sound mitigation as appropriate for any external plant to be provided to ensure new residents do not experience excessive levels of noise, this is considered appropriate.
102. It is not thought there are any existing residential uses within immediately adjoining buildings. Planning permission was granted in 2017 for residential apartments at 72/74 Newgate Street, next door but one to the building to the northern side and it is understood this development is nearing completion. Given the nature of the proposed commercial and residential uses and conditions to agree details of extract equipment and sound mitigation, it is considered the proposed development could be accommodated without any adverse impacts to the amenity of any local residents.
103. A Construction Management Plan has also been submitted and sets out means of implementing the development with minimal impacts to adjacent premises and users of the town centre. A condition requiring compliance with the Construction Management Plan is appropriate.
104. The comments from Durham Constabulary about potential future occupiers of the flats are noted. At the moment the proposed residential development is a speculative proposal and the final use will ultimately be dictated by the market. Nevertheless the proposed plans show the residential option is well designed and as the building is grade II listed a high standard is expected, as such it is not anticipated

that a development of this quality would attract landlords or tenants likely to impact on policing resources.

105. Under current permitted development rights the ground floor commercial units could potentially be used for other uses, including B1 business units, a library, exhibition hall, museum, assembly and leisure, health centre and financial and professional services, without requiring planning permission. These alternative uses are commensurate with surrounding town centre units and the majority would require prior approval from the Local Planning Authority, which would enable any potential impacts to be considered. As such it is not considered necessary to remove these permitted development rights and any potential alternative uses of the ground floor units are considered unlikely to adversely affect residential amenity.

106. Having regard to the above, on balance, it is considered that the proposed development would ensure an acceptable level of residential amenity for new and existing residents, in accordance with the aims of saved policies GD1 and H24 of the WVDLP and the NPPF.

Protected Species

107. Saved policy GD1 of the WVDLP Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity. A Bat Survey Report has been submitted in support of the application, this notes the presence of a historical bat roost within the building and recommends retention of features to maintain roost access or the erection of bat boxes and suitable features for bats within the main roofline.

108. The Bat Survey Report notes the presence of a historical bat roost within the building. The Conservation of Habitats and Species Regulations 2010 contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out activity which would harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that:

- The activity to which the license is required must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative and;
- Favourable conservation status of the species must be obtained.

109. Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty under Regulation 9(5) and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS.

110. In this case mitigation is to be provided by a toolbox talk and use of detailed method statement which would be agreed by condition, use of sensitive lighting, timing of works to avoid impacts to breeding birds and hibernating bats and retention of features to maintain roost access or erection of bat boxes or suitable feature in the roofline. The Council's Ecology Section are satisfied with the proposed mitigation to ensure there would be no adverse impacts upon bats as a protected species.

111. Having regard to the Habitats Regulations it is considered that it is in the public interest that the development scheme can be implemented given the untidy appearance and deteriorating condition of the site and its potential to attract

antisocial behaviour. There is no more suitable alternative to the proposals. The proposed mitigation is appropriate to ensure there will be no significant impact on the conservation of the local bat population as a whole. From the conclusions of the Bat Survey Report, it is not considered likely at this stage that a licence would be required from Natural England, however should the need arise it is considered that Natural England would be likely to grant a licence. Accordingly, the LPA can discharge its duties under the Habitats Regulations. Overall it is considered that the proposal would not have any adverse impact upon protected species in accordance with the requirements of saved policy GD1 of the WVDLP and part 15 of the NPPF in relation to protected species.

Coal Mining Legacy

112. Saved policy GD1 of the WVDLP states that new development should not be detrimental to public health and part 15 of the NPPF seeks to prevent new development from contributing to, being put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air and water pollution or land instability. The site is situated within a coalfield development high risk area, as such the Coal Authority have been consulted on the proposals. As the development relates to change of use of the building and does not involve any significant ground works, no objections are raised by the Coal Authority, subject to their standard informative. Therefore it is considered the proposed development would not raise any unacceptable risks in terms of coal mining legacy, in accordance with saved policy GD1 of the WVDLP and part 15 of the NPPF.

Drainage

113. 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. In this case existing drainage connections to mains sewerage would be used and there is no scope within the site for provision of sustainable drainage. The Lead Local Flood Authority and Northumbrian Water raise no objections to the application and the development is considered to comply with the requirements of part 14 of the NPPF.

Affordable Housing

114. Policy H15 of the WVDLP sets out that the Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing. Para. 63 of the NPPF states that to support the re-use of brownfield land, where vacant buildings are being reused or redevelopment, any affordable housing contribution due should be reduced by a proportionate amount equivalent to the existing gross floorspace of the existing building. National Planning Practice Guidance states that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.
115. In this instance as no additional floorspace is being proposed and the development involves re-use of a vacant building for sustainable residential purposes, it is considered that the provision of affordable housing as part of the scheme is not required in this instance.

Public Art

116. Policy BE23 of the WVDLP sets out that in appropriate cases, the Council will encourage the provision of works of art as part of development. However the proposed plans show there would be limited opportunity to provide any public art within the site and it is considered this could affect the viability of the development given the substantial works required to bring the grade II listed building back into use and open space contributions. As such in this instance it is not considered appropriate to require the provision of public art as part of the development.

S106 Agreement

Open Space Provision

117. Policy GD1 of the WVDLP sets out that adequate open space is incorporated within the design and layout of the site. This is detailed further in WVDLP Policy RL5 sets out targets for sporting and/or recreational land as part of the development, or as an alternative, developers are expected to make a contribution to the provision of such facilities. This is replicated in WVDLP H24 also sets out that on developments of more than 10 dwellings, the Council will seek to negotiate a contribution, where appropriate, to the provision and subsequent maintenance of social, community and/or recreation facilities in the area. NPPF paragraph 96 highlights 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. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

118. The targets referred to in Policy RL5 and the background supporting information of the policies have been revised under the Council's Open Space Needs Assessment (OSNA, 2018), which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Therefore, whilst the general aims of Policies RL5 and H24 are consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policies are not fully up to date.

119. The OSNA identifies that for developments of 19 no. dwellings or less it is normally expected that contributions are made towards improvement or delivery of off site provision. Based on the proposed 27 no. dwellings, which would generate an anticipated 44 no. residents, from an average of 2.2 residents (in line with 2011 census data) occupying the 14 x 2 bedroom apartments and 1 no. resident occupying the 13 x 1 bedroom apartments and reduced OSNA costings of £790.50 per resident to support the reuse of the vacant grade II listed building within the heritage action zone, contributions are calculated at £34,782 towards the provision and enhancement of off site open space provision. These contributions would be secured as part of a s106 agreement. As such the development is considered to comply with saved policies GD1, RL5 and H24 of the WVDLP and the requirements of the NPPF.

Conclusion

120. The proposed development would introduce 3 no. smaller, refurbished commercial units for flexible A1/A3 uses on the ground floor, which would be more appropriate for the current market in Bishop Auckland Town Centre and would accord with saved policy S1 and Part 7 of the NPPF.

121. The application is required to be considered in the context of paragraph 11 (c) of the NPPF, which states that development proposals that accord with up to date development plan policies be approved without delay. The proposed residential use would be in accordance with saved policy H19, which supports proposals for residential use above commercial premises in town centres and parts 5, 9 and 11 of the NPPF which encourages re-use of existing buildings in sustainable locations for residential development.
122. The proposed development would secure a long term, viable use for this large, prominent grade II listed building centrally located within the Bishop Auckland Conservation Area, which has been disused for some time and in need of repair. In accordance with para. 192 of the NPPF the meaningful re-use and restoration of the building must carry significant weight in this case.
123. Whilst demolition of some parts of the building are proposed and alterations to accommodate the new use would result in some loss of significance to the designated heritage asset, this is considered to result in less than substantial harm which would be outweighed by the public benefits of the scheme, in accordance with para. 196 of the NPPF. On balance it is considered that the proposal would preserve the character and significance of the grade II listed building and the surrounding conservation area, in accordance with saved Policies GD1, BE1, BE4, BE5 and BE6 of the WVDLP and parts 12 and 16 of the NPPF.
124. The development would not result in any adverse impacts to highway safety, residential amenity, protected species, drainage and coal mining legacy in accordance with relevant saved policies from the WVDLP and the NPPF.
125. Open space contributions of £34,782 would be secured via a s106 agreement.
126. Overall the development would accord with relevant saved policies from the WVDLP and the NPPF and would bring substantial regeneration benefits to Newgate Street and Bishop Auckland Town Centre. Therefore the applications are recommended for approval.

RECOMMENDATION

That the application be APPROVED subject to the following conditions;

DM/19/02221/FPA

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

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

2. The development hereby approved shall be carried out in strict accordance with the 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, BE1, BE4, BE5, BE6, H3, H15, H19, H22, H24, RL5, S1, S15 and T1 of the WVDLP.

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

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with the requirements of saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

4. Prior to the commencement of the development a method statement setting out the method of demolition of the rear parts of the building and means of repair of the areas of retained existing historic fabric identified on drawing nos. BA/19/07 REV E (Proposed Ground Floor Plan – Flats), BA/19/08 REV F (Proposed First Floor Plan – Flats) and BA/19/09 Rev D (Proposed Second Floor Plan – Flats) shall be submitted to an approved in writing by the Local Planning Authority. The development shall be constructed thereafter in accordance with the approved details.

Reason: To protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

5. Notwithstanding the information shown on the submitted plans full specification, colour finish and joinery details of all new windows and external doors drawn to a scale of 1:20 together with full construction details and section of any frames and units of non-timber construction shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be implemented thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

6. Prior to first occupation of any of the apartments or commercial units full details shall be submitted of the new section of Westgate Road footway, associated traffic regulation order, signs and line marking. The new section of footway shall be installed and available for use prior to first occupation of any of the apartments or commercial units.

Reason: To ensure there are no adverse impacts to highway safety arising from the new vehicle and pedestrian accesses to the building, in accordance with saved policies GD1 and T1 of the WVDLP and the NPPF.

7. The development hereby approved shall be implemented in complete accordance with the mitigation measures detailed in Section 5 – Site Evaluation and Biodiversity Mitigation (Penn Associates, Bat Survey Report, June 2019) including but not limited to:

- Toolbox talk in relation to bats to be given to all contractors working on the site;
- A detailed method statement regarding working methods in relation to bats shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and shall be adhered to in full at all times until the development has been completed;
- Use of sensitive lighting strategy post development to reduce any likely risk of impact on existing flightlines;
- Sensitive timing to avoid impacts on breeding birds and hibernating bats;

- Retention of suitable features within the structure to maintain roost access on site, or alternatively erection of bat boxes/creation of suitable features within the main roofline.

Reason: To conserve protected species and their habitat in accordance with part 15 of the NPPF. The pre-commencement method statement is required to ensure construction working practices have regard to the impacts on bats as a protected species.

8. The development hereby approved shall be implemented in complete accordance with the mitigation measures set out in the Noise Assessment (NJD Environmental Associates Noise Assessment – ref. NJD19-0014-001R - April 2019). The mitigation measures shall be implemented in full prior to first occupation of any of the apartments.

Reason: To ensure new residents have a good standard of residential amenity and are not adversely affected by any problems of noise and disturbance, in accordance with saved policies GD1 and H24 of the WVDLP and the NPPF.

9. The development hereby approved shall be implemented in complete accordance with the methods set out in the Construction Management Plan (Mableson Hall – 26 February 2019).

Reason: To ensure the development does not result in any excessive noise and disturbance within the locality, in accordance with saved policies GD1 and H24 of the WVDLP and the NPPF.

10. Details of the height, type, position and angle of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The lighting shall be erected and maintained in accordance with the approved details.

Reason: To ensure external lighting does not have an adverse impact on protected species and upon the significance of designated heritage assets in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

11. Prior to its installation, full details of any fume extraction system, to include a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate accordance with the current DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems shall be submitted to and approved in writing by the Local planning authority. The approved extraction system shall be installed prior to first occupation of the commercial unit to which it relates and shall be operated at all times when cooking is being carried out on the premises.

Reason: To ensure the new commercial uses do not generate excessive noise or odours to the detriment of the amenity of new residents and users of adjacent premises, in accordance with saved policy GD1 of the WVDLP and the NPPF.

12. Prior to installation of any external plant a detailed noise impact assessment and scheme of sound attenuation measures shall be submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant/machinery on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014.

Reason: To ensure new residents have a good standard of residential amenity and are not adversely affected by any problems of noise and disturbance, in accordance with saved policies GD1 and H24 of the WVDLP and the NPPF.

DM/19/02222/LB

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

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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, BE1, BE4, BE5, BE6, H3, H15, H19, H22, H24, RL5, S1, S15 and T1 of the WVDLP.

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

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with the requirements of saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

4. Prior to the commencement of the development a method statement setting out the method of demolition of the rear parts of the building and means of repair of the areas of retained existing historic fabric identified on drawing nos. BA/19/07 REV E (Proposed Ground Floor Plan – Flats) and BA/19/08 REV F (Proposed First Floor Plan – Flats) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed thereafter in accordance with the approved details.

Reason: To protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

5. Notwithstanding the information shown on the submitted plans full specification, colour finish and joinery details of all new windows and external doors drawn to a scale of 1:20 together with full construction details and section of any frames and units of non-timber construction shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be implemented thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

6. Details of the height, type, position and angle of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to their

installation. The lighting shall be erected and maintained in accordance with the approved details.

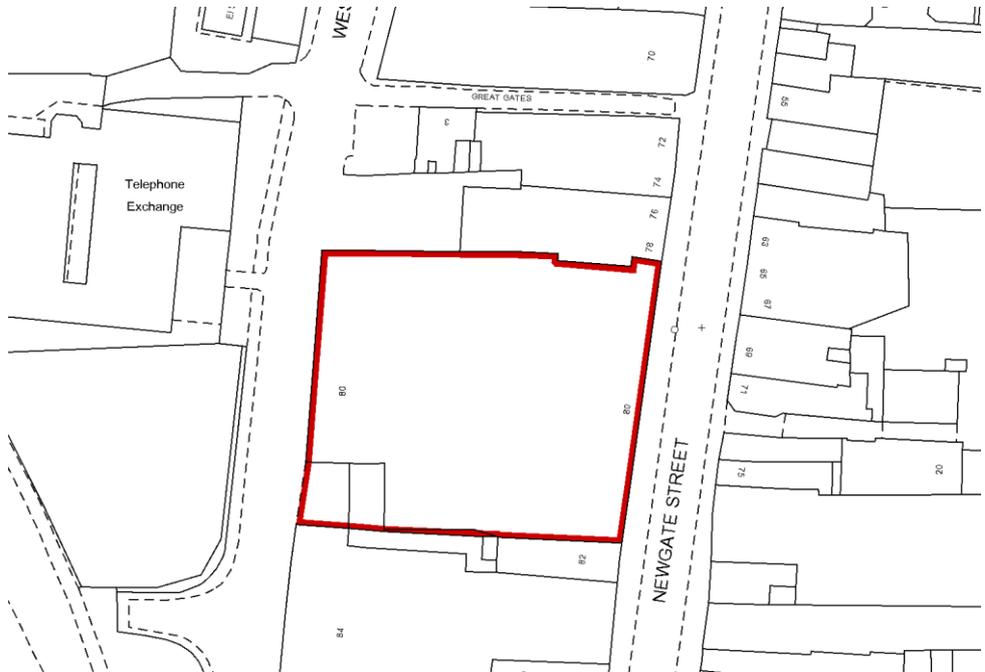
Reason: To ensure external lighting does not have an adverse impact on protected species and upon the significance of designated heritage assets in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

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
 Wear Valley District Local Plan
 Statutory consultation responses
 Internal consultations responses
 External consultations responses

 <p>Durham County Council</p> <p>Planning Services</p>	<p>Change of use of former department store to 3no. ground floor units with flexible A1/A3 use and 27 apartments, associated internal and external alterations and partial demolition</p> 
<p>This map is based upon Ordnance Survey material with the permission of Ordnance</p>	<p>Comments</p>

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Date 16 October 2019

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/02223/FPA and DM/19/02224/LB
FULL APPLICATION DESCRIPTION:	Change of use of former department store to 3no. ground floor units with flexible A1/A3 use and 62 no. bedroom hotel, associated internal and external alterations and partial demolition
NAME OF APPLICANT:	Mr J Bispham
ADDRESS:	80 Newgate Street, Bishop Auckland, DL14 7EQ
ELECTORAL DIVISION:	Bishop Auckland
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 the former Beales department store, a prominent grade II listed building, situated to the western side of Newgate Street in Bishop Auckland Town Centre. The property is located within the Bishop Auckland Conservation Area and is also within an area designated a Heritage Action Zone, seeking to revitalise the historic town centre.
2. The building dates to the late 19th century with a grand façade fronting on to Newgate Street and was originally occupied by the Co-operative. It was used as a department store until trading ceased in 2017. It is a large building with 3 distinct retail areas making up the primary element of the building adjacent to Newgate Street. Rear elements extend to Westgate Road to the west side and contain storage, offices, a former café on the first floor and other ancillary areas. A tall water tower and 2 no. delivery areas covered by flat roofs are also located to the rear of the building. It is of 3 storeys in height and includes a basement.
3. The front elevation contains a modern shop frontage on the ground floor with decorative stonework to the first and second floors above. The rear side of the building is much more utilitarian in character and the elevations are of more simplistic appearance in brick and render, without any elaborate detailing.
4. Planning permission and listed building consent are sought to provide 3 no. smaller flexible retail (A1) or restaurant/café (A3) units on the ground floor within the front section of the building, and convert the remainder of the retained ground floor and first and second floors to a 62 bedroom hotel. The basement would be retained with no alterations proposed in this space.
5. Part of the rear sales and storage areas behind units 2 and 3 would be demolished to consolidate the ground floor commercial space and allow space for car parking within an enclosed rear yard. In total 25 no. car parking space would be provided,

with 19 no. spaces for the proposed hotel and 2 no. spaces each per commercial unit.

6. Access to the car park would be from Westgate Road to the rear of the site and pedestrian access to the proposed apartments would be available from both the front and rear sides of the building. Ancillary facilities such as bin storage, cycle storage and plant would be accommodated in the retained rear wing adjacent to the car park.
7. Externally changes to the building would be minimal. Existing timber sash windows on the Newgate Street elevation would be retained and refurbished, with secondary glazing installed behind. New window openings would be provided in the rear elements of the building to accommodate the new residential use and existing windows to the rear would be replaced with double glazing.
8. The application is being reported to the committee as the proposal constitutes major development.
9. In addition to these applications, the applicant has also applied for planning permission and listed building consent to convert the building to 3 no. ground floor retail units and 27 no. apartments above, which is being considered separately. The applicant intends to test the market with both proposed uses.

PLANNING HISTORY

10. Applications for planning permission and listed building consent have concurrently been submitted to 3 no. ground floor retail units with 27 no. apartments above.
11. Previous applications at the site relate to alterations to the building associated with the former retail and commercial uses.

PLANNING POLICY

NATIONAL POLICY

12. 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.
13. 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.
14. *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.

15. *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.
16. *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, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
17. *NPPF Part 6 - Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
18. *NPPF Part 7 Ensuring the Vitality of Town Centres* - Planning policies and decisions should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
19. *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.
20. *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.
21. *NPPF Part 11 - Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
22. *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.
23. *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.

24. *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.
25. *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.

LOCAL PLAN POLICY:

26. The following policies of the Wear Valley District Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
27. *Policy GD1: General Development Criteria*: All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
28. *Policy BE1: Protection of Historic Heritage*: The Historic Heritage of District should be conserved by the maintenance, protection and enhance of features of particular historic, architectural or archaeological interest.
29. *Policy BE4: Setting of a Listed Building*: Development which impacts on the setting of a listed building and adversely affect its special architectural, historical or landscape character will not be allowed.
30. *Policy BE5: Conservation Areas*: Identifies Conservation Areas within the former Wear Valley District.
31. *Policy BE6: New Development and Alterations*: Development within Conservation Areas should preserve or enhance the character of the area, use appropriate building materials and comply with the requirements of policy GD1.
32. *Policy BE23: Provision of Public Art*: In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.
33. *Policy TM1: Criteria for Tourist Proposals*: Schemes which provide tourism facilities are encouraged provided they: are of a scale and intensity compatible with their surroundings, can be absorbed into the landscape, do not conflict with other policies

and proposals in the Local Plan, have safe access and parking facilities and do not adversely affect residential amenity.

34. *Policy S1: Town Centres:* Seeks to protect Bishop Auckland Town Centre as one of the major retailing centres in the former District. Proposals for shops, offices and other commercial activities will be permitted in town centres. Proposals for retail developments which undermine the vitality and viability of these town centres will be resisted.
35. *Policy S15: Shop Fronts:* New shop fronts should be in keeping with the character of the building and surrounding area. Existing architectural features should be retained and incorporated in new shop front designs.
36. *Policy T1: Highways:* Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

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 <https://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>

RELEVANT EMERGING POLICY:

The County Durham Plan

37. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

38. *Bishop Auckland Town Council* – Are keen for the building to be brought back into use as soon as possible to safeguard its long term future and to make a positive contribution to on going regeneration in the town. The need for additional tourist accommodation in Bishop Auckland is acknowledged. The proposal would create a number of permanent jobs and add to the vitality of the town centre. It is considered that adequate car parking is provided for the use.
39. *The Coal Authority* – No objections subject to standard informative regarding coal mining legacy
40. *Durham Constabulary* – Have no comments to make on the application.

41. *Highway Authority* – No objections are raised subject to a condition and informative to secure a new section of adoptable footway on Westgate Road between, and covering, the 2 no. proposed pedestrian entrances, together with an associated amendment to the Traffic Regulation Order to effect a corresponding truncation in the loading bay.
42. *Historic England* – Following the submission of amended plans indicating key internal historic features would be retained consider the proposal is in accordance with paras. 192 and 193 of the NPPF and support the application on heritage grounds.
43. *National Amenity Societies* – No comments received
44. *Northumbrian Water* – No objections

INTERNAL CONSULTEE RESPONSES:

45. *Archeology* – No objections, no requirement for archaeology condition
46. *Design and Conservation* – Following the submission of amended plans indicating key internal historic features would be retained and amendments to the entrance to the flats on Newgate Street, no objections are raised.
47. *Environmental Health* – No objections subject to conditions requiring development to be carried out in accordance with submitted noise assessment and to agree details of kitchen extraction and ventilation equipment.
48. *Heritage Action Zone Coordinator* – Supports the proposal, noting that re-use of the building is a key project within the Heritage Action Zone Delivery Plan and that anticipated increases to visitor numbers in the next 3 years will result in an increase in the demand for bed spaces.
49. *Lead Local Flood Authority* – No objections, note that the development is refurbishment of an existing building and in light of the small scale of hard standings, existing drainage connections and sustainable drainage not being suitable in this location, disposal of foul and surface water into the public sewerage system is considered acceptable on this occasion
50. *Regeneration Team* – Support the application, note that re-use of the building was a key project identified in the Bishop Auckland Town Centre Masterplan, the 3 no. smaller commercial units will provide important business opportunities for business start ups and the re-occupation of the commercial ground floor element will help to revitalise the high street. Recent research demonstrates a need for additional overnight accommodation associated with tourist developments in Bishop Auckland and the proposed would assist in meeting this demand, also contributing to economic regeneration of the town centre by increasing footfall and expenditure in the heart of the town centre.
51. *Spatial Policy* – Note the relevant planning policy context for determining the applications

PUBLIC RESPONSES:

52. A site notice was posted, neighbouring properties were notified in writing and the applications were advertised in the local press. 2 no. letters of support have been received raising the following points.

- There is a need for good accommodation in the town centre due to current and future visitors to this historic venue.
- The location of the hotel is vital for creation of jobs and regeneration of the declining high street.
- A new public car park is proposed at Kingsway which would provide parking for hotel customers.
- Other large hotel and public house operators have successfully preserved many old and historic buildings in town centres to provide comfortable accommodation for visitors.
- Use of the building as a hotel is a more preferable option for this prestigious building.
- Demolition of the warehouse for parking spaces is a wise move.
- The importance of the proposal and the associated regeneration benefits are emphasised.

APPLICANTS STATEMENT:

53. The application proposes the re-use and restoration of Key Listed Building within the conservation area of Bishop Auckland for the purpose of providing 3 no. commercial units on the ground floor and 62 bedroom hotel on the upper floors. The proposed development would provide significant social, environmental and economic benefits through the restoration and retention of a key Listed Building within the central conservation area and would provide an important contribution to the visitor/tourist economy which is both present and rapidly expanding within Bishop Auckland due to a number of exciting new ventures within the town. The proposed development would seek to build on this and provide an important contribution to visitor accommodation within the centre which at present is lacking.
54. The proposed would accord with saved policies GD1, BE1, BE4, BE5, S1, S2 and TM4 H24 of the Wear Valley Local Plan and would support the wider regeneration efforts within Bishop Auckland. Sustainable development would be achieved in social, economic and environmental terms and an entirely national and local planning policy compliant scheme would be delivered in this case. The Council is therefore respectfully requested to support the proposals by approving the application without delay in line with the requirements of paragraph 11 of the NPPF.

PLANNING CONSIDERATIONS AND ASSESSMENT

55. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, relevant Development Plan policies, 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

56. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVDLP) forms the statutory development plan and remains the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The WVDLP was adopted in 1997, Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due

weight should be given to them, according to their degree of consistency with the NPPF.

57. Saved policy S1 of the WVDLP supports proposals for commercial uses within town centres and identifies Bishop Auckland as one of the major retailing centres in the former District. Saved policy TM1 of the WVDLP supports proposals for tourism facilities.
58. These policies are in accordance with part 6 of the NPPF which supports sustainable forms of economic development and part 7 which seeks to ensure the vitality of town centres. Para.85 states that planning decisions should support the role that town centres play at the heart of local communities, promoting their long term viability and vitality by allowing them to grow and diversify in a way that responds to rapid changes in the retail and leisure industries, allow a suitable mix of uses and reflects their distinctive characters.
59. The above saved policies from the WVDLP are considered to be the most relevant policies for determining the applications. They are consistent with the NPPF and therefore carry full weight in decision making. As such the applications are to be assessed and determined in accordance with paragraph 11(c) of the NPPF which requires development proposals that accord with an up to date development plan to be approved without delay
60. Although there is no policy requirement to demonstrate need in this instance, it is useful to identify the impact that this development may have upon the tourism economy. The visitor economy is extremely important to County Durham and as of June 2017, 93% of visitors to County Durham were day visitors, spending around £20.18 per day, whereas overnight visitors spent on average around £169.14 per trip. In this way, around 40% of all tourism expenditure in the county can be attributed to only 7% of the total visitors. Consequently, encouraging overnight stays is a key issue for the tourism economy within County Durham.
61. In 2012 the Council commissioned the County Durham Visitor Accommodation Futures Study (CDVAFS), which examined both existing offer, and market potential for various forms of visitor accommodation across the County. Although now 7 years old, this document remains the most up to date detailed study of visitor accommodation for the County. The CDVAFS identifies that there is potential for new or additional hotels in Bishop Auckland.
62. This would suggest that there is a potential need for this development in terms of increasing the amount and type of accommodation offer within the area. Although economic benefits have not been quantified as part of the application, it would appear reasonable to conclude that this proposal would have a positive impact upon the tourism offer of this part of the County, as well as the wider local economy for associated visitor expenditure. This would be consistent with the NPPF's approach to build a strong, competitive economy.
63. Bishop Auckland Town Centre has been in economic decline for some years. Newgate Street and other retail areas contain a high proportion of vacant units, some of which are in a derelict and untidy condition. The Bishop Auckland Conservation Area is currently on the national heritage at risk register. The former Beales Department Store is a large building that would be difficult to re-use in its entirety for retail use in the current market. The building is an important designated heritage asset and is located within an area designated for heritage led regeneration as part of the Heritage Action Zone.

64. The proposed development would split the large retail unit into 3 no. smaller commercial units on the ground floor, each with a frontage on to Newgate Street, one of the primary shopping streets within Bishop Auckland Town Centre. The smaller units would be better suited to market requirements by virtue of their smaller size and improved layout. They would also have a flexible use and could be used for A1 retail or A3 restaurant/café use. As such it is considered the units would be more desirable to potential commercial operators.
65. The proposed hotel use of the upper floors would meet an identified need for hotel accommodation in Bishop Auckland associated with on going tourism developments at Auckland Castle, Kynren and within the wider area. The provision of tourist accommodation in the town centre would help to support existing businesses and services in this area which has been in economic decline in recent years.
66. Given the size of the building, nature of the proposed development and its central location within the town centre, it is considered that the scheme has significant potential to have a positive impact on the vitality and viability of the town centre and would assist in tackling current issues of economic decline. The Council's Regeneration Team and the Heritage Action Zone Coordinator offer support for the proposal due to these anticipated positive regeneration benefits.
67. Para. 192 of the NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with the conservation and the positive contributions conservation of heritage assets can make to sustainable communities including their economic vitality. The proposed development would secure a long term, viable use for this large, prominent grade II listed building centrally located within the Bishop Auckland Conservation Area, which has been disused for some time and in need of repair. In accordance with para. 192 of the NPPF the meaningful re-use and restoration of the building must carry significant weight in this case.
68. It is therefore considered that the principle of the proposal is acceptable and would accord with saved policies S1 and TM1 of the WVDLP and the NPPF.

Impact on Heritage Assets and the Character of the Surrounding Area

69. Parts 12 and 16 of the NPPF and saved policy GD1 of the WVDLP seek to ensure good design in new developments, especially those affecting the historic environment, having regard to a sites natural and built features and the relationship to adjacent land uses and activities.
70. Para. 189 of the NPPF states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected in a proportionate level of detail. Para. 190 goes on to advise that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including the setting of a heritage asset) to avoid or minimise conflict between the heritage asset's conservation and the proposed development.
71. When considering the impact of proposed works on the significance of a listed building, paragraph 193 of the NPPF states that "great weight" be given to their conservation and states that, the more important the asset the greater the weight should be.
72. Given the designation of the property as a grade II listed building s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning

Authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Furthermore as the building is located within the Bishop Auckland Conservation Area s72 of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

73. The three-storey frontage on Newgate Street as it exists today was built in four main phases; the first section of the building was built in 1873; in 1882-83 this was extended to the north into a tripartite arrangement with a central gabled block; this extension was replicated to the south side of the original building in 1892-94 to form a complete elevation of five blocks; the final phase of expansion resulted from the purchase in 1902 of the adjoining pre-existing building, dated 1894. Behind the street frontage the building comprises warehousing and offices ranging in date from 1883-1961. The building is known locally either as 'the Co-op' or 'Beales', the latter being the final company to operate in the premises.
74. The Bishop Auckland Co-operative Society ceased independent operation in 1968, but the building remained in Co-operative ownership, following a series of mergers and take-overs, until 2011 when it was sold to Beales Department Stores. Beales closed in 2017 and the buildings have remained vacant since.
75. The building is one of the grandest and most striking in Bishop Auckland and dwarfs most other buildings in the commercial centre of the town. Despite the fact that the architecture of the building may not be as grand as comparative buildings found in major centres it nevertheless makes clear the aspirational nature of the Co-op movement in this area of the north east.
76. The building as it exists today has been substantially altered over time and consists of layer upon layer of incremental alterations, demolitions and replacement, associated with the expansion of the Co-op's activities but still retains traces of its original form. The layout of the front-of-house aspects of the store responded to changing retail environments and evolved from individual compartmentalised departments, shops within shops, to the open plan layouts which survive today. These alterations inevitably involved major structural interventions which required the introduction of new columns and beams to replace formerly solid brick cross walls. Despite much change, a great deal of evidence of previous iterations does survive. The ground-floor shopfront was completely remodelled in the latter half of the 20th century and no evidence appears to survive of what pre-dated it. The current proposals would involve further interventions to the ground floor frontage are therefore a continuation of previous alterations and will not be harmful to historic fabric.
77. The whole complex as it remains represents over 150 years of changes during the life and decline of the Co-operative Society, and provides a picture of its commercial, economic, manufacturing and social activity. The building is clearly of exceptional local significance, with associations and memories for Bishop Auckland residents over many generations.
78. The complex of buildings retains a strong association with the wider co-operative movement which is an important feature of the labour movement in Industrial Britain, representative of the late-19th century development of increased rights and organisations to improve the rights of the working classes. Bishop Auckland is significant as one of the earliest co-operative societies in the North East, placing it at the forefront of the movement's activities within County Durham and connecting more broadly to the local mining communities, in whose interests co-operation was established. The building is a good example of an evolved Victorian retail store and

combined warehouse, remaining largely intact, with the exception of internal rearrangements and refitting, and significant alteration to the shopfronts.

79. The rear warehouses retain evidence of the functioning of a large department store, in the form of sections of hoists, grilles, lifts, and evidence of transportation linked to cart entrances and tracks paved with timber cobbles. There is also evidence of a clear hierarchy of internal spaces, with decorative plasterwork within the rear section of the building indicating committee meeting rooms, a well-preserved board room and manager's office on the first floor, all retaining high quality late-19th century original fabric. Following comments from the Design and Conservation Officer and Historic England, the proposed layout plans have been amended to ensure key features within the retained northern, rear wing would be preserved as part of the development. A condition to agree a method statement demonstrating how this would be achieved is considered appropriate.
80. Externally, other than the proposed demolition, alterations would be to a minimal level. Existing modern shop fronts and timber sash windows to the frontage would be retained and repaired. New windows would be inserted at the rear and those existing to this side of the building would be double glazed. A new rear vehicle access would also be created.
81. The much altered interior of the building allows for a high degree of subdivision to achieve the proposed new use. However the proposed demolition of the rear ranges of the building to accommodate car parking and vehicle access would result in some harm to the significance of the building. This is required in order to achieve a viable form of development and would affect the least significant part of the building, with other more significant aspects being retained.
82. As the ground floor commercial units include potential for A3 (restaurant/café) uses, some kitchen extract and ventilation equipment may be required. Details of this have not yet been provided, however a condition to ensure this appropriately sited and designed so as not to affect the character and significance of the grade II listed building and conservation area, is considered appropriate.
83. The associated harm to the significance of the grade II listed building resulting from the proposed demolition and subdivision to form new uses is considered to be less than substantial. Para. 196 of the NPPF states that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. In this instance the development would result in substantial public benefits, involving the meaningful re-use of a prominent and valued building in the heart of the Bishop Auckland, which has potential to act as a catalyst in reversing the decline of this part of the town centre and securing the retention and long term up keep of a grade II listed building. Therefore the public benefits of the scheme are considered to outweigh the less than substantial harm resulting from the alterations and demolition necessary to accommodate the proposed development.
84. Taking all of the above into account and having regards to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that significant weight must be given the preservation and functional re-use of the prominent and important grade II listed building. On balance it is considered that the proposal would preserve the character and significance of the grade II listed building and the Bishop Auckland Conservation Area. There is no conflict with the landscape, design and heritage policies of the NPPF in this respect or Saved Policies GD1, BE1, BE4, BE5 and BE6 of the WVDLP.

Highway Safety

85. Para. 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network are severe. Saved policies GD1 and T1 of the WVDLP seeks to ensure that new developments provide safe access and adequate parking facilities.
86. Vehicle access into the site would be to the rear off Westgate Road. This would lead through into an inner courtyard area former by the demolished parts of the buildings, where 25 no. car parking spaces would be provided, together with space for deliveries to the proposed commercial units. Pedestrian access to both the hotel and commercial units would be available from both Newgate Street and the Westgate Road. Each of the commercial units would have 2 no. allocated car parking spaces, with the remaining 19 no. being for users of the hotel. The Highways Officer considers that given the town centre location, where local facilities and public transport are easily accessible on foot, the proposed amount of parking is acceptable in this instance.
87. In relation to the proposed pedestrian access from Westgate Road, the Highways Officer notes this would conflict with an existing 24 hour loading bay within the public highway to the rear of the building and lead to potential safety issues. As such a new section of adoptable footway on Westgate Road between, and covering, the 2 no. proposed pedestrian entrances would be necessary, together with an associated amendment to the Traffic Regulation Order to effect a corresponding truncation in the loading bay. The Highways Officer recommends a condition and informative advising the applicant to enter into a S278 agreement under the provisions of the Highways Act to secure these works, both of which are considered appropriate.
88. Having regard to the above, no objections are raised by the Highways Officer and it is considered that the proposed access, parking and turning arrangements are acceptable. The development is not considered to result in any adverse impacts to highway safety and would accord with saved policies GD1 and T1 of the Local Plan and the NPPF.

Residential Amenity

89. Para. 127 of the NPPF states that new development should maintain a good standard of amenity for all existing and future users of land and buildings. Saved policy GD1 from the Wear Valley District Local Plan advises that new development should not disturb or conflict with adjoining uses. Saved Policy H24 sets out the standard of design expected of new residential development.
90. The proposed layout retaining a rear wing sitting perpendicular to the primary aspect of the building, would ensure there are no issues of overlooking or loss of privacy between any of hotel bedrooms.
91. A Noise Assessment has been submitted in support of the application. The Noise Assessment concludes that, subject to the suggested mitigation, hotel guests would not experience any adverse levels of noise and disturbance from surrounding commercial uses within the town centre. The suggested mitigation proposes uprated glazing, which in more sensitive elevations would be achieved by secondary glazing, insulation and sound insulation. Proposed mitigation is considered capable of being achieved without any adverse impacts to the fabric of the grade II listed building. The Environmental Health Officer advises that a condition is attached requiring the

development to be carried out in accordance with the mitigation in the Noise Assessment and this is considered appropriate. As such it is considered the development could be accommodated to ensure that users of the hotel do not experience adverse noise and disturbance from other apartments and ground floor commercial uses and from the wider town centre.

92. The commercial units propose a flexible use, which may involve A3 (restaurant/café) uses, as such ventilation and extraction equipment may be needed in such units to control heat and cooking odours. The Environmental Health Officer advises that a condition to agree precise details of the location and specification of any extraction equipment is attached and this is considered appropriate.
93. It is not thought there are any existing residential uses within immediately adjoining buildings. Planning permission was granted in 2017 for residential apartments at 72/74 Newgate Street, next door but one to the building to the northern side and it is understood this development is nearing completion. Given the nature of the proposed commercial and hotel uses and condition to agree details of extract equipment, it is considered the proposed development could be accommodated without any adverse impacts to the amenity of any local residents.
94. A Construction Management Plan has also been submitted and sets out means of implementing the development with minimal impacts to adjacent premises and users of the town centre. A condition requiring compliance with the Construction Management Plan is appropriate.
95. Under current permitted development rights the ground floor commercial units could potentially be used for other uses, including B1 business units, a library, exhibition hall, museum, assembly and leisure, health centre and financial and professional services, without requiring planning permission. These alternative uses are commensurate with surrounding town centre units and the majority would require prior approval from the Local Planning Authority, which would enable any potential impacts to be considered. As such it is not considered necessary to remove these permitted development rights and any potential alternative uses of the ground floor units are considered unlikely to adversely affect residential amenity.
96. Having regard to the above, on balance, it is considered that the proposed development would ensure an acceptable level of amenity for existing residents and guests staying at the hotel, in accordance with the aims of saved policies GD1 and H24 of the WVDLP and the NPPF.

Protected Species

97. Saved policy GD1 of the WVDLP Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity. A Bat Survey Report has been submitted in support of the application, this notes the presence of a historical bat roost within the building and recommends retention of features to maintain roost access or the erection of bat boxes and suitable features for bats within the main roofline.
98. The Bat Survey Report notes the presence of a historical bat roost within the building. The Conservation of Habitats and Species Regulations 2017 contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a license to a person carrying out activity which would harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that:

- The activity to which the license is required must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative and;
- Favourable conservation status of the species must be obtained.

99. Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty under the Regulations and also be satisfied that these three tests are met when deciding whether to grant planning permission for a development which could harm an EPS.

100. In this case mitigation is to be provided by a toolbox talk and use of detailed method statement which would be agreed by condition, use of sensitive lighting, timing of works to avoid impacts to breeding birds and hibernating bats and retention of features to maintain roost access or erection of bat boxes or suitable feature in the roofline. The Council's Ecology Section are satisfied with the proposed mitigation to ensure there would be no adverse impacts upon bats as a protected species.

101. Having regard to the Habitats Regulations it is considered that there is overriding public interest for the development scheme to be implemented given the untidy appearance and deteriorating condition of the site and its potential to attract antisocial behaviour. There is no more suitable alternative to the proposals. The proposed mitigation is appropriate to ensure there will be no significant impact on the conservation of the local bat population as a whole. From the conclusions of the Bat Survey Report, it is not considered likely at this stage that a licence would be required from Natural England, however should the need arise it is considered that Natural England would be likely to grant a licence. Accordingly, the LPA can discharge its duties under the Habitats Regulations. Overall it is considered that the proposal would not have any adverse impact upon protected species in accordance with the requirements of saved policy GD1 of the WVDLP and part 15 of the NPPF in relation to protected species.

Coal Mining Legacy

102. Saved policy GD1 of the WVDLP states that new development should not be detrimental to public health and part 15 of the NPPF seeks to prevent new development from contributing to, being put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air and water pollution or land instability. The site is situated within a coalfield development high risk area, as such the Coal Authority have been consulted on the proposals. As the development relates to change of use of the building and does not involve any significant ground works, no objections are raised by the Coal Authority, subject to their standard informative. Therefore it is considered the proposed development would not raise any unacceptable risks in terms of coal mining legacy, in accordance with saved policy GD1 of the WVDLP and part 15 of the NPPF.

Drainage

103. 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. In this case existing drainage connections to mains sewerage would be used and there is no scope within the site for provision of sustainable drainage. The Lead Local Flood Authority and Northumbrian Water raise no objections to the application and the development is considered to comply with the requirements of part 14 of the NPPF.

104. Policy BE23 of the WVDLP sets out that in appropriate cases, the Council will encourage the provision of works of art as part of development. However the proposed plans show there would be limited opportunity to provide any public art within the site and it is considered this could affect the viability of the development given the substantial works required to bring the grade II listed building back into use. As such in this instance it is not considered appropriate to require the provision of public art as part of the development.

Conclusion

105. The proposed development would introduce 3 no. smaller, refurbished commercial units for flexible A1/A3 uses on the ground floor, which would be more appropriate for the current market in Bishop Auckland Town Centre and would accord with saved policy S1 and Part 7 of the NPPF.
106. The application is required to be considered in the context of paragraph 11 (c) of the NPPF, which states that development proposals that accord with up to date development plan policies be approved without delay. The proposed hotel use would be in accordance with saved policies S1 and TM1, which supports proposals for tourism and commercial uses in town centres and parts 6, 7 and 11 of the NPPF which encourages re-use of existing buildings for sustainable economic development.
107. The proposed development would secure a long term, viable use for this large, prominent grade II listed building centrally located within the Bishop Auckland Conservation Area, which has been disused for some time and in need of repair. In accordance with para. 192 of the NPPF the meaningful re-use and restoration of the building must carry significant weight in this case.
108. Whilst demolition of some parts of the building are proposed and alterations to accommodate the new use would result in some loss of significance to the designated heritage asset, this is considered to result in less than substantial harm which would be outweighed by the public benefits of the scheme, in accordance with para. 196 of the NPPF. On balance it is considered that the proposal would preserve the character and significance of the grade II listed building and the surrounding conservation area, in accordance with saved Policies GD1, BE1, BE4, BE5 and BE6 of the WVDLP and parts 12 and 16 of the NPPF.
109. The development would not result in any adverse impacts to highway safety, residential amenity, protected species, drainage and coal mining legacy in accordance with relevant saved policies from the WVDLP and the NPPF.
110. Overall the development would accord with relevant saved policies from the WVDLP and the NPPF and would bring substantial regeneration benefits to Newgate Street and Bishop Auckland Town Centre. Therefore the applications are 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, BE1, BE4, BE5, BE6, TM1, S1, S15 and T1 of the WVDLP.

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

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with the requirements of saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

4. Prior to the commencement of the development a method statement setting out the method of demolition of the rear parts of the building and means of repair of the areas of retained existing historic fabric identified on drawing nos. BA/19/111 REV E (Proposed Ground Floor Plan – Hotel), BA/19/112 Rev F (Proposed First Floor Plan – Hotel) and BA/19/113 Rev D (Proposed Second Floor Plan – Hotel) shall be submitted to an approved in writing by the Local Planning Authority. The development shall be constructed thereafter in accordance with the approved details.

Reason: To protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

5. Notwithstanding the information shown on the submitted plans full specification, colour finish and joinery details of all new windows and external doors drawn to a scale of 1:20 together with full construction details and section of any frames and units of non-timber construction shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be completed thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

6. Prior to first use of the hotel or commercial units full details shall be submitted of the new section of Westgate Road footway, associated traffic regulation order, signs and line marking. The new section of footway shall be installed and available for use prior to first occupation of any of the apartments or commercial units.

Reason: To ensure there are no adverse impacts to highway safety arising from the new vehicle and pedestrian accesses to the building, in accordance with saved policies GD1 and T1 of the WVDLP and the NPPF.

7. The development hereby approved shall be implemented in complete accordance with the mitigation measures detailed in Section 5 – Site Evaluation and Biodiversity Mitigation (Penn Associates, Bat Survey Report, June 2019) including but not limited to:

- Toolbox talk in relation to bats to be given to all contractors working on the site;
- A detailed method statement regarding working methods in relation to bats shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and shall be adhered to in full at all times until the development has been completed;
- Use of sensitive lighting strategy post development to reduce any likely risk of impact on existing flightlines;
- Sensitive timing to avoid impacts on breeding birds and hibernating bats;
- Retention of suitable features within the structure to maintain roost access on site, or alternatively erection of bat boxes/creation of suitable features within the main roofline.

Reason: To conserve protected species and their habitat in accordance with part 15 of the NPPF. The pre-commencement method statement is required to ensure construction working practices have regard to the impacts on bats as a protected species.

8. The development hereby approved shall be implemented in complete accordance with the mitigation measures set out in the Noise Assessment (NJD Environmental Associates Noise Assessment – ref. NJD19-0014-002R - April 2019). The mitigation measures shall be completed in full prior to first occupation of any of the apartments.

Reason: To ensure users of the hotel are not adversely affected by any problems of noise and disturbance, in accordance with saved policy GD1 of the WVDLP and the NPPF.

9. The development hereby approved shall be completed in complete accordance with the methods set out in the Construction Management Plan (Mablesen Hall – 26 February 2019).

Reason: To ensure the development does not result in any excessive noise and disturbance within the locality, in accordance with saved policies GD1 and H24 of the WVDLP and the NPPF.

10. Details of the height, type, position and angle of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The lighting shall be erected and maintained in accordance with the approved details.

Reason: To ensure external lighting does not have an adverse impact on protected species and upon the significance of designated heritage assets in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

11. Prior to its installation, full details of any fume extraction system, to include a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate

accordance with the current DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems shall be submitted to and approved in writing by the Local planning authority. The approved extraction system shall be installed prior to first occupation of the commercial unit to which it relates and shall be operated at all times when cooking is being carried out on the premises.

Reason: To ensure the new commercial uses do not generate excessive noise or odours to the detriment of the amenity of new residents and users of adjacent premises, in accordance with saved policy GD1 of the WVDLP and the NPPF.

DM/19/02222/LB

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

Reason: In accordance with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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, BE1, BE4, BE5, BE6, TM1, S1, S15 and T1 of the WVDLP.

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

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with the requirements of saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

4. Prior to the commencement of the development a method statement setting out the method of demolition of the rear parts of the building and means of repair of the areas of retained existing historic fabric identified on drawing nos. BA/19/111 REV E (Proposed Ground Floor Plan – Hotel), BA/19/112 Rev F (Proposed First Floor Plan – Hotel) and BA/19/113 Rev D (Proposed Second Floor Plan – Hotel) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed thereafter in accordance with the approved details.

Reason: To protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

5. Notwithstanding the information shown on the submitted plans full specification, colour finish and joinery details of all new windows and external doors drawn to a scale of 1:20 together with full construction details and section of any frames and units of non-timber construction shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be completed thereafter in accordance with the approved details.

Reason: In the interests of visual amenity and to protect the special character of the listed building and its setting in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

6. Details of the height, type, position and angle of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The lighting shall be erected and maintained in accordance with the approved details.

Reason: To ensure external lighting does not have an adverse impact on protected species and upon the significance of designated heritage assets in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP 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
Wear Valley District Local Plan
Statutory consultation responses
Internal consultations responses
External consultations responses

 <p>Durham County Council</p> <p>Planning Services</p>	<p>Change of use of former department store to 3no. ground floor units with flexible A1/A3 use and 27 apartments, associated internal and external alterations and partial demolition</p>  <p>The site plan shows a red-outlined building footprint on Newgate Street. The building is situated between Great Gates and Newgate Street. The plan includes a Telephone Exchange to the west of the building. The street is labeled 'NEWGATE STREET' and 'GREAT GATES'. The building footprint is labeled '80'.</p>
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	<p>Date 16 October 2019</p>	

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/02547/FPA
FULL APPLICATION DESCRIPTION:	47no. dwellings and associated infrastructure
NAME OF APPLICANT:	Livin
ADDRESS:	Clarence Green and Travellers Green, Newton Aycliffe, Co Durham
ELECTORAL DIVISION:	Aycliffe East
CASE OFFICER:	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application relates to a parcel of land (some 1.3Ha) located to the south of Travellers Green within Newton Aycliffe. The site contains a mix of existing bungalows (a number of which are presently vacant and boarded up with some having been recently demolished leaving only their base plate) set amongst an estate road and areas of open amenity space. (Travellers Green and Clarence Green). To the north beyond the Clarence Chare carriageway are neighbouring residential properties. To the east lies new residential development constructed by Livin as part of the Travellers Green Phase 1 site. The southern boundary of the site borders an established landscape buffer adjacent to a former railway line within a local wildlife site with the Aycliffe Industrial Estate beyond. To the west are allotment gardens and further residential development.
2. The application is submitted by Livin (a registered provider of social housing) who seek permission to construct 47no. affordable rent dwellings with associated infrastructure across the site. These new units would replace 32no. existing pre-fabricated post WW2 structures considered to be at the end of their life and scheduled for demolition due to their vacant and deteriorating condition. The proposed development would provide a mix of starter and family homes and bungalows and would include 14no. 2 bed 4 persons houses, 11no. 3 bed 5 persons homes, 4no. 4 bed 6 persons homes and 18no. 2 bed 3 persons bungalows. The dwellings would be of single and two storey scale comprising brick, render and cladding finish with red and grey roof tiles.
3. Vehicular access to the site would be taken from Travellers Green to the north, maintaining the existing road network alignment through the site, with all dwellings served by in-curtilage parking. The proposals include the creation of landscaped areas along the roadside and an area of new open space located centrally within the site, together with the retention of large areas of existing open amenity space (Clarence Green and Travellers Green) to the north of the site. Existing trees are to be retained where possible with identified trees to be removed to be replaced by additional landscape planting across the site.

4. The proposals form the latest phase of housing regeneration works in the Travellers Green area by the Company supplementing the recently constructed older persons and apartment scheme on land to the immediate east (Phase 1).
5. This application is being reported to the Planning Committee in accordance with the Council's Scheme of Delegation as it falls within the definition of a major development.

PLANNING HISTORY

6. Planning permission was granted 23 February 2016 for the demolition of 5no. bungalows on land to the east of the current application site and the erection of 23no. residential units comprising 11no. bungalows and 12no. apartments (planning ref: DM/15/02581/FPA). This approval would represent Travellers Green Phase 1. Subsequent variation approvals DM/17/01065/VOC (21 August 2017) and DM/18/01222/VOC (30 November 2018) sought to amend the approved site layout, involving a reduction in the number of approved units to 22no. The approvals were granted subject to a s106 agreement securing affordable housing provision and off-site open space contribution.
7. Demolition consent applications DM/19/00096/PND (05 February 2019) and DM/19/02087/PND (23 July 2019) relate to the current application site where the LPA concluded that prior approval would not be required for the demolition of a total 32no. prefabricated bungalows across the site.
8. Application ref: DM/19/02548/AD was approved 05 September 2019 and concerns the erection of signage around the site advertising the next phase of the Travellers Green regeneration works (Phase 2).

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.
11. *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 Page 72

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.

12. *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.
13. *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, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
14. *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.
15. *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.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *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.
18. *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.
19. *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 Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

LOCAL PLAN POLICY:

20. The development plan is the Sedgefield Borough Local Plan saved policies:
21. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
22. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
23. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
24. *Policy D9 – Art in the environment* – seeks to encourage the incorporation of artistic elements in development schemes.
25. *Policy E15 – Safeguarding of woodlands, trees and hedgerows* - seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost.
26. *Policy H14 - Maintenance and improvement of housing stock* – seeks to support them maintenance and improvement of the Boroughs housing stock, granting permission that would lead to improvement of housing areas through the redevelopment, conversion or modernisation of buildings, environmental improvements, improvements to access, traffic circulation and parking arrangements.
27. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
28. *Policy H19 - Provision of a range of house types and sizes including affordable housing* – seeks to support proposals which would provide an appropriate variety of house types and sizes, including the provision of affordable housing where a need is demonstrated.
29. *Policy L2 – Provision of open space in new housing development* – seeks to ensure open space provision in housing developments of 10 or more dwellings.
30. *Policy L5 – Safeguarding of areas of open space* – sets criteria for the retention of areas of open space.

RELEVANT EMERGING POLICY:

The County Durham Plan

31. Paragraph 48 of the NPPF states 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. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June

2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. A timetable for the Examination in Public (EiP) of the CDP has been devised with the Hearings set to commence in October 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

Great Aycliffe Neighbourhood Plan (GANP)

32. The application site falls within the geographical scope of the Great Aycliffe Neighbourhood Plan (GANP). This plan received support through a recent referendum on 22 June 2017 and now has development plan status, with the following GANP Policies considered relevant to the determination of this application:
- GANP CH1 (Landscape character and townscape)
 - GANP E4 (Existing tree retention and removal)
 - GANP E5 (Protection of existing trees within new development)
 - GANP H5 (Provision of in-curtilage parking and storage)
 - GANP DB1 (Large scale development requirements)
 - GANP H7 (Housing for older people)
 - GANP H8 (Affordable housing)
 - GANP H9 (Provision of facilities and services)
 - GANP T1 (Parking impacts on existing infrastructure)
 - GANP CIL1 (Developer contributions)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Great Aycliffe Town Council* – Has no comment or objection on the application.
34. *Highway Authority* – No objections.
35. *NWL* – No objections, subject to condition ensuring development is implemented in line with the drainage scheme contained within the submitted document entitled “Drainage Impact Assessment” dated “July 2019”.

INTERNAL CONSULTEE RESPONSES:

36. *Ecology* – It is recommended that at least 5 of the new buildings on the site include an integrated bat box on a suitable elevation (type and location to be agreed with the LPA). This will ensure that the proposals meet the required net gains in biodiversity as required by the NPPF. It is further advised that the Recommendations detailed in Section H of the Great Crested Newt survey report (E3 Ecology, 2019) should be conditioned, including but not restricted to the acquisition of a relevant protected species license as detailed. All works to be progressed strictly in accordance with the conditions of the license thereafter.
37. *Drainage* – If the estate roads serving the development are on the same alignment as existing roads, the proposals can be considered as maintenance of existing as regards the need for additional drainage works, with no requirement for additional surface water runoff treatment. Permeable paving to all private drives and private shared accesses would be required and can be controlled by condition.
38. *Landscape* – It would be preferable if some existing hedges could be retained, however this may be difficult where multiple entrances are being constructed through the hedges, or if local changes of levels are involved. If hedges are to be removed

replacement planting needs to be shown on the landscape plans, or if they are to be retained, protective fencing needs to be shown on the Tree Protection Plan and a method statement produced for the removal of sections of hedge without damaging retained sections.

39. *Arboriculture* – The proposals indicate that a number of trees will be removed as a direct impact of the development with replacement planting appearing to be relatively limited in comparison. Many of these trees are small garden ornamentals and their loss is acceptable. Should the application be approved based on other considerations in the planning balance, it is recommended that the tree protection measures specified within the tree report are followed in full and that the application provides a landscape plan that includes tree planting on the open green areas to the north of Clarence Green and Travellers Green.
40. *Affordable Housing* – No objections. Information provided in the application indicates that a variety of property types will be delivered on this scheme. This includes bungalow provision that is in demand in this area. The Housing Development Team are happy that these proposals meet the affordable needs of the area.
41. *Archaeology* – The impact of the development will be minimal; therefore, no objections are raised on archaeological grounds.
42. *Design and Conservation* – No objections.
43. *Education* –Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.
44. *Contaminated Land* – No objections, subject to conditions with respect land contamination.
45. *Noise* – No objections, subject to conditions required to mitigate the potential of statutory nuisance. A revised Noise Assessment would be required and a Construction / Demolition Management Plan (CDMP) submitted to and agreed in writing by the LPA.
46. *Spatial Policy* – No objections. Development proposals that accord with an up-to-date development plan should be approved without delay. This proposal will help provide a wider range of housing choice for the varying ages and householder types of the local population, and re-use previously-developed land.

NON-STATUTORY RESPONSES:

47. *NHS* – A financial contribution of £7245.00 would be required to be spent on an improvement of a facility in the local area in order to mitigate the developments impact on local service provision.

PUBLIC RESPONSES:

48. The application has been publicised by way of site notice press advertisement and notification letters to neighbouring residents. 5no. letters of objection have been received from local residents expressing concerns over perceived loss of privacy and overdominance of existing properties on Clarence Green resulting directly from the new development and traffic increase and lack of parking provision resulting in

highway safety concerns. Concerns have also been expressed over the need for the proposed landscaped community garden and circular path element of the scheme which is unnecessary and may attract anti-social behaviour within close proximity to existing properties on Clarence Green. Loss of view and reduction in property values cannot be considered as material planning considerations relevant to the determination of the application.

APPLICANTS STATEMENT:

49. This application seeks approval for 47no. dwellings consisting of a range of affordable high-quality homes, all to rent, from bungalows for older people to family homes. The mix is as follows: 14no. two bed houses, 11no. three bed houses, 4no. four bed houses and 18no. two bed bungalows.
50. The new homes will replace 32no. pre-fabricated, post-WW2 bungalows that are owned by Livin. These pre-fabricated bungalows had reached the end of their serviceable life and are in the process of demolition following the approval of applications DM/19/00096/PND dated 5 February 2019 and DM/19/02087/PND dated 23 July 2019. The new homes proposed by this application offer significant improvements in design, space and thermal efficiency.
51. The proposed development will support a range of economic benefits, including the generation of 45no. direct and 65no. indirect construction jobs, support local businesses through the use and purchase of local materials with a £4.7m uplift in GVA and an increase in local expenditure by £335,000 per annum.
52. The proposed development provides social benefits by supporting strong, vibrant and healthy communities through delivering 47no. well-designed affordable homes for rent to meet the needs of present and future generations, boosting the supply of homes. The development offers a mix of house types and sizes, providing the housing needed for different groups in the community, including families and older people. The replacement of existing unsuitable housing with more energy efficient stock, built to the latest building regulations ensures that the development will have a positive environmental impact.
53. The principle of residential development on site has been established by virtue of the existing housing on site. The application process has raised few issues from consultees and local residents, all of which have been addressed by the applicant. The design of the proposed development has been amended in response to comments raised.
54. In summary, the proposed development contributes to all three dimensions of sustainable development, delivering substantial social, economic and environmental benefits. The development fully accords with the adopted development plan and in these circumstances the NPPF is clear that development should be approved without delay.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

55. 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, housing land supply, scale and design, privacy/amenity, landscape/arboricultural impact, highways impact, flooding and drainage, ecology, contaminated land and planning obligations.

The principle of the development:

56. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The statutory development plan comprises the Sedgefield Borough Local Plan (SBLP) (1996) and the Great Aycliffe Neighbourhood Plan (GANP) (2017). A new county wide development plan is currently in preparation; however, no weight can currently be afforded to the 'Submission Version' of the County Durham Plan which will be Examined in Public (EiP) during October/November 2019.
57. Part 5 of the NPPF clarifies the Government's objective of significantly boosting the supply of homes, and that the needs of groups with specific housing requirements are addressed. Paragraph 61 sets the requirement for the size, type and tenure of housing needed for different groups in the community to be reflected in planning policies. Given the nature of the proposals, the development scheme would add diversity to the housing tenure in Newton Aycliffe and contribute towards creating a socially inclusive community.
58. Section 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land. Para 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. As the proposals seek to re-use previously developed land within the main settlement, the application would glean support from these sections of the NPPF.
59. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.
60. The application site falls within the remit of the Great Aycliffe Neighbourhood Plan (GANP) which received support through a referendum on 22 June 2017 and therefore now has development plan status. Objective 5 of the GANP seeks to ensure that future developments meet objectively assessed need, including the needs of residents and are of good design including:
 - a) Providing affordable housing;
 - b) Having sufficient suitable older persons' accommodation provided;
 - c) Supporting the development of more two bedroomed accommodations;
 - d) Avoiding small one bedroomed accommodation. (through the use of a multifunctional room);
 - e) Ensuring adequate parking and storage is provided;
 - f) Ensuring the green and open feel is maintained, all new development should include sufficient green space to retain the garden city framework of the 'Beveridge vision';

g) Ensuring all new developments are built to the highest possible energy efficiency standard, incorporating renewable energy measures, such as solar panels, where appropriate;

61. GANP DB1 requires proposals for 30no. dwellings or more to be in keeping with the character of the local area. Houses grouped around green areas will be encouraged and the LPA should resist development of poor quality design. Development proposals which are implemented in phases should make adequate provision to provide green open spaces throughout all phases. Furthermore, development proposals should meet the requirements of other policies particularly GANP H3 in relation to parking provision, GANP H5 in relation to bicycle parking or storage and GANP H9 in relation to making provision for infrastructure and services.
62. GANP H7 (Housing for Older People) confirms that with a higher than average ageing population, and to assist older people to downsize and improve the offer of smaller accommodation, there is a requirement for 10% of new dwellings on sites of 10 or more dwellings to meet the needs of older people, including bungalows. Bungalows should contain at least one bedroom with a multifunctional room to provide for adaptable uses or be a minimum of two bedrooms. As indicated, 18no. of the 47no. units comprise 2-bed bungalows, equating to 38% of the total number proposed.
63. The application site is located within the Newton Aycliffe settlement in a sustainable and accessible location currently occupied in places by existing residential units. The application site offers good links to local services and amenities in the town and surroundings. Furthermore, the individual parcels of land making the wider site have been considered within the Council's Strategic Housing Land Availability Assessment (SHLAA) under refs: 7/NA/336, 7/NA/337 and 7/NA/338) with all given a suitable (green) classification. The application site comprises previously developed land located within the Newton Aycliffe settlement and would assist in the provision of a wider range of housing choice for varying ages and householder types. As the application is submitted by Livin (a registered social provider), all homes would be made available for affordable rent, meeting many of the above policy objectives.
64. The SBLP is now absent/silent on how to assess the principle of windfall housing developments as Policy H1 has lapsed. However, GANP policy DB1 is relevant to this proposal and it considered that the application can be assessed and determined in accordance with paragraph 11c of the NPPF which requires development proposals that accord with an up to date development plan to be approved without delay.
65. With regards housing supply, Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement Page 18 set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
66. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply of 15,946 dwellings beyond the deliverable 5-year supply period.

67. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.
68. Further to this, Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and have a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. In this respect the proposal involves a detailed planning application by a major house builder on land in their control. Given the scale of the development it is likely that the site could be build out within the 5 year period delivering all 47no. units.
69. The Government has also recently published its Housing Delivery Test (HDT) results in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding DCC housing targets.
70. There are no policy objections to the principle of developing this site for housing subject to the following material planning considerations.

Scale / Design:

71. Part 12 of the NPPF and saved policies H17 and D1 of the SBLP seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site. Policy GANP DB1 (Large Scale Development Requirements) requires proposals for 30 dwellings or more to be in keeping with the character of the local area. Development of a poor quality of design will be resisted.
72. The application site is not located within a Conservation Area or area of special control. However, approximately 30m south of the site is the line of the Simpashire branch of the Stockton and Darlington Railway (S&DR) which is considered a non-designated heritage asset. The proposed development of 47no. new dwellings set around the open spaces of Clarence Green and Travellers' Green would largely reflect the existing developed position in terms of buildings, hard surfaces and planting with limited intervisibility between the site and the S&DR. As such the proposed redevelopment of this site would not result in an adverse impact on this non-designated heritage asset.
73. The proposed layout has introduced changes in the orientation of dwellings to those that originally occupied the site with a mix of single and 2 storey dwellings responding to the existing built form in the wider area. The proposed layout allows dwellings to better define streets and spaces, introducing an active frontage and therefore a level of passive surveillance. The proposed scheme is welcomed as a considerable improvement to the current appearance of the area containing a number of deteriorating, boarded up structures which have fallen into disrepair, set amongst occupied units and vacant base plates of previously demolished structures. The applicant has proposed a contemporary approach to the design of the new dwellings featuring external finishes with pitched roofs, vertical fenestration and a mix of red brick, render and cladding whilst ensuring that those dwellings on prominent corners are detailed to address both streets.

74. The proposed dwellings would be of a scale and design which respect their surroundings and represent a notable improvement on the current condition of the site thereby satisfying the principles of Part 12 of the NPPF and saved policies H17 and D1 of the SBLP and GANP DB1.

Privacy / Amenity:

75. Saved policies H17, D1 and D5 of the SBLP seek to ensure that new developments provide satisfactory amenity and privacy for new and existing adjacent dwellings. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings, requiring a minimum 21m distance between opposing windows of primary elevations and 14m between primary and gable elevations of neighbouring property.
76. The proposed dwellings would be arranged across the site and orientated, to provide levels of separation between one another in excess of the aforementioned minimum spacing requirements. The layout would also be staggered so as to ensure no direct overshadowing of neighbouring plots or overlooking window openings. The new dwellings would also respect the existing dwellings to the south of the site on Clarence Green which are to remain in-situ not forming part of the current proposals. Each dwelling would benefit from private amenity space commensurate to the scale of the dwellings they serve, whilst retaining large amenity open space areas to the north of the site and the creation of a new community garden area located centrally within the site.
77. Private garden and intermediate amenity areas are to be landscaped with such detail to be covered by condition in the interests of visual amenity. Furthermore, given the limited space around each dwelling permitted development rights for extensions and outbuildings are to be removed by condition so as to ensure that separation distances are not unacceptably reduced in the interests of residential amenity. As no details of enclosures have been provided at this stage these would also be controlled by condition in the interests of good design and to ensure acceptable privacy between neighbours is maintained.
78. The application is accompanied by a Stroma Technology noise assessment (dated 29 September 2015) which although identifies negligible impact on future occupants from traffic on the nearby A167, given this assessment did not account for noise levels at night, a revised noise assessment is required, to be controlled by condition.
79. With regards to the demolition and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. However, this can be appropriately controlled in terms of site operations and hours of working so as to ensure the limitation of noise emission from the site during more sensitive hours. Environmental Health Officers have further requested the imposition of a construction/demolition management plan condition which the site developers would be expected to adhere to. Subject to the above, the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5 and SPGNote3.

Landscape/Arboricultural impact

80. Saved policy E15 of the SBLP seeks to ensure that new proposals retain areas of woodland, important groups of trees, copses and hedgerow wherever possible, replacing any trees which are lost. GANP CH1 expects new development to respect the landscape character of the parish and its settlements, maintaining existing hedgerows, trees and woodland and encourage the planting of new trees and

hedgerows. Where new trees are proposed these should be appropriate to the site location and disease resistant species.

81. GANP E4 seeks to resist proposals for new development that would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of, the proposal clearly outweigh the loss. Where tree removal is justified proposals will only be supported if there is a compensatory mitigation proposal which forms part of the submission. Planting that contributes to the biodiversity of the area and supports green corridors is particularly encouraged. Proposals should be accompanied by an indicative planting scheme to demonstrate an adequate level of sustainable planting can be achieved and maintained in the future.
82. GANP E5 seeks to safeguard existing trees where appropriate and integrating them fully into the design and protecting them during construction having regard to their management requirements and growth potential.
83. The proposed development would involve the removal of a number of trees and incidental planting with some replacement planting proposed. The trees to be removed are not protected and many are small garden ornamentals whose loss is considered acceptable. Landscape officers request that should the application be approved, the tree protective measures specified within the submitted tree report are followed in full and that the applicant provides a detailed landscape plan which includes mitigatory tree planting preferably on the open green areas to the north of Clarence Green and Travellers Green (to be controlled by condition). Whilst loss of existing vegetation is regrettable, on balance the improvements which would result from the regeneration of this area, combined with proposed mitigation and protection measures for retained trees, to be controlled by conditions, are deemed to outweigh any landscape harm. The application is considered to satisfy the provisions of saved policy E15 of the SBLP and GANP policies CH1, E4 and E5.

Highways:

84. Saved policies H17 and D3 of the SBLP, and Part 4 of the NPPF require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe. GANP Policy H5 requires new residential development to provide an appropriate level of in-curtilage parking provision on properties where no garage provision is made. GANP Policy T1 seeks to resist development proposals which would include a reliance on existing streets where on-street parking would impact on the safety of road users or have an unacceptable adverse impact on the character of the area. Likewise, where adequate provision has not been made on-site for parking and access for deliveries, service vehicles, tradesmen working on-site, workers, social visitors and residents.
85. All allocated parking serving the 47no. units is to be provided in-curtilage with a further 12no. non-allocated visitor car parking spaces are to be evenly distributed throughout the proposed development in designated bays set away from the public highway. Such provision complies with the County Durham Parking and Accessibility Standards 2019.
86. The proposed 4.8m road and 1.8m/1.5m footways widths are deemed to be acceptable from a highways perspective with the condition of the existing public highway including the road surface, footways and road kerbs to Clarence Green and Travellers Green to be subject to an existing condition survey. These footpaths will need to be upgraded accordingly to match the condition of any new footways, road

widening etc. with the applicant to agree the treatment of the existing public highway and the scope of any Section 38/278 Agreement Highways Act 1980 (subject to informative).

87. No highway objections are raised with proposals consistent with the principles of saved policies H17 and D3 of the Sedgefield Borough Local Plan, GANP H5 and T1, and paragraph 32 of the NPPF.

Flooding and Drainage:

88. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The views of the Council's drainage section have been sought who advise that given the proposed layout would utilise the same estate road layout as existing, such works could be classed as maintenance and therefore there would be no requirement for additional surface water treatment from the highway with no additional SuDS features necessary. Notwithstanding this there would remain a requirement for all private drives and private shared accesses to be of permeable construction with such detail to be controlled by condition. Subject to the above, proposals would be considered to satisfy the provisions of Part 14 of the NPPF.

Ecology:

89. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. The application is submitted alongside a Bat Survey report (E3 Ecology, 2018) and a Great Crested Newt Survey report (E3 Ecology, 2019). Those structures that were identified as containing bat roosts have already been demolished in full under separate demolition consents DM/19/00096/PND and DM/19/02087/PND following the grant of a license and subsequently under the supervision of ecologists. Ecology officers raise no objections to the current proposals subject to a condition requiring at least five of the new dwellings to include an integrated bat box to be installed onto a suitable elevation (type and location to be agreed with the LPA) so as to ensure that proposals meet the required net gains in biodiversity as required by the NPPF. Recommendations detailed within Section H of the Great Crested Newt survey report should also be conditioned and all works are to be progressed in accordance with the conditions of the license for the remaining buildings to be demolished. Subject to the above there would be no perceived impact on protected species with the proposals considered to satisfy the provisions of Part 15 of the NPPF.

Contaminated Land:

90. Part 15 of the NPPF seeks to prevent unacceptable risks from pollution and land instability. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The application has been submitted alongside the following reports:

Solmek (May 2019) Travellers Green, Newton Aycliffe, Phase 2 Site Investigation Report, S190436.

Solmek (September 2019) Ground Gas risk assessment

91. The above reports are considered acceptable by the Contamination Land team although there will be a requirement for remediation of soils. No objections are raised

over the proposals subject to the imposition of conditions. Subject to the above, the application would satisfy the provisions of Part 15 of the NPPF.

Planning obligations

Affordable Housing

92. Paragraph 64 of the NPPF requires major development proposals to include at least 10% of the homes to be made available for affordable home ownership. GANP H8 requires proposals for 11no. or more dwellings to provide an element of affordable housing, taking account of identified affordable housing need. The applicant is a social housing provider who has stated that all of the 47no. dwellings would be made available at affordable rent levels, with 5no. (10%) of these to be offered for affordable rent in perpetuity. Such provision is welcomed with approval subject to the satisfactory completion of a S106 agreement securing this provision.

Educational provision

93. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to seek this. Based on the methodology set out in the Councils adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 47no. dwellings would produce 15no. pupils of primary school age and 6no. pupils of Secondary age. The development is located within the South West Durham local school place planning area. Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance.

NHS

94. The NHS advise that a financial contribution of £7245.00 would be required to be spent on an improvement of a facility in the local area in order to mitigate the developments impact on local service provision. The applicant has agreed to enter into an agreement to secure this contribution which is to be paid in a single installation upon first occupation of the dwellings.

Open Space contributions

95. The OSNA (2010) sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis. This is a relevant material consideration in conjunction with Policy L2 of the SBLP. Policy GANP H9 states that where appropriate, proposals for new housing should demonstrate provision of necessary new facilities on-site and/or provision of, or contribution to, necessary off-site facilities for example improved drainage, parks, play areas or footpaths as required to make the development acceptable in planning terms. New development proposals must contribute towards sustainable development. This would need to be provided in accordance with the Open Space Needs Assessment (OSNA).
96. Given the scale of the proposals the LPA would expect S106 open space contributions for off-site provision. A scheme of 47no. units would generate around 103no. residents (based on 2011 census data of 2.2 persons per household) requiring an expectation of amenity open space to be provided on-site, and an off-

site contribution for the other typologies. In this case there are existing expanses of open spaces located to the north of site on Travellers Green and Clarence Green (some 0.8Ha combined) with it preferable to seek a contribution for their enhancement. The development of 47no. dwellings would result in a net increase of 15no. units given the existing 32no. units to be demolished to facilitate the development. For this reason, an off-site open space contribution has been calculated at £26,085.50, to be paid in a single installment upon first occupation of the dwellings. The applicant has agreed to enter into an agreement to secure this contribution.

Provision of public art

97. Saved policy D9 of the SBLP seeks to encourage the incorporation of artistic elements in development schemes. However indicative plans show there would be limited opportunity to provide public art within the site. Furthermore, taking into account the nature of the application and the resulting viability implications, it is not considered appropriate on this occasion to require the provision of public art as part of the development.

Planning balance:

Benefits

98. The application site is located within a sustainable and accessible location within the Newton Aycliffe settlement, occupying previously developed land close to existing shops, services and public transportation linkages, reducing any overreliance upon private vehicle use.
99. The development would assist in maintaining housing land supply, however this at a time when the Council can demonstrate 6.37 years of deliverable housing against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced while recognising the detailed nature of this application and likely timings of housing deliveries.
100. The proposed development would relate well to the surrounding residential area to the north and landscaped area to the south, enhancing the character of the surroundings in terms of layout, density and design, whilst maintaining on-site open space provision and off-site monies for the improvement of these areas.
101. The proposed layout would achieve acceptable relationships between dwellings, both internally and externally to the site resulting in acceptable levels of privacy and amenity for existing and future residents
102. Typical of any residential housing development, there would be direct and indirect economic benefits within the locality and from further afield through increased expenditure. This would include the creation of construction jobs, as well as indirect employment over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
103. Regeneration of this site would see the clearance of vacant, boarded up residential units and poorly managed landscaped areas, replacing these with a mix of 47no. residential units of varying types, all available for affordable rent set and within and upgraded landscaped setting.

104. In addition, the applicant has agreed to enter into an obligation to secure financial contributions towards off site open space enhancement, improvement to local NHS services whilst maintaining a minimum 10% of the units as affordable in perpetuity.

Adverse Impacts

105. Landscape concerns have been raised over the perceived impact on existing landscaping on and around the site. To overcome this concern the applicant has attempted to introduce new planting across the site with scope to control further landscape details by condition.
106. Having regard to the above, it is considered on balance that the adverse impacts of the development are significantly outweighed by the overall benefits.

CONCLUSIONS

107. The proposal would provide a mix of bungalows and two storey units to be made available for affordable rent and would represent a sustainable form of development in an established residential setting that would deliver economic, social and environmental benefits in accordance with the core principles of the NPPF. The development would result in a scheme that can be appropriately integrated within the surrounding street scene without compromising highway safety, residential amenity, open space provision, landscaping, ecology or land contamination.
108. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Sedgefield Borough Local Plan and GANP. On balance the landscape harm identified by the proposals can be effectively mitigated resulting in a scheme which would successfully integrate new housing within its immediate setting. In accordance with NPPF Paragraph 11 and the presumption in favour of granting permission without delay. The application is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 5no. affordable units in perpetuity (representing 10% of the total number of dwellings proposed), an off-site open space contribution of £26,085.50 and a healthcare contribution of £7,245.00, both payable in a single instalment prior to the occupation of the first dwelling, and the following conditions:

Time limit

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.

Approved plans

The development hereby approved shall be carried out in strict accordance with the following approved plans:

15020/L01 D (Location Plan), received 07 August 2019

15020 P01 D (Site plan), received 18 September 2019

15020 P08A (GA plans travellers green, Plots 1-11), received 07 August 2019

15020 P09B (GA plans travellers green, Plots 12-21, 26-27), received 18 September 2019
15020 P10A (GA plans travellers green, Plots 22-25, 28-35), received 07 August 2019
15020 P11A (GA plans travellers green, Plots 36-47), received 07 August 2019
15020 P200B (Elevations, Plots 1-9), received 07 August 2019
15020 P201 (Proposed site sections), received 07 August 2019
15020 P201B (Elevations, Plots 10-17), received 07 August 2019
15020 P202B (Elevations, Plots 18-21), received 18 September 2019
15020 P203A (Elevations, Plots 22-25 and 28), received 07 August 2019
15020 P204B (Elevations, Plots 26-27, 29-32), received 07 August 2019
15020 P205B (Elevations, Plots 33-40), received 07 August 2019
15020 P206A (Elevations, Plots 41-47), received 07 August 2019
15020 P207C (Street elevations, Plots 9-15, 36-40, 41-47), received 07 August 2019
15020 P210A (Roof plans, Plots 1-17), received 07 August 2019
15020 P211A (Roof plans, plots 18-21, 24-27), received 07 August 2019
15020 P212A (Roof plans, Plots 22-23, 28-38), received 07 August 2019
15020 P213A (Roof plans, Plots 39-47), received 07 August 2019
15020 P220A (Typical dwelling sections), received 07 August 2019
776/LA1 (Landscape Plan 1), received 07 August 2019
776/LA2 (Landscape Plan 2), received 07 August 2019
776/LA3 (Garden plan), received 07 August 2019

Reason: For the avoidance of doubt and in the interests of proper planning.

Enclosures

Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: In the interests of the visual amenity of the area and to comply with saved policies H17 and D1 of the Sedgefield Borough Local Plan.

Surface treatment

Prior to the commencement of the development details of the surface treatment and construction of all hard surfaced areas including details of permeable paving for all private drives and private shared accesses shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken only in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policies H17 and D1 of the Sedgefield Borough Local Plan.

Landscape details

No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities, numbers, method of planting and maintenance regime, as well as indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the visual amenity of the area and to comply with policies D1, H17 and E15 of the Sedgefield Borough Local Plan.

Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

Reason: In the interests of the visual amenity of the area and to comply with policies D1, H17 and E15 of the Sedgefield Borough Local Plan.

Protective fencing

No development shall commence, nor shall any materials or machinery be brought on the site until details showing the exact position of protective fencing around trees and hedges within, and adjacent to the site have been submitted on plan and agreed in writing by the Local planning authority.

Reason: In the interests of the visual amenity of the area and to comply with policies D1, H17 and E15 of the Sedgefield Borough Local Plan.

AIA

No development shall take place unless in accordance with tree protective measures specified within the Arboricultural Impact Assessment (Dendra, July 2019)

Reason: In the interests of the visual amenity of the area and to comply with policies D1, H17 and E15 of the Sedgefield Borough Local Plan.

Replacement tree planting

Within three months from the date of this permission, details concerning replacement tree planting within Clarence Green and Travellers Green shall be submitted to and approved in writing by the Local Planning Authority. This shall include details relating to the number, condition, species, scale and location of trees. All agreed planting shall be carried out in the first available planting season following the approval of the details submitted. Any trees which within a period of 5 years from the planting date die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenity of the area and to comply with policies E15, E18 and D1 of the Sedgefield Borough Local Plan.

Mitigation

No development shall take place unless in accordance with the mitigation detailed within Section H of the Great Crested Newt Survey Report (E3 Ecology, 2019) including but not restricted to adherence to the protected species license.

Reason: To conserve protected species and their habitat in accordance with Part 15 of the NPPF.

Bat boxes

Prior to the commencement of the development details pursuant to the provision of integrated bat boxes to be installed onto at least 5no. of the dwellings shall be submitted to and agreed in writing by the LPA. Bat boxes must be installed as per the agreed details and retained thereafter.

Reason: To ensure that the proposals will meet the required net gains in biodiversity as required by Part 15 of the NPPF.

Acoustic report

No development shall take place until an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic noise. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- 45 dB LAmax in bedrooms during the night-time

- 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In the interests of the residential amenity of neighbouring properties and to comply with saved policies D1 and H17 of the Sedgfield Borough Local Plan.

CDMP

Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction/Demolition Management Plan (CDMP) shall be submitted to and approved in writing by the Local Planning Authority. The CDMP shall be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration, dust, & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include:

- An assessment of the potential for dust emissions from the site and the mitigation measures that will be used to minimise any emission taking into account relevant guidance such as the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 ‘Code of practice for noise and vibration control on construction sites’ 2014.
- Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.
- Details of the operating hours during which construction/demolition works are to be undertaken. Durham County Council’s accepted hours for construction/demolition activities that generate noise are 0800 – 1800 Monday – Friday, 0800 – 1300 Saturday and no noisy working on a Sunday or Bank Holiday.
- Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
- Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

No works, other than site investigation works, shall be permitted to start on site until the CDMP has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the plan.

Reason: In the interests of the residential amenity of neighbouring properties and to comply with saved policies D1 and H17 of the Sedgfield Borough Local Plan.

Contaminated Land (Phase 3)

No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. A Phase 3 remediation strategy shall be produced based on the findings of the Phase 2 report and shall be submitted for the approval of the local planning authority.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in

accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

Contaminated Land (Phase 4)

Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

Drainage scheme

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Impact Assessment" (July 2019). The drainage scheme shall ensure that foul flows discharge to the foul sewer at manholes 3101, 2201, 1204 and 0203. It shall also ensure that surface water discharges to the surface water sewer at manholes 0202 and 4208. The surface water discharge rate shall not exceed the available capacity of 5.0l/sec from each connection, totalling 10.0l/sec from the whole development site. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

PD rights removed

Notwithstanding the provisions of Class A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwellings hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with saved policies H17, D1 and D5 of the Sedgfield Borough Local Plan.

Construction

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

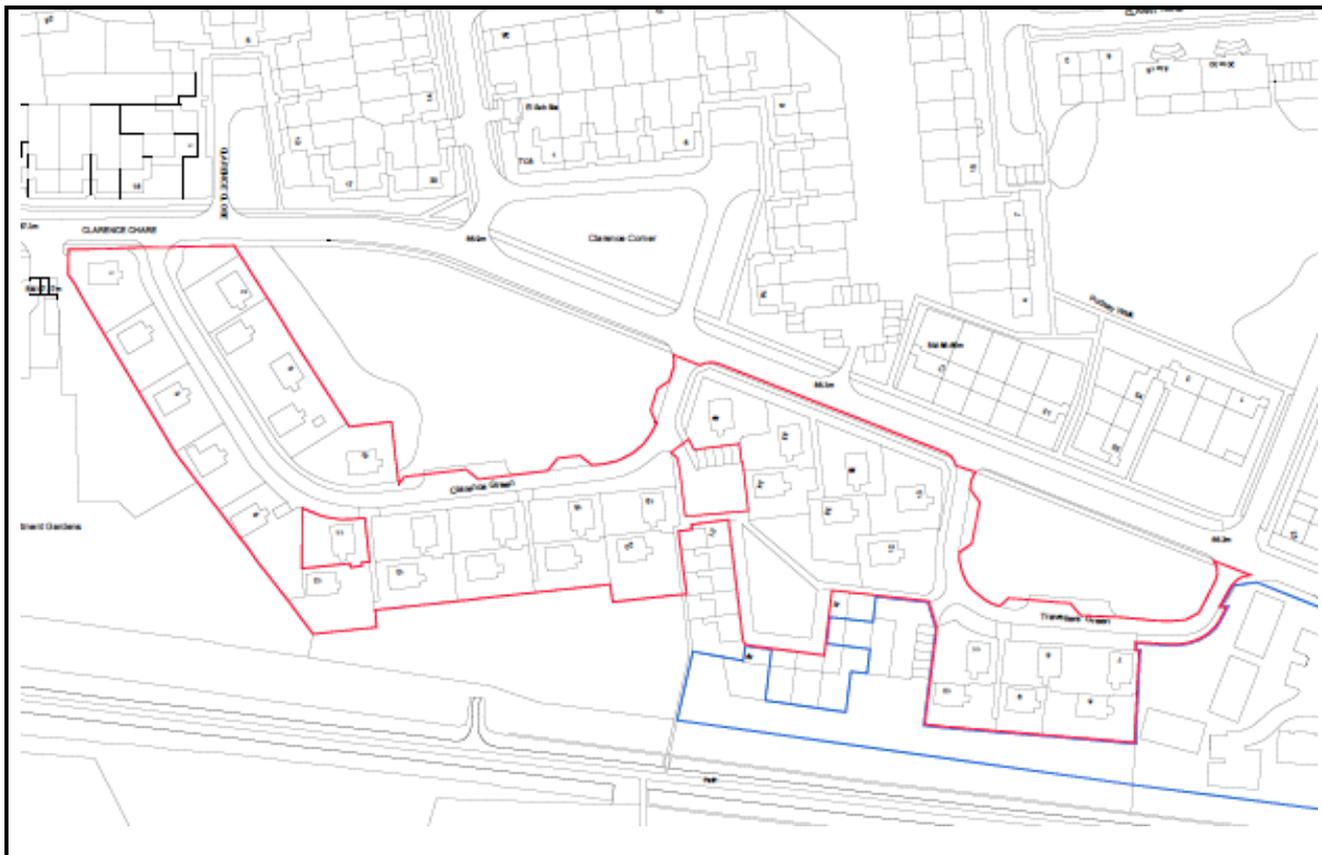
Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with saved policies H17 and D1 of the Sedgfield Borough Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period. All pre-commencement conditions have been agreed in advance with the applicant as necessary.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
 National Planning Policy Framework
 Sedgfield Borough Local Plan
 Statutory response from the Highway Authority and NWL
 Internal responses from Ecology, Drainage, Landscape, Arboriculture, Affordable Housing, Archaeology, Design and Conservation, Education, Contaminated Land, Environmental Health and Spatial Policy



Planning Services

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47no. dwellings and associated infrastructure

Comments

Date 24 October 2019

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PLANNING DEVELOPMENT MANAGEMENT PERFORMANCE SUMMARY Q1/Q2 - 2019/20

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, predominantly on a regional basis. More detailed information is also collected and analysed about key elements of the processes involved, to help inform and improve service delivery.

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 Q1 and Q2 in the 2019/20 period, covering April 2019 through to September 2019 (with the exception of comparator authority data which is for July 2018 to June 2019).

Headline facts (Q1/Q2 for 2018/19 figures in brackets for comparison)

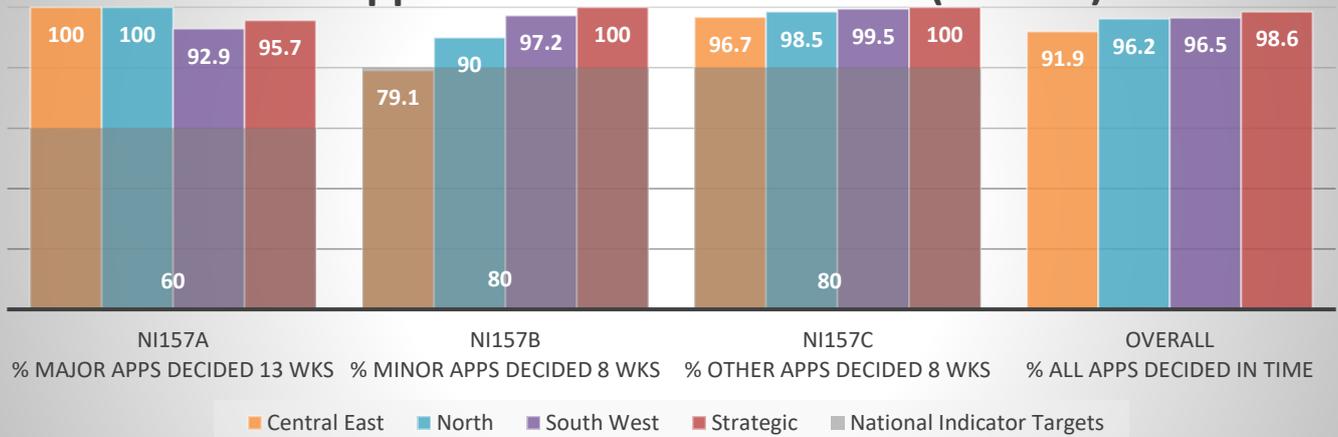
- 1433 (1326) planning applications were received of which 61 (55) were for major development.
- The number of 'major' planning applications determined within the statutory 13 week timescale was 96.1% (96.3%).
- The number of 'minor' planning applications determined within the statutory 8 week period timescale was 90.3% (93.0%).
- The number of 'other' planning applications determined within the statutory 8 week period timescale was 98.2% (97.7%).
- The number of all categories of planning application determined within the statutory timescale was 95.9% (96.4%).
- The number of Mineral and Waste applications determined within the statutory timescale was 100% (100%).
- There were 21 appeal decisions received, of which, 5 were allowed.

In broad terms, the headline facts above show consistent performance across key indicators for the last two quarters when compared to the corresponding period last year.

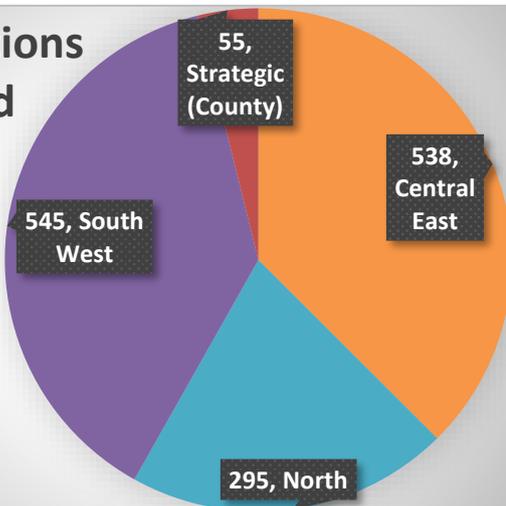
The tables below show the key results in more detail and with a breakdown reflecting the area planning teams which in turn serve the relevant planning committees. More detailed information relating to all the performance indicators measured by the service can be obtained upon request from Stephen Reed,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

PLANNING APPLICATIONS

% of Applications Decided in Time (Table A)



Applications Received



Central East

4 Planning appeals
2 allowed

North

5 Planning appeals
2 allowed

South West

7 Planning appeals
1 allowed

Strategic

0 Planning appeals

Comparator Authorities: Performance year ending June 2019

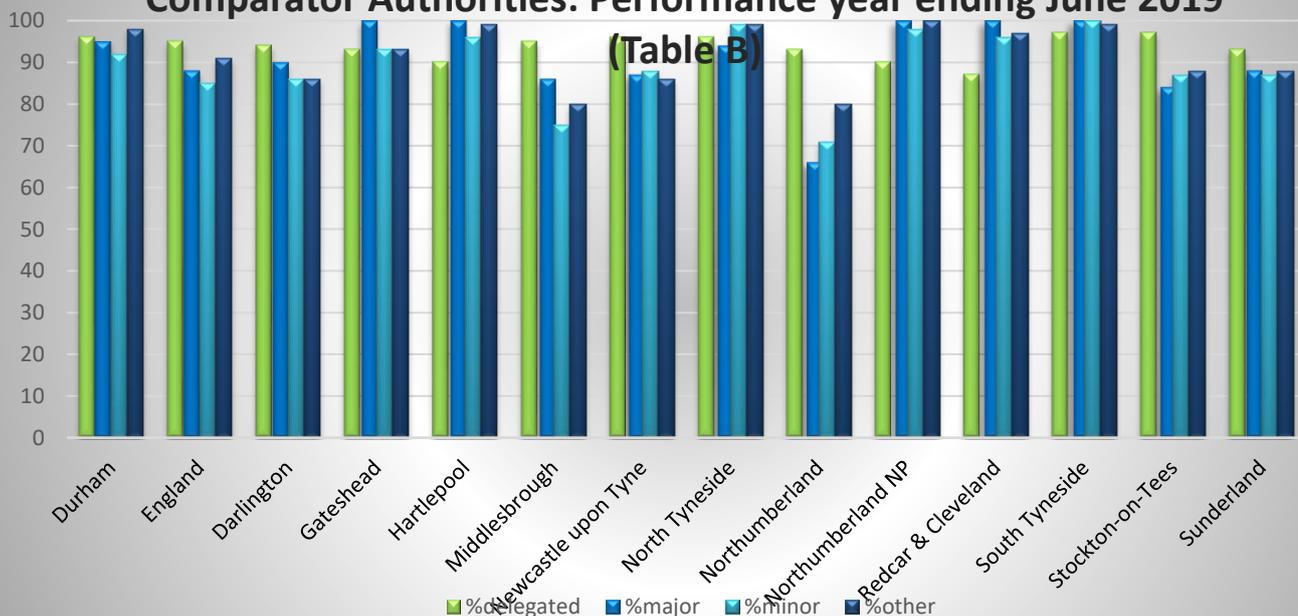


Figure 1 (Source – CLG Live planning statistics table 132/134 year ending June 2019)

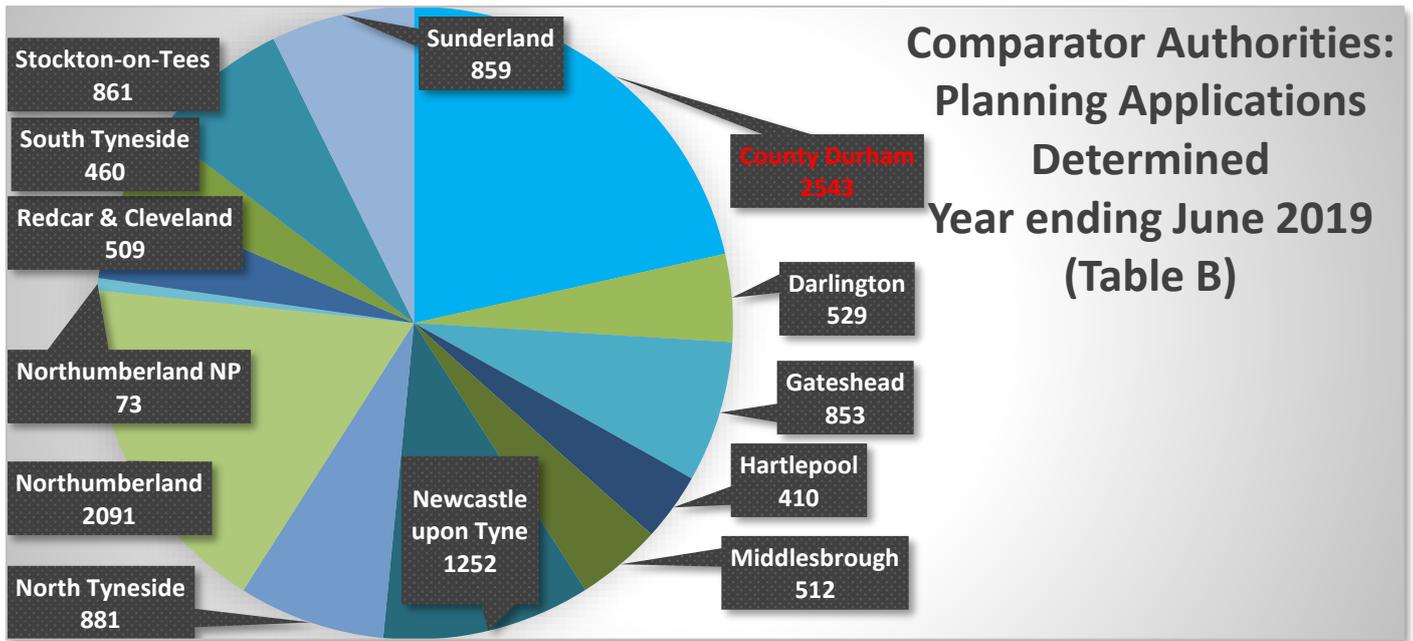
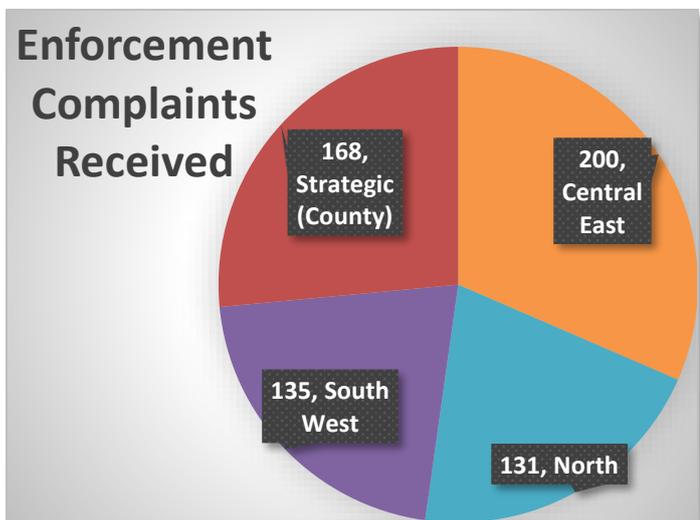
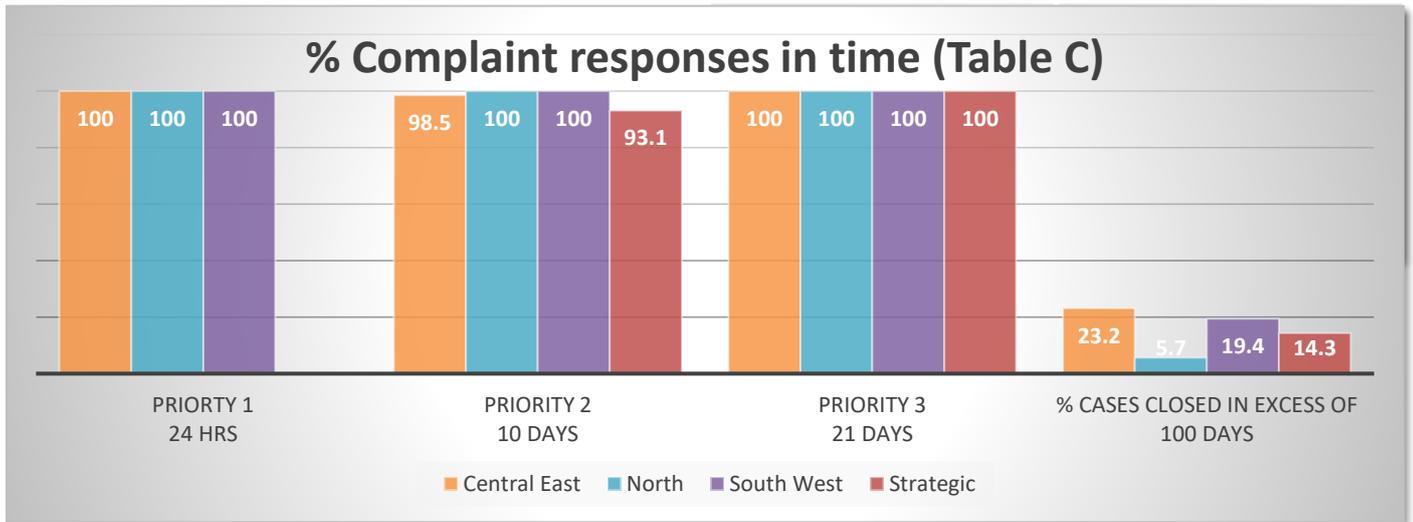


Figure 2(Source –CLG Live planning statistics table 134 year ending December 2018)

ENFORCEMENT



Central East 1 Enforcement appeal 0 allowed	North 1 Enforcement appeal 0 allowed
South West 1 Enforcement appeal 0 allowed	Strategic 0 Enforcement appeals

Table A (% of Applications Decided in Time April 2019 – September 2019)

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	100	8	8	79.1	129	102	96.7	398	385
North	100	6	6	90	90	81	98.5	195	192
South West	92.9	14	13	97.2	180	175	99.5	390	388
Strategic	95.7	23	22	100	14	14	100	12	12
<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:	96.1	51	49	90.1	413	372	98.2	995	977

Table B (Source - CLG Live planning statistics tables 132/134 year ending June 2019)

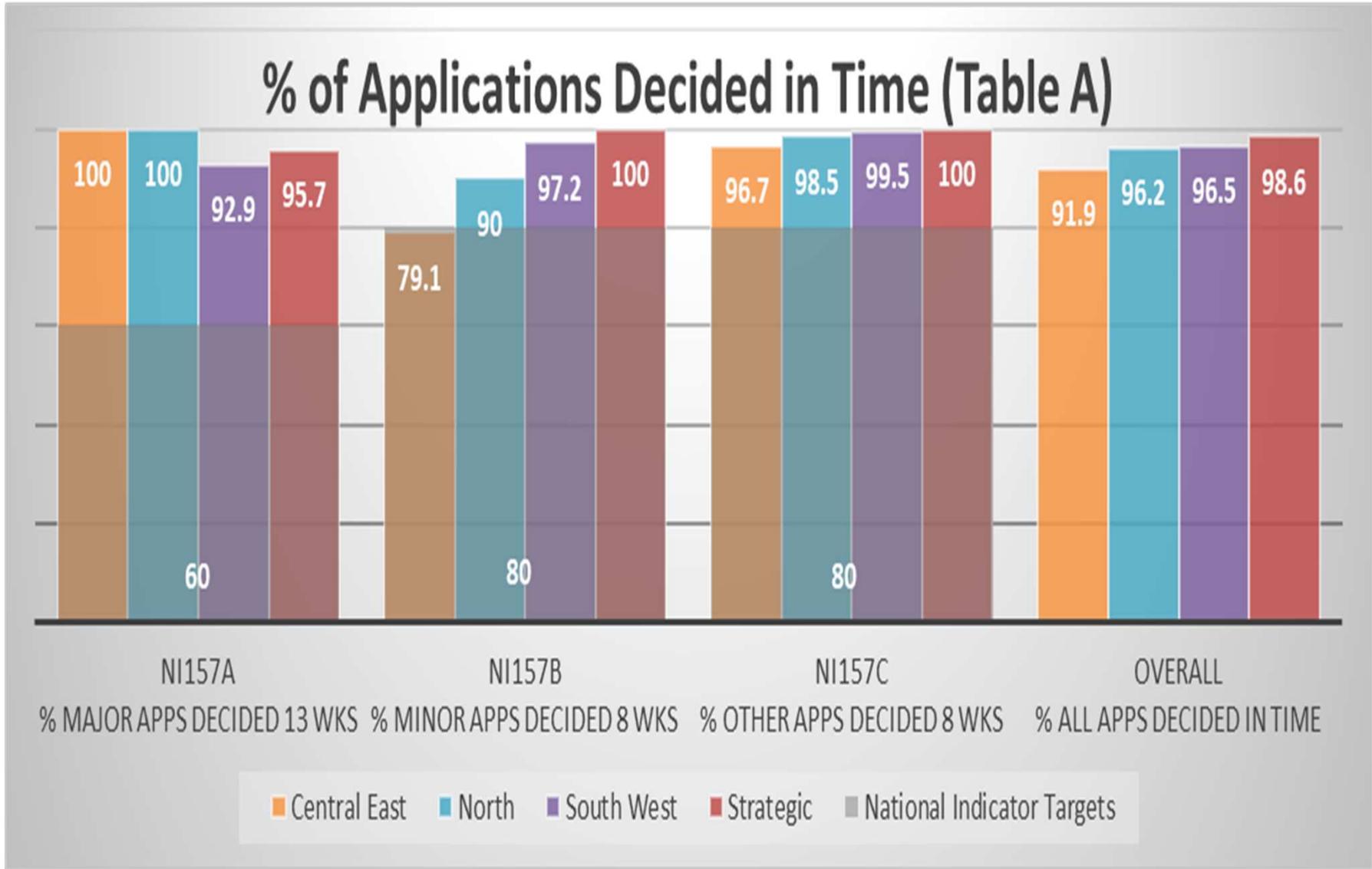
Planning authority	Total decisions	% of decisions delegated to officers	Major developments % within 13 weeks or agreed time	Minor developments % within 8 weeks or agreed time	Other developments % within 8 weeks or agreed time
England	403,217	95	88	85	91
Durham	2543	96	95	92	98
Darlington	529	94	90	86	86
Gateshead	853	93	100	93	93
Hartlepool	410	90	100	96	99
Middlesbrough	512	95	86	75	80
Newcastle upon Tyne	1252	96	87	88	86
North Tyneside	881	96	94	99	99
Northumberland UA	2091	93	66	71	80
Northumberland NP	73	90	100	98	100
Redcar Cleveland	509	87	100	96	97
South Tyneside	460	97	100	100	99
Stockton-on-Tees	861	97	84	87	93
Sunderland	859	93	88	87	88

Table C (% Complaint responses in time April 2019 – September 2019)

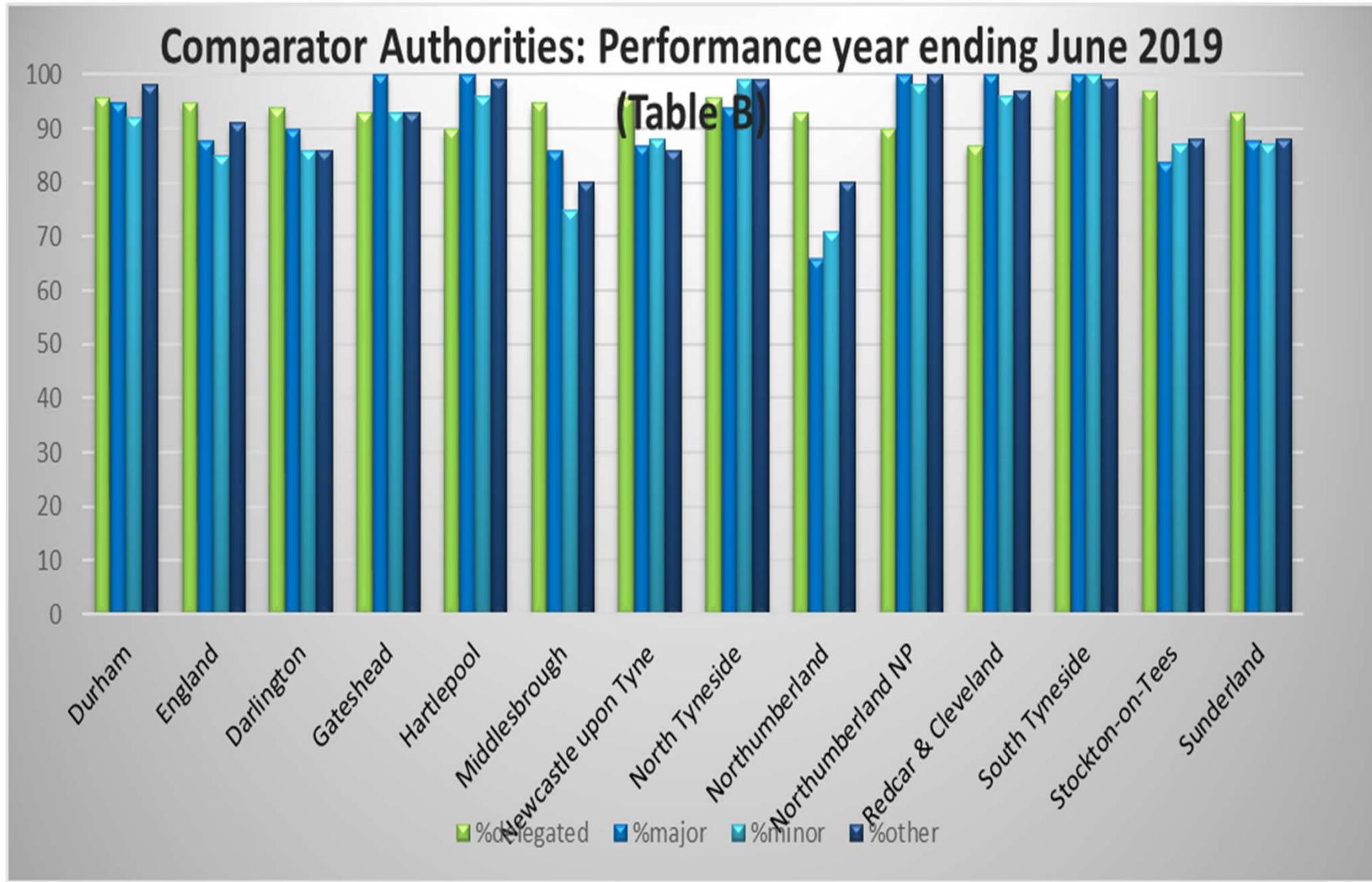
Area Office/Benchmark	Priority 1-24 hours %	Total Apps	Apps Achd	Priority 2-10 day %	Total Apps	Apps Achd	Priority 3-21 days %	Total Apps	Apps Achd	Cases close 100+ days %	Total Cases	100+
Central East	100	1	1	98.5	130	128	100	66	66	23.2	198	49
North	100	4	4	100	74	74	100	54	54	5.7	141	8
South West	100	5	5	100	75	75	100	59	59	19.4	124	24
Strategic		0	0	93.1	58	54	100	116	116	14.3	119	17
<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:	100	10	10	98.2	180	331	100	295	295	15.0	582	95

Planning Development Management Performance Summary – Q1/Q2 2019/20

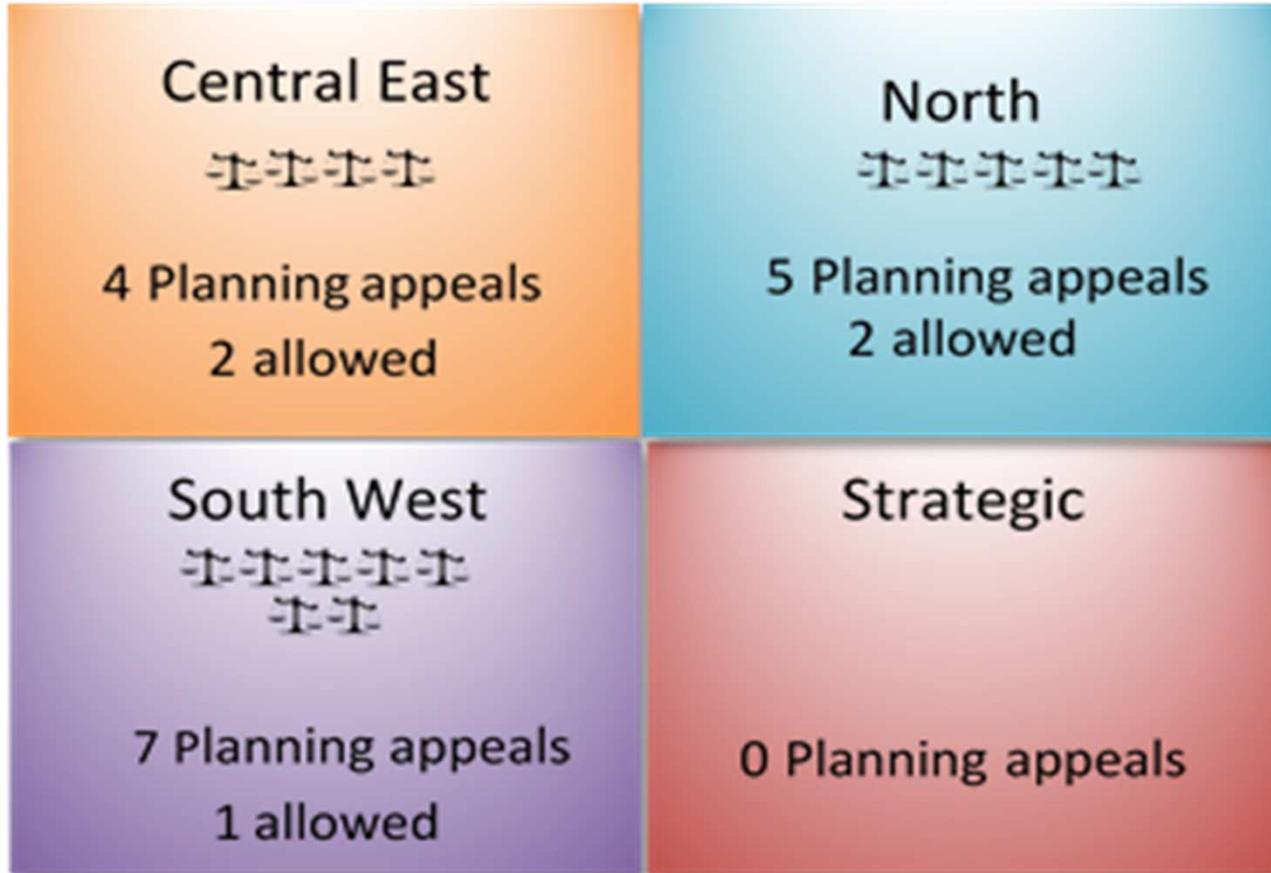
Planning Applications



Comparator Authorities



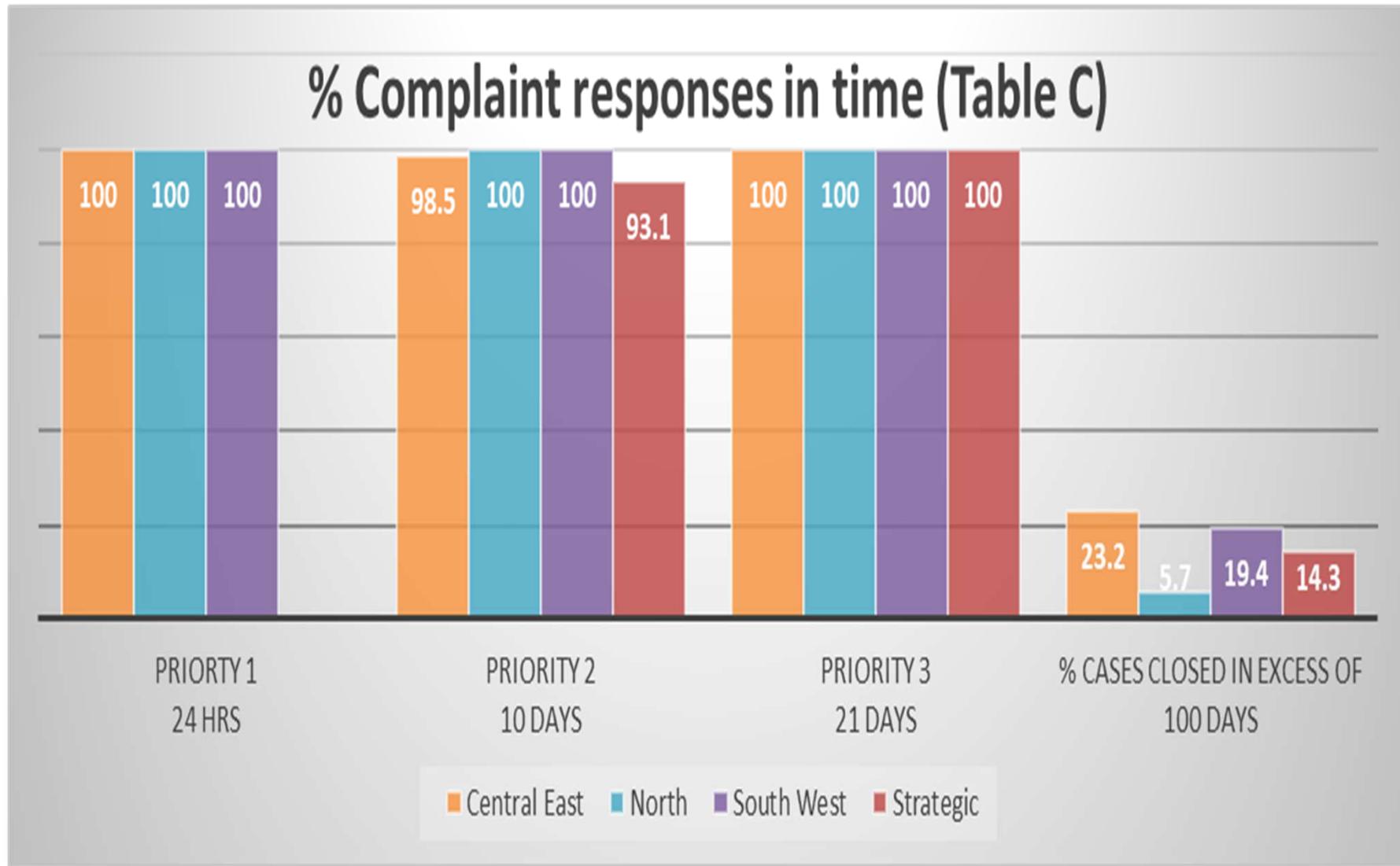
Planning Appeals



Altogether better



Enforcement Cases



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