



Area Planning Committee (South and West)

Date Thursday 20 February 2020

Time 1.00 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 23 January 2020 (Pages 3 - 12)
5. Applications to be determined
 - a) DM/19/03212/FPA and DM/19/03213/LB - Fernavilles Rest, Whorlton, Barnard Castle (Pages 13 - 28)
Conversion of pub annex to residential dwelling, including associated internal and external works
 - b) DM/19/03733/FPA and DM/19/03734/LB - The Laurel Building, South Church Road, Bishop Auckland (Pages 29 - 52)
16no. bungalows, partial demolition of former King James School and construction of 12no. apartments retaining front façade, including alterations to Listed boundary wall
 - c) DM/19/03961/FPA - King William Grange, High Grange Road, Spennymoor (Pages 53 - 72)
11no. bungalows including demolition of existing sheltered housing
6. 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
12 February 2020

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 23 January 2020 at 1.00 pm**

Present:

Councillor J Clare (Chair)

Members of the Committee:

Councillors J Atkinson (Vice-Chair), D Bell, J Blakey, L Brown, J Chaplow, G Huntington, I Jewell, S Quinn, G Richardson, J Shuttleworth, F Tinsley, S Zair and M Wilson (substitute for J Maitland)

Apologies:

Apologies for absence were received from Councillor Eunice Huntington

Also Present:

Councillor James Rowlandson

1 Apologies

Apologies for absence were received from Councillors E Huntington and J Maitland.

2 Substitute Members

Councillor M Wilson substituted for Councillor J Maitland.

3 Declarations of Interest

Councillor G Huntington declared a prejudicial interest in item no. 5a) and left the Council Chamber for the duration of the debate and deliberations.

4 Minutes

The minutes of the meeting held on 24 October 2019 were agreed as a correct record and signed by the Chair.

5 DM/19/00260/OUT - Former Addison Auctioneers, The Auction Rooms, Roman Road, Barnard Castle

The Committee considered a report of the Principal Planning Officer regarding an application (landscaping reserved) for demolition of existing buildings and

construction of 1 no. Class A1 foodstore and 1 no. Class A1 retail unit with associated parking, landscaping and servicing, at former Addison Auctioneers, The Auction Rooms, Roman Road, Barnard Castle (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. Members had also visited the site earlier that day.

Councillor J Rowlandson, Local Member, confirmed that it was unusual for him to present a positive response to a Planning Officer's report at Committee as he was usually objecting, when attending in his capacity as a local member, however on this occasion, he was confident in the recommendation outlined in the report. The Applicant had worked with the County Council and Town Council to address concerns. The Council had even employed an independent retail planning consultant to review all material produced and had concluded that there would be no sizable effect on the Town Centre. In addition, Councillor Rowlandson had received numerous telephone calls from residents declaring that they wanted to have a choice in Barnard Castle and he therefore supported the Officer's recommendation.

The Chair confirmed that due to the nature of the application, he was happy to increase speaking time from five minutes to six, giving all speakers who had registered, a total of three minutes each.

Ms S Harris, had resided in High Riggs for 43 years. She would have a hole dug a few metres from her back garden followed by months of clearing and building work. She would then have to endure permanent noise including that of delivery vehicles, between the hours of 7.30am – 10.30pm for 7 days a week. Even though it was reduced on a Sunday, the only day she would be free from noise would be Christmas Day.

Ms Harris suffered from breathing problems and allergies which had resulted in asthma. She would be exposed to traffic fumes which would trigger an attack, the symptoms only reduced if she went to a green area. Trees would be removed and not replaced and the assessments with regards to pollution were hypothetical. She questioned who would police the conditions which had been attached and she had doubts about the lighting assessment and suspected her property would suffer from leakage. She also suggested that Stainton Village which was two miles away would suffer from light pollution.

Finally, Ms Harris said that the A688 was wholly unsuitable for this type of development. It was already subject to heavy traffic and would only suffer more should the application be approved.

Mr C Creighton spoke on behalf of Morrisons and in objection to the proposal. He predicted that it would have a harmful impact on the Town Centre. A survey had concluded that 65% of customers combined a visit to Morrisons with a trip to the Town Centre. The Councils report assumed that this development would reduce people travelling out of the area to Bishop Auckland, but he disagreed. The predicted turnout would drop by 35% and have a similar effect to that at Bishop

Auckland Town Centre from the retail development at Tindle Crescent, and similarly Darlington and Stockton. With regards to Morrisons specifically, he acknowledged that the Council had taken their concerns seriously by instructing an independent retail consultant, however he disagreed with their conclusion. The report had stated that if one of the larger multiples such as Boyes, Superdrug or Boots closed, the Town Centre would not be affected, however in his opinion it would make people less likely to visit the Town Centre.

Mr Creighton referred to highway safety concerns which had not been addressed – the footway was not wide enough and there was no road safety audit included in the application to support the conclusion.

The Principal Planning Officer responded to Ms Harris's concerns. With regards to the impact of construction, the Environmental Health Officer had made no objection and a condition was attached which required the approval of a construction management plan, which would control dust and movements to and from the site. Delivery hours had also been subject to scrutiny - the Environmental Health Officer did have concerns with regards to delivery, specifically to Home Bargains for the use pallet deliveries which required forklifts. There was a condition requiring the applicant to submit a delivery management plan.

With regards to the operational impact, the Principal Planning Officer confirmed that there was an existing commercial use on the site which was no longer operational, and an existing agricultural use on the fields. The lighting assessment minimised the use of light and required lights to be turned off outside operational hours. The loss of view was not a material planning consideration but it was recognised that there would be a change in the nature of the site which was not significant enough to warrant refusal. Planting up would take place along the boundaries and an air quality assessment had been submitted. There was no objection from the Environmental Health Officer with regards to air pollution. He assured local residents that if there were any breaches to conditions, they could be reported to the Planning Enforcement Team who would follow up accordingly.

In response to Mr Creighton, the Principal Planning Officer confirmed that a retail planning assessment had been submitted by the Applicant and the Council had appointed an independent planning consultant to carry out an unbiased retail assessment. This had recognised there would be an impact, but it would not be severe and when considering the level of impact, it was deemed to be acceptable.

Finally, a traffic assessment had been scrutinised by the Highways Engineer and the proposed access was acceptable. There was no significant loss of highway safety and therefore no objection had been presented.

The Principal DM Engineer confirmed that due to the restrictive width of the carriageway (6m) on the A688, it was made clear from the onset that the focus was on improving the accessibility given the modest footway on the north side of the road. It was proposed to install a footway around the entry radius from the site onto the road which was 2m wide. After exploratory works by the applicant, there was scope to install a modest width footway along the boundary wall, which would be over a section of 50m to the west, after which the footpath widened out to 1.7-1.8m.

Although there were footway limitations due to the width of the carriageway, the Highways Authority would not agree to reducing the width of the carriageway any further.

The Principal DM Engineer confirmed that the footway issue had been identified from the onset, and in response to the comments on the absence of a road safety audit, the Highways Authority had been fully aware of the principal issues relating to highway safety since the pre application stage. The situation was not ideal but the basis of a refusal had to be considered in context; there was an existing commercial planning use on site and a proposal to significantly improve the existing situation. Although it may be deemed to be a finely balanced decision, the improvement to the footway to the south side was physically all that could be installed to avoid further reduction of the carriageway.

Lady A Hobbs spoke in support of the application. Barnard Castle was traditionally a wealthy area, but unfortunately a lot of people were not wealthy and needed to budget responsibly. This meant that many people were travelling out of the area to Bishop Auckland in order to shop, something they would not be required to do if they had the choice on their doorstep. Barnard Castle was traditionally an area which welcomed holiday makers and day trippers and she disagreed with Mr Creighton and considered that if Barnard Castle lost large group retailers, it would bring back small independent retailers, and bring more visitors.

Mr C Argent, spoke on behalf of the Applicant and confirmed that the application had been under substantive review as well as consultation within the Council. It had been subject to substantial and transparent statutory consultation over the last year. It had received 102 letters of support, which was nearly four times more than the letters of objection. There was significant support at a public consultation event where 82% of the attendees supported the scheme. A similar number were in support of enhancing the retail choice in the Town Centre. In terms of planning justification for the scheme, it should be considered in terms of environment and sustainability.

Morrisons had been built over 20 years ago and was not ideal. The Council had undertaken a household retail study in 2013 which concluded that 59% of the residents shopped in Morrisons and the Town Centre. In 2016 it had declined substantially to 44%, but 90% of those surveyed travelled by car.

The scheme would bring a choice to the people of Barnard Castle - Morrisons had been the monopoly on food shopping for a considerable period of time. While all town centres were different, he referred to Crook which had both Aldi and Lidl and reiterated that Barnard Castle only had a 20 year old Morrisons, which was highly constraining. To allay concerns on impact he pointed out that Lidl did not have a fresh food, fish, meat or deli and the scheme would bring a complimentary offer to the Town Centre, particularly independent shops.

With regards to other details, planning conditions were attached to minimise disruption to local residents. There were major sustainability benefits associated with the scheme. The NPPF required planning decisions to proactively reduce the need to travel and people were travelling 20 miles by car. The scheme would

create 60 local jobs which was of significant benefit. If the scheme did not go ahead, unsustainable shopping patterns would continue. The application should be approved for the delivery of a high-quality scheme for Barnard Castle which was the principal town in the Teesdale area. The Town Centre had consistently been assessed as being viable and he asked the Committee to consider sustainability and environmental factors when reaching their decision.

Councillor Shuttleworth referred to recent TV programmes in relation to the decline of the high street and he considered that if the application was approved, smaller independent retailers would disappear, as they had in Crook and Bishop Auckland. He agreed that people should have a choice but considered that the scheme would destroy Barnard Castle Town Centre and therefore he could not support the application and moved refusal of the application.

Councillor Brown asked to see the location of the new bus stops and was interested in whether they would be inside or outside of the 30mph speed limit zone. She had concerns for highway safety in the absence of a pedestrian island. The Principal Planning Officer confirmed that they were yet to be agreed and although they had not yet been finalised, they would be within 400m from the site entrance. The Principal DM Engineer confirmed that they would be determined taking highway safety into account.

Councillor Brown also had regard to the disruption of residents and felt it excessive to have deliveries at 8am on a Sunday when they store did not open until 10am.

Councillor Tinsley asked the Principal Planning Officer to confirm the distances between the existing houses to the west of the Home Bargains development and asked whether there were any details with regards to the timing or amount of deliveries. He queried the methodology of the retail impact assessment and asked if new surveys taken in addition to the information from 2013 and 2016.

The Principal Planning Officer confirmed that he did not have details of expected deliveries, but the closest point was 7m to the corner of the property at Prospect Place and the distances ranged went up to 17m. There would be some level changes but still a substantial elevation and it was proposed to be fencing and additional landscaping along the boundary. This was not considered to be an overriding factor to refuse the application.

Councillor Tinsley commented that the decision came down to retail impact. He accepted the sequential test in that there were no sequentially preferable sites located within the Town Centre, but if this was the most preferable site, he noted that it would offer no positive benefit in terms of attracting additional footfall within the Town Centre area.

With regards to retail impact, given it was a different offer to what was available elsewhere, the comparison impact was not so significant to warrant refusal but he did consider the convenience impact was significantly more of a concern. Morrisons consultants had identified 35% impact upon the town centre and this would challenge the commercial viability of the store and the Town Centre - of which 65% of trips included trips to the high street. The Councils consultants had

identified 19%. The cumulative impact of the store underperforming by 20% was in his view, enough to challenge the commercial viability of the store. The turnover and profitability would be reduced by 40% and therefore without the Morrisons store, which was the anchor for the Town Centre, there would be a significant impact. When compared to Crook, there was no out of town retailing - the new Aldi and Lidl in Crook were located within the Town Centre, hence why the centre was performing well.

Councillor Tinsley also had concerns about deliveries, there would be dock levellers within 20m of existing residential properties, operating reverse warning alarms at unsociable hours of the day. The Principal Planning Officer confirmed that there were 2 dock levellers on the Lidl store, and condition with regards to the Home Bargains store as they operated a different delivery schedule which included the use of pallets and forklifts.

Councillor Tinsley moved refusal of the application as on balance, the impacts were significant and demonstrable, and enough to pass the NPPF test.

Councillor Richardson confirmed that he had never expressed an opinion on the scheme, although he was aware that it was in the pipeline. There were some negative impacts, faults with roads, footpaths, bus stops and proximity to the Town Centre. Nevertheless, Morrisons in Barnard Castle was always packed with people when he visited. He disagreed with visitors having to pay parking charges as he believed the car park was historically gifted. Overall, Councillor Richardson believed the scheme would benefit Barnard Castle and he was pleased with the 90 minutes free parking which was being offered.

Finally, Councillor Richardson expressed concern that Morrisons had telephoned Members of the Committee to make sure they had received and read their email communications. He moved the recommendation to approve the application.

Councillor Atkinson considered the benefits of the scheme to outweigh the disadvantages. He was concerned about taking shopping away from town centres, but the stores offered very different products and he disagreed that there would be any significant impact and seconded the motion to approve.

Councillor Blakey considered the Town Centre would suffer significant detriment and result in empty stores similar to Durham City. Some of the retail units had been trading there for years and it would be sad to lose them.

Councillor Jewell commented that this was not a simple decision to make, he had sympathy with the residents, but also with those in favour. The comments had become polarised in that the scheme would have a big effect on Morrisons and the town centre, but it was much wider than that. Shops were affected by the internet and online shopping and delivery service. He would be sad to lose Barnard Castle but progress and development would be made and there would be knock on effects, but if it did have a detrimental effect, which he wasn't sure about, but the Town Centre would have to look for an alternative offer.

Councillor Chaplow referred to the jobs which would be provided by the scheme and the locals who had to travel out of Barnard Castle for work. She supported the scheme as she supported employment.

Councillor Zair agreed that the consumer should have choice but had seen the effects of out of town shopping in Bishop Auckland Town Centre which was now faced with 19-20% empty stores, when the national average was 11-12%. He considered the scheme would have a detrimental effect on Barnard Castle Town Centre.

Councillor Quinn commented that Morrisons were a business and stores were not faithful to areas – the store at Shildon had closed a few years ago.

The Chair summed up the debate and added that this was a different situation to Bishop Auckland and there were shoppers already travelling from Barnard Castle are to Tindle Crescent. There was a fear that if the application was approved, it would significantly damage the Town Centre however, the Committee had heard the Local Member was in favour and there had been a lot of public support for the scheme because it would be much cheaper for people to shop there.

Resolved

That the application be **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of £6,000 for offsite ecological mitigation and subject to the conditions outlined in the report.

6 DM/19/03226/FPA - Land to the rear of 13 Bede Road, Barnard Castle

The Committee considered a report of the Principal Planning Officer regarding an application for the erection of a dwelling (demolition of workshop) to the rear of 13 Bede Road, Barnard Castle (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. Members had also visited the site earlier that day.

Councillor Rowlandson, Local Member, confirmed that the application had received 16 objections and he was disappointed that the Town Council had approved it without having heard residents' concerns. There were existing issues with the access, the junction onto a busy road with restricted visibility due to parked cars. This was a garden and a garage, not a brownfield site and residents were concerned about the effect on their amenity, given the size of the proposed residential building.

Mr Maughan, local resident, asked if he could share three documents with the Committee, but the Chair confirmed that they were unable to be circulated at such late notice. He confirmed that should anyone wish to circulate information it had to be received in good time. Mr Maughan confirmed that he had not been given

sufficient notice of the hearing and had only received one of the items earlier that day. The Chair asked him to sum up the content of the information in his speech.

Mr Maughan confirmed that he had lived in the area for 19 years and was acting on behalf of 16 other local objectors. Their main objection was that Barnard Castle Town Council had made the decision to support the application 10 days prior to the deadline for objections. The Town Council had not therefore considered the objectors responses as part of their decision and he wanted the application to be deferred in order for them to reconsider their submission. He questioned the fairness of the decision making process.

Furthermore, Mr Maughan confirmed that a covenant existed on the site, which restricted the size of a dwelling, and this proposed dwelling exceeded that. He queried whether the Committee could therefore make a lawful decision.

Mr Maughan argued that the site was not large enough to be defined as Brownfield as per the Town and Country Planning regulations. It was also misleading to describe it as a workshop and a yard - it had been used as storage since it had been purchased by the applicant and prior to that was used as a garage and a garden.

With regards to highway safety, neither Victoria Road nor Bede Road were acceptable routes, there was a traffic island and bus stop within 10m of the junction off Bede Road, which was regularly used by school children from the three local schools. The Highways Authority had accepted that there was restricted visibility, which therefore impacted on highway safety. The access road was not appropriate for the increased number of vehicular movements a 5 bedroom house would create.

Finally, Mr Maughan referred to the restrictions on building within a conservation area and although the report claimed the house would be relatively well concealed and acceptable, it was behind a four foot hedge. He referred to at least three houses which had been refused planning permission for dormer windows even though they were concealed behind walls 8-10 feet high.

The Solicitor explained that although the Town Council were consultees, they were not the decision maker and the Committee were in receipt of the full information in order to determine the application accordingly. With regards to the covenant, she advised that this was not a material planning consideration and had to be addressed outside the remit of this Committee.

The Principal Planning Officer confirmed that the issue regarding whether or not the land was Brownfield was not the overall determining factor. The NPPF promoted assessment of a site in all context to determine sustainability. Each individual application was assessed on its own merits and this site was linked to Barnard Castle Town Centre and readily accessible to shops and amenities. Some change of use had occurred, but it could be described as a garden/ancillary which was divorced from a residential dwelling. The Design and Conservation Officer had offered no objection, it met separation distances, and would cause no significant loss of amenity.

The Principal DM Engineer described the site as backland development, typical of urban areas in rear lanes. It was satisfactory due to the low number of trips the development would convey, an NPPF based refusal could not be justified as there was already an existing building use which could generate movement. It was clear it would not be suitable for two dwellings, hence the applicant had put forward one single dwelling. The Highways Authority could not sustain an objection to the proposal.

Mr Harper confirmed that he bought the land in March 2019 as a workshop, it had not been used as a garden since the previous owner passed away. There was a building used for storage and he referred to a heap of expensive stone which was not rubbish, but material used for building. He lived local and knew some of the objectors personally - he did not want to cause upset amongst residents. Mr Harper was well aware of the problems on Bede Road and had therefore ensured that there was enough room for 7/8 vehicles to park on site. He was renowned for high quality work and confirmed that he was even prepared to retarmac the lane as a gesture of goodwill.

Mr Harper confirmed that he was unaware that a covenant existed and would make his own enquiries following the Committee. This was the right house for the area and in addition to those objecting, a lot of people were pleased that he had purchased the land. It was never going to be an allotment, it was too expensive of an investment and natural development. Mr Harper said that objections were very similar and may have come from the one source.

With regards to the gable windows, Mr Harper confirmed that he would omit them if people were strongly opposed. He was not a ruthless developer but had instead chosen to build one dwelling on a site that was large enough for two or three houses.

Finally, Mr Harper said that he was willing to liaise with local residents who had issues. He had a good reputation and they could be assured that any issues would be resolved and the development and road would be left immaculate. The Chair was grateful that the Applicant was willing to meet with objectors.

In response to questions from the Chair, the Principal Planning Officer confirmed that it was clear from the plans that there was more than enough space for vehicles to park. With relation to the design of the building, Design and Conservation were particular in areas such as Barnard Castle and were satisfied with the scheme, subject to the control of building materials.

Councillor Brown noted the hours of operation and felt that 7.30 am was a little early on a Saturday morning and wondered if the developer could speak to the residents about this.

Councillor Tinsley had viewed the objector comments on the Councils online portal and was content having heard the comments from the Principal DM Engineer. This was backland development in close proximity to services, it was an effective and efficient use of Brownfield land and an ideal development site. He supported the recommendation and moved approval.

Councillor Richardson questioned what grounds the Committee could refuse the application and the Solicitor confirmed that it was clear from the report that the Council did not consider there to be any grounds to refuse. Councillor Richardson confirmed that he and Councillor Rowlandson had received a lot of calls and whilst he could offer sympathy to the residents, as he suspected, there were no grounds in which the application could be refused.

Councillor Atkinson confirmed that he agreed with Councillor Tinsley's comments and he was also grateful that the Applicant was willing to cooperate with objectors. He seconded the motion to approve.

Resolved

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

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/03212/FPA and DM/19/03213/LB
FULL APPLICATION DESCRIPTION:	Conversion of pub annex to residential dwelling, including associated internal and external works
NAME OF APPLICANT:	Mr Ivan Carter-Becker
ADDRESS:	Fernavilles Rest, Whorlton, Barnard Castle
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Jill Conroy, Planning Officer, 03000 264955, jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located within the village of Whorlton, to the south west of the county and consists of the public house known as Fernavilles Rest (previously known as the Bridge Inn). The pub ceased trading in 2019 and the premises is currently vacant. The property is a Grade II Listed Building comprising a two-storey, three bay property dating from the early 19th century with a later single storey annex extension. Above the pub at first floor level is a 5 bedroom flat used for managers accommodation.
2. The public house is set back from the main road through the village, by a large expanse of hardstanding, which wraps around to the rear of the building providing a car park. Beyond this area, a development comprising of 3 dwellings is currently under construction. The property is attached to a residential dwelling to the north, while other residential properties lie to the south beyond the access road to the car park. The building is located in a prominent position facing the northern section of village green within the Whorlton Conservation Area. It is one of three local amenities serving Whorlton Village and is a designated Community Asset under the Localism Act 2011.

The Proposal

3. Planning permission and Listed Building Consent is sought for the rationalisation of the public house to provide a smaller business operation and the formation of a separate additional dwelling. It is proposed to convert the single storey element of the building to a 3-bed unit of residential accommodation. In order to facilitate this, internal alterations are proposed including blocking up openings in the internal wall dividing the annex to the original building, and an internal reconfiguration of the annex. A 2.0m

high stone wall is proposed be erected to the rear, removing 4no of the public house car parking spaces, to provide a modest residential curtilage.

4. The applications are being reported to the Planning Committee at the request of Whorlton and Westwick Parish Council regarding concerns over viability of the business, loss of the community asset, impact on the heritage assets, loss of tourist accommodation and employment in the locale.

PLANNING HISTORY

5. There is planning and listed building history associated with the site, relating to minor works. None of which, are of relevance to the current proposals.

PLANNING POLICY

NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
8. *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.
9. *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.
10. *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.

11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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:

Teesdale District Local Plan (TDLP) 2002 saved policies:

19. *Policy GD1 - General Development Criteria* - Development will be permitted providing it complies with a number of criteria in respect of design, impact on the character and appearance of the surrounding area and landscape; avoiding conflict with adjoining uses; and highways impacts.
20. *Policy ENV8 – Development affecting plant or animal species protected by law* – Sets out that development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity.
21. *Policy BENV1 – Alterations to Listed Buildings*: Alterations will only be permitted if the proposals are in keeping with the character and appearance of the building.
22. *Policy BENV3 – Listed Buildings* - Development which would adversely affect the character of a listed building or its setting will not be permitted.
23. *Policy BENV4 - Development within Conservation Areas* – Sets out that development will only be permitted provided that among other things the proposal respects the character of the area and does not generate excessive environmental problems which would be detrimental to the character and appearance of the conservation area.
24. *Policy H10 – Conversion of Buildings to Residential Use* - The restoration or conversion of buildings to Residential use will be permitted within the development limits as shown on the proposals inset maps. Provided that the criteria listed in policy GD1 can be satisfactorily met and the conversion would accord with policy ECON. 3.
25. *Policy H12 – Design* - The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.
26. *ECON 3 – Conversion of Buildings and Land Currently in Employment Use* – Sets out that within the development limits the change of use or conversion of land or buildings from an employment generating use will be permitted where it, relates to a site allocated in the plan for a different purpose, the continuation of the use would be unreasonably harmful to the amenities of occupiers of the area, that an affordable housing need has been identified and the site would be restricted for that use, and that it has been proven that there is no demand or need for employment uses in the area.
27. *Policy C2 – Public House Change of Use* - Proposals for change of use of public houses, where it is the last remaining public house in a settlement will not be permitted except where it can be demonstrated that the use is no longer economically viable or required by the local community.
28. *Policy T2 – Traffic Management and Parking* – Sets out that 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 most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>

NEIGHBOURHOOD PLAN:

Whorlton Village Neighbourhood Plan (WVNP) 2017

29. Whorlton Village Neighbourhood Plan - The site falls within the geographical scope of the Whorlton Village Neighbourhood Plan. This plan received support through a referendum and has been 'made' (adopted) by Durham County Council in 2017. Therefore, the Whorlton Village Neighbourhood Plan now has development plan status. Relevant policies to these applications are:-
30. *Policy WP5 – Protection of the historic environment* - Development proposals will be required to respect the setting and/or character of designated and non-designated heritage assets
31. *Policy WP6 – Amenities* - Existing amenities will be protected and any proposals resulting in the loss of them shall be resisted, exploring all avenues leading to their retention.

The above represents a summary of those policies considered most relevant in the Neighbourhood Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/media/22250/Whorlton-Village-adopted-neighbourhood-plan/pdf/WhorltonAdoptedNeighbourhoodPlan.pdf?m=636735567590330000>

RELEVANT EMERGING POLICY:

The County Durham Plan

32. 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. An Examination in Public (EiP) of the County Durham Plan (CDP) is currently in progress. The programmed hearing sessions closed on 4th December 2019. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time. This position will be subject to review upon receipt of further correspondence from the Inspector

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

33. *Whorlton and Westwick Parish Council* – Object to the application highlighting that the public house is listed as an Asset of Community Value, which is the only community asset in Whorlton. Public houses in rural locations must be protected. Concerns are also raised with respect to the impact on the heritage assets, the loss of the bed and breakfast function and employment in the locale. The viability claims have not been supported by appropriate evidence and alternative uses for the annex have not been explored. There will be a loss of 4no car parking spaces thus further affecting the viability of the pub.

34. *Highways Authority* – Raise no objections following clarification of car parking for the scheme.

NON-STATUTORY RESPONSES:

35. *Spatial Policy* – Advise that the proposal would not result in a total loss of community facility as the public house will remain operational, albeit with a smaller footprint. A supporting viability assessment concludes that the public house would remain viable and sustainable for the foreseeable future. The conclusions of this appraisal are considered sound be difficult to resist the proposal on loss of community asset grounds.
36. *Design and Conservation* – Offer no objections advising that the proposal would involve minimal external alteration to the external appearance of the property, whilst internally there would be no impact on any historic fabric or architectural detailing. As such there would be no detrimental impact on the significance of this designated heritage asset nor would the proposal detract from the character and appearance of Whorlton Conservation Area.
37. *Ecology* – Raise no objections, advising that there would be limited impact to any features likely to be used by bats and. An informative, in order to address any residual risk of impact, should be attached to any approval
38. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that there is no requirement for a contaminated land condition after assessing historical maps and available information with respect to land contamination.
39. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the proposed development has the potential for noise arising from the pub which may conflict with a residential use. As such, a condition for sound proofing measures should be included to mitigate excessive noise levels.
40. *Landscape* – Advise there are no objections to the proposal, including the removal of the ash tree in the car park.

PUBLIC RESPONSES:

41. The application has been publicised by way of site notice, advertisement in the local press and individual notification letters to neighbouring residents. In total 3no. letters of objection have been received, including from Whorlton Village Community Association.
42. The comments raised are summarised below:
- The PH is a designated Community Asset and its retention is of paramount importance to local residents and those of the surrounding area.
 - The single storey element is an integral part of the business, not just an annex.
 - It is considered that the reduction of the seating area may adversely affect the viability of the business, thus leading to eventual closure.
 - No evidence has been provided that the reduced business would be more viable or evidence of marketing in its current form.
 - Concerns are raised that the greater value of the dwellings will put pressure on owners to seek changes to the Public House.
 - Should the committee be minded to approve, a planning condition should be included to ensure the Public House element is retained.

- The owner prevented plans to expand the business, through the introduction of a camping area, glamping pods, play area etc, by constructing housing to the rear.
- The business is viable in its current form providing the high rental fees as currently marketed aren't applied.

APPLICANTS STATEMENT:

43. We have submitted this application with the firm conviction that it is the best course of action for both Geo A Carter Ltd, as the owners of the property, the community of Whorlton, who wish to retain a viable Public House and the future tenants of the building who need a viable and workable business opportunity to succeed.
44. Since the purchase of The Bridge Inn in 1954, Geo A Carter Ltd has continually supported the Public House through various economic downturns, the foot and mouth disease and more recently the significant downturn in trade across the industry. There have been various points at which it would have been reasonable for the company to close the doors for good and seek a complete conversion. Geo A Carter Ltd has continually resisted such a move and has continued to support the provision of a Public House in Whorlton, often shouldering the significant financial burden of doing so.
45. Over the past 10 years we have seen 4 tenants come and go, leaving behind rental debts and dilapidations. This clearly demonstrating that the current makeup of the business offering is non-viable and that a significant change to the offering is needed if a successful Public House is to be retained. The plan put forward is one which significantly improves the prospects of The Bridge Inn and helps to safeguard the Public House for Whorlton in the long term.
46. It is noted that the objector has made a number of points through their various submissions. While the majority of these are opinion based, there are an unfortunate number of factual inaccuracies which I wish to address. Firstly, a full and independent viability report has been submitted to support the application. This study clearly outlining the improved viability resulting from the changes proposed. Secondly, the Public House has been and continues to be marketed at a fair market rent and on flexible terms, not those quoted by the objector. Thirdly, the car parking provision will be reduced by 1 space leaving 19, and not the 25% reduction in parking suggested by the objector.
47. There is an additional underlying tone to the objector's comments which suggests that the application is in some way underhand or disingenuous in its nature. I wish to be clear, Geo A Carter Ltd has gone to great lengths to be open and honest throughout this process. We have engaged with the residents of Whorlton, through letters and an open meeting, taking onboard their comments and further explaining the reasoning for the application. In addition, we have attempted to engage with the Parish Council to facilitate a collective effort to support the future of the Public House and while this was not reciprocated, Geo A Carter Ltd has remained available to residents who wish to discuss the plans or wished further input in the businesses future.
48. The application put forward is one which supports the future provision of a Public House in Whorlton and will support the viability of future tenants of the building, thus enabling Geo A Carter Ltd to run the premises as a viable investment. I hope therefore that after consideration the Committee support the application and that we can focus on bringing an open and vibrant Public House back to Whorlton with the prospect of long-term success.

PLANNING CONSIDERATIONS AND ASSESSMENT

49. 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, heritage/visual impact, residential amenity, highway safety, ecology and other issues.

Principle of Development

50. 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 Teesdale District Local Plan (TDLP) and the Whorlton Village Neighbourhood Plan (WVNP) are the statutory development plans for the area and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
51. The TDLP was adopted in 2002 and was intended to cover the period to 2010. The WVNP was adopted in 2017 and is intended to cover the period to 2035. 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 (updated 2019). 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 this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
52. The site lies within the development limits of Whorlton where TDLP Policy H10 permits conversion of buildings to residential use provided the design and amenity criteria of TDLP Policy GD1 are met, and the proposal accords with Policy ECON3 in respect of loss of an employment use. Policy ECON3 seeks to protect employment generating uses, unless it has been proven that there is no demand or need for the employment uses in the locality. More specifically, Policy C2 of the TDLP seeks to prevent the change of use of a public house where it is the last remaining public house in a settlement, except where it is demonstrated that the use is not viable and appropriate marketing has been carried out. Policy WP6 of the WVNP seeks to protect existing amenities (including a public house), requiring the exploring of all avenues which could lead to their retention.
53. The above policies are considered consistent with NPPF paragraphs 83 and 92 which promote retention of valued local community facilities such as public houses. Due to the consistency of the policies with the NPPF and their up to date nature, full weight should be given to them in the decision decision-making process. Furthermore, it is considered for this reason that the tilted planning balance test of paragraph 11 of the NPPF is not engaged.
54. In assessing the proposal against the above policy context, it should be noted that while the proposal would result in the loss of dining room and ancillary floor space associated with the public house, the core operation of the public house would be

retained. However, in order to demonstrate that that a public house of a reduced size would remain viable, echoing the concerns of the Parish Council and objectors, the applicant was requested to submit a detailed viability appraisal. The submitted viability appraisal also sets out the rational behind seeking to reduce the footprint of the public house.

55. The viability appraisal sets out that the previous four tenants, vacated the premises in debt and the reduction in floor space would assist in making the business more easily manageable and more cost effective, to secure its continued use. The appraisal sets out a hypothetical scenario of how to make the business profitable, ultimately by either reducing costs or substantially increasing sales. The appraisal also highlights that the annexe area is not integral to the pub, and at times has been used as an extension to the pub's dining facility or by some tenants as private accommodation. It is also identified that the living accommodation above the public house would make it an attractive opportunity for someone seeking to live at and manage a small pub and could also provide an opportunity for a small level of visitor accommodation.
56. The Council's Planning Policy Section have reviewed the submitted appraisal and advise that the conclusions of the submitted report are broadly sound. It advised that the aim to retain the pub as a local community facility should carry significant weight and the reduction in size should enable it to be managed more efficiently and should provide a sustainable business moving forward.
57. As highlighted above the property is designated a Community Asset under the Localism Act 2011, setting out tests that are required to be satisfied when disposing of such an asset. Although these tests are separate to the planning system, the designation as a Community Asset is capable of being a material planning consideration. In this instance, this consideration would align with the above planning policy tests in seeking to protect existing amenities and services in villages.
58. Overall, it is considered that in principle the proposal would not conflict with TDLP Policies H10, ECON3 or C2 and WVNP Policy WP6, and would comply with the aims of the aims of paragraphs 83 and 92 of the NPF by retaining a viable Public House, which is a valued community facility. It is however considered crucial that the manager/owner accommodation continues to remain available to the pub to ensure the long-term viability of the asset. This can be secured by condition.

Heritage/Visual Impact

59. Policies GD1, BENV1, BENV3, BENV4 and H12 of the TDLP together with Policy WP5 of the WVNP seek to ensure that development protects the significance of a Listed Building and the character and appearance of the area, including Conservation Areas, whilst also ensuring that it represents good design. This approach is generally in accordance with Part 16 of the NPPF which seeks to conserve and enhance the historic environment in a matter appropriate to its significance, whilst recognising that the NPPF sets out that some harm may be appropriate when weighed against the public benefits of a scheme. Part 12 of the NPPF also seeks to promote good design ensuring developments add to the overall quality of the area and are sympathetic to local character.
60. Furthermore Sections 66 and 72 and of the Planning (Listed Buildings and Conservations Areas) Act 1990 sets out the duties as respects listed buildings and conservation areas in the exercise of planning functions. In considering whether to grant permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which

it possesses. In considering whether to grant permission for development on land within a conservation area a local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

61. In accordance with Paragraph 189 of the NPPF, the applicant has submitted a heritage statement which appraises the impact of the development on the significance of the listed building and the character and appearance of the Conservation Area. Concerns from local residents, have been received stating that the proposal will harm the historic asset.
62. The proposed physical works involve the separation of the pub and the annex. Internally this involves blocking up the wall separating the original building from the annex, and some minor reconfiguration of the layout. A new window will be introduced to the gable end of the dwelling together with a new door to the rear and blocking up of an existing door opening.
63. The Council's Design and Conservation Officer advises that the proposal seeks to convert a clearly distinguishable single storey section for residential use. From a conservation perspective, there would be minimal alteration to the external appearance of the property, whilst internally there would be no impact on any historic fabric or architectural detailing. As such, it is advised that there would be no detrimental impact on the significance of this designated heritage asset nor would the proposal detract from the character and appearance of Whorlton Conservation Area or the setting of any other listed buildings.
64. The proposed external works include the erection of a new stone boundary wall to form an enclosed amenity area to serve the dwelling. This will involve the loss of 4no car parking spaces together with the removal of a small ash tree. The Council's Landscape Officer raises no objections to the removal of the ash tree and the proposed works.
65. Overall, subject to appropriate conditions, it is considered that the proposed development would not harm the significance of the listed building or the character and appearance of the surrounding area, resulting in a neutral impact upon relevant heritage assets. The proposal is therefore considered to accord with Policies GD1, BENV1, BENV3 and BENV4 and H12 of the TDLP, Policy WP5 of the WVNP and Parts 12, 15 and 16 of the NPPF. The development would also accord with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 by preserving the significance of the listed building and character and appearance of the Conservation Area. It is however considered expedient to remove permitted development rights to the dwelling to prevent the erection of any extensions/alterations which may harm the character of the conservation area and associated listed buildings.

Residential Amenity

66. Policy GD1 of the TDLP and Policy WP6 of the WVNP requires that residential developments do not disturb or conflict with adjoining uses. These policies are considered consistent with Part 12 of the NPPF, in this respect, which seeks to ensure a good level of amenity is achievable for existing and future residents.
67. In this respect, the main issue of the proposal in terms of amenity relates to potential noise disturbance and window placements resulting in a potential loss of privacy.
68. Whilst limited internal works are proposed, the reconfiguration would result in the new dwellings living/dining area adjacent to the pub's kitchen and bar area which could give rise to undue noise. As a result, Environmental Health have advised that a

condition should be imposed, seeking further details and measures to mitigate the impacts to an acceptable level, through appropriate sound proofing. It is advised that suitable internal noise levels could be achieved subject to detailing appropriate mitigation. In terms of the flat above the public house which is being retained for managers use, it is recommended that a condition be attached to ensure that this is linked to the pub use to prevent a conflict of uses.

69. In terms of assessing any potential loss of privacy, the proposal includes the provision of a new window to the side gable of the new dwelling. This window will serve a bedroom. Despite this addition, based on the location of the window there will be no opportunity for direct overlooking of the adjacent neighbouring property.
70. Given the relatively close proximity of neighbouring residents, and largely quiet environment, it is considered expedient to control working hours on site through condition.
71. Overall, it is considered that due to the proposed dwelling's general relationship with the surrounding properties, the proposals would not have any overbearing impact or result in a significant loss of amenity that would justify refusal of the planning application. The development is therefore considered accord with Policies GD1 of the TDLP, Policy WP6 of the WVNP and the aims of Part 12 of the NPPF in this respect.

Highway Safety

72. Policy GD1 of the TDLP and Policy WP6 of the WVNP requires development proposals achieve a satisfactory means of access onto the wider highway network in order to protect highway safety. These policies are considered consistent with the NPPF in this respect, where Paragraphs 108 and 110 seek to ensure that a safe and suitable access to the site can be achieved whilst seeking to maintain highway safety.
73. Objections have been received highlighting a reduction in parking levels at the site. In this respect in order to form a small residential curtilage, a reduction from a possible 23 spaces to 19 spaces is proposed. However, as the statutory consultee for such matters, the Highways Authority offer no objections to the scheme, advising that the proposed parking levels are acceptable to serve the proposed residential dwelling and the reduced size of the public house.
74. Overall, based on the advice of the Highway Authority, the proposed development will not have an adverse impact on highway safety. The development is therefore considered to accord with Policy GD1 of the TDLP, Policy WP6 of the WVNP and Part 9 of the NPPF in this respect.

Ecology

75. Policies GD1 and ENV8 of the TDLP seek to ensure that developments do not endanger or damage important national or wildlife site or that of the ecology of the wider area. These policies are considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, providing net biodiversity gains.
76. The Council's Ecology Officer advises that based on the nature of the site, the proposed development and likely impacts there is no requirement for any ecological assessments. A standard bat informative has however been recommended in order to address and residual risk of impact.

77. Accordingly, it is considered that the proposal does not conflict with Policies GD1 and ENV8 of the TDLP and Part 15 of the NPPF. The council can also satisfy its obligations under the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) in this respect.

Other Issues

78. In relation to land contamination the Council's Environment, Health and Consumer Protection officers (Contaminated Land) advise that after assessing historical maps and available information, there are no adverse comments to make and a land contamination condition is not required. The development would therefore accord with Part 15 of the NPPF in this respect.

CONCLUSION

79. It is concluded that the partial conversion of the public house for residential use would not adversely impact upon the viability of the remaining public house business. On this basis it is concluded that the proposal complies with the aims of NPPF paragraphs 83 and 92, while there is no conflict with Policies ECON3 and C2 of the TDLP and Policy WP6 of the WVNP.
80. It is also concluded that the development would not have a negative impact on the significance of the grade II listed building or wider Whorlton Conservation Area, while representing good design, complying with the provisions of the Policies GD1, BENV1, BENV3, BENV4 and H12 of the TDLP, Policy WP5 of the WVNP and Parts 12, 15 and 16 of the NPPF in this respect. It is also concluded that the development would not have an adverse impact on residential amenity of neighbouring properties, highway safety and ecological interests in accordance with Policies GD1 and ENV8 of the TDLP and Policy WP6 of the WVNP and parts 12, 15 and 16 of the NPPF.
81. The proposal has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits. There are no material considerations which indicated otherwise and therefore the application is recommended for approval.

RECOMMENDATION

That application DM/19/03212/FPA be **APPROVED** subject to the following conditions:

Time

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.

Plans

2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority.

Plan Reference Number

OS Location Plan

Existing and Proposed Plans and Elevations

Date received

09.02.20

08.10.19

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, ENV8, BENV1, BENV3, BENV4, H10, H12 and C2 of the Teesdale District Local Plan, Policies WP5 and WP6 of the Whorlton Village Neighbourhood Plan and Parts 12, 15 and 16 of the NPPF.

Limit Occupation of accommodation

3. The occupation of the residential accommodation above the public house, shall be limited to a person (and dependent relatives) who is solely or mainly employed or engaged in the running of the public house.

For the viability of the business and in the interests of residential amenity. In accordance with Policies GD1, ECON 3, C2 and H10 of the Teesdale Local Plan, Policy WP6 of the Whorlton Village Neighbourhood Plan and Part 6 of the NPPF.

Material details of wall

4. Notwithstanding details of materials submitted with the application, the new stone boundary wall shall be constructed in accordance with a sample panel which has first been erected on site and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, BENV1, BENV3, BENV4 and H12 of the Teesdale District Local Plan, Policy WP5 of the Whorlton Village Neighbourhood Plan and Parts 12 and 16 of the NPPF.

Detail of windows/doors

5. Notwithstanding details submitted with the application, no new windows or doors shall be installed until their full specification; including joinery details and external timber colour finishes have been submitted to and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, BENV1, BENV3, BENV4 and H12 of the Teesdale District Local Plan, Policy WP5 of the Whorlton Village Neighbourhood Plan and Parts 12 and 16 of the NPPF.

Sound insulation

6. Works to the dwelling hereby approved shall not be carried out until a scheme of sound proofing, showing measures to deal with sound insulation of walls between the public house and the adjoining approved dwelling have been submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out in accordance with the approved details.

Reason: In the interests of neighbour amenity and to comply with Policy GD1 of the Teesdale District Local Plan, Policy WP6 of the Whorlton Village Neighbourhood Plan and Part 15 of the NPPF.

Removal of Permitted Development

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B, C, D,

E and G of Part 1 of Schedule 2 of the said Order shall be carried out without an application having first been submitted to and approved by the local planning authority.

Reason: In the interests of the visual amenity of the area and amenity of surrounding residents, to comply with Policies GD1, BENV1, BENV3, BENV4 and H12 of the Teesdale District Local Plan, Policy WP5 and WP6 of the Whorlton Village Neighbourhood Plan and Parts 12, 15 and 16 of the NPPF.

Working Hours

8. 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 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday; and

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; and

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 protect the residential amenity of existing and future residents from the development in accordance with Policy GD1 of the Teesdale District Local Plan, Policy WP6 of the WVNP and Part 15 of the NPPF.

That application DM/19/03213/LB be **APPROVED** subject to the following conditions:

Time

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: Required to be imposed pursuant to section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Plans

2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority.

Plan Reference Number	Date received
OS Location Plan	09.02.20
Existing and Proposed Plans and Elevations	08.10.19
Existing and Proposed Site Plans	09.02.20
Rear Wall Detail	02.01.20

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, ENV8, BENV1, BENV3, BENV4, H10, H12 and C2 of the Teesdale District Local Plan, Policies WP5 and WP6 of the Whorlton Village Neighbourhood Plan and Parts 12, 15 and 16 of the NPPF.

Material of boundary wall

3. Notwithstanding details of materials submitted with the application, the new stone boundary wall shall be constructed in accordance with a sample panel which has first been erected on site and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, BENV1, BENV3, BENV4 and H12 of the Teesdale District Local Plan, Policy WP5 of the Whorlton Village Neighbourhood Plan and Parts 12 and 16 of the NPPF.

Details of windows/doors

4. Notwithstanding details submitted with the application, no new windows or doors shall be installed until their full specification; including joinery details and external timber colour finishes have been submitted to and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details.

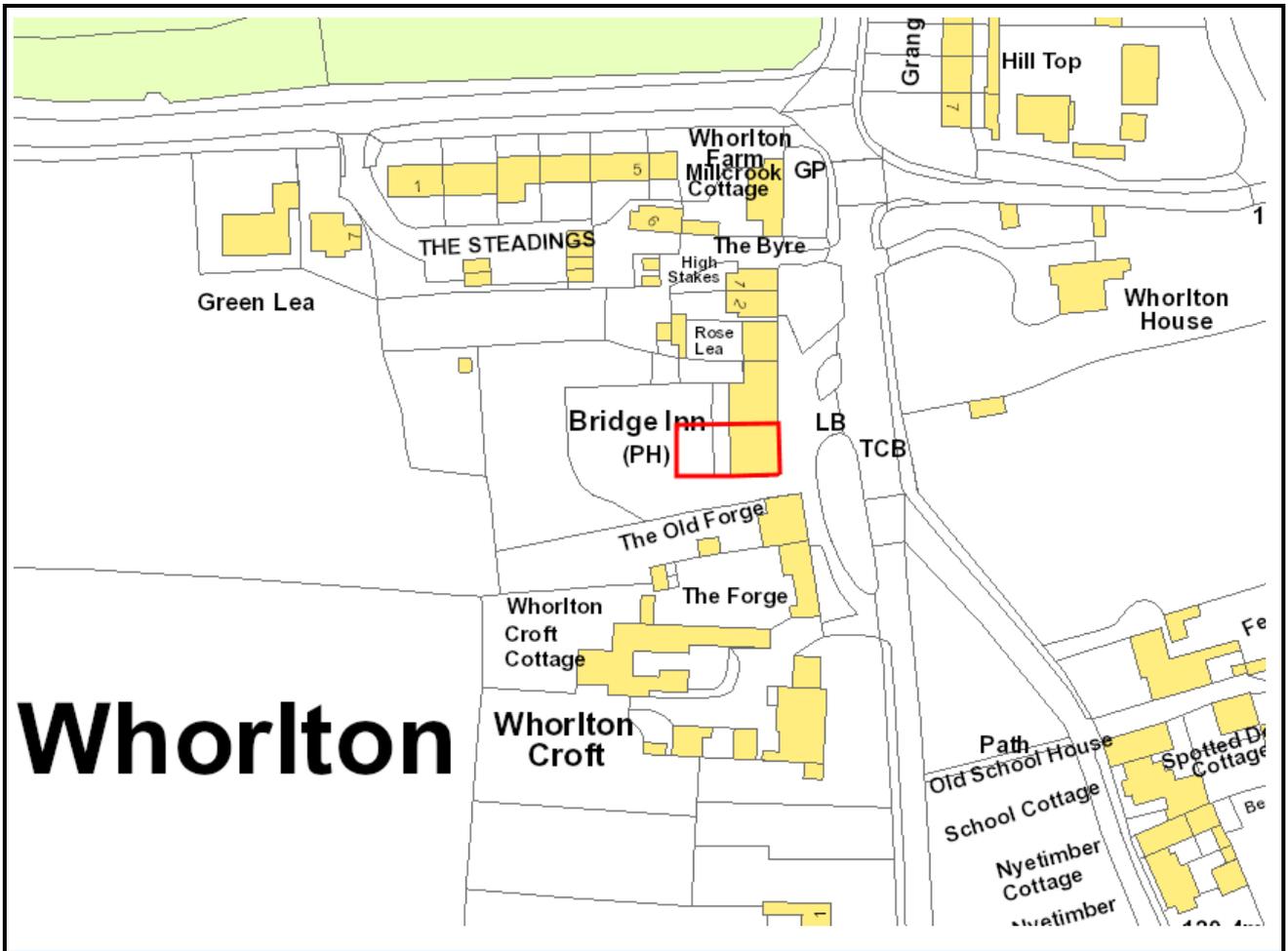
Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, BENV1, BENV3, BENV4 and H12 of the Teesdale District Local Plan, Policy WP5 of the Whorlton Village Neighbourhood Plan and Parts 12 and 16 of the NPPF.

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
Teesdale District Local Plan
Whorlton Village Neighbourhood Plan
Statutory consultation responses
Internal consultations responses
External consultations responses



Conversion of pub annex to residential dwelling, including associated internal and external works

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Ref: DM/19/03212/FPA & DM/19/03213/LB

Fernavilles Rest, Worlton, Barnard Castle

Date: February 2020

Scale: NTS

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/03733/FPA and DM/19/03734/LB
FULL APPLICATION DESCRIPTION:	16no. bungalows, partial demolition of former King James School and construction of 12no. apartments retaining front façade, including alterations to Listed boundary wall
NAME OF APPLICANT:	Railway Housing Association
ADDRESS:	The Laurel Building, South Church Road, Bishop Auckland, Co Durham
ELECTORAL DIVISION:	Bishop Auckland Town
CASE OFFICER:	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The proposals relate to the Grade II Listed former King James I Grammar School building and associated land situated to the north of South Church Road within the Bishop Auckland Conservation Area. The building occupies a wider site which extends to the north east (approximately 0.75Ha in site area). The main building was significantly fire damaged in March 2007 and has since stood vacant, falling into disrepair. The rear of the site was at one time occupied by school buildings and currently is a mix of open land and hardstanding areas. Tree groups are located along the site frontage, towards the centre of the site and along the north western boundary.
2. The site borders Bishop Auckland Cricket Club to the north west, King James Academy to the south east and residential properties on South Church Road to the south west. To the rear (north east), the site backs onto playing fields serving the Academy.
3. Planning permission and Listed Building Consent is sought by Railway Housing Association (a registered social housing provider) to construct 16no. 2 bed bungalows and 12no. apartments on the site for over 55s. The bungalows would be situated on land to the rear of the former King James School building (known locally as the Laurels Building) where they would be arranged around a single access road linking to South Church Road to the south west and small areas of public landscaped space. It is also intended to part demolish the existing Laurel building and provide 12no. 2 bed apartments to the rear, behind the retained historic frontage the apartments. The apartments would be served by a private parking court linking to the site access road, with alterations to the existing Listed Boundary wall to the frontage of the site proposed to facilitate access to the site.
4. The planning application is reported to the Planning Committee in accordance with the Council's Scheme of Delegation as the proposals fall within the definition of major development. Cllr Tanya Tucker has also requested the associated Listed

Building Consent application to be determined by the Planning Committee to allow residents the opportunity to voice support or objections.

PLANNING HISTORY

5. In February 2010 Listed Building Consent was granted for the replacement of the fire damaged roof and windows of the Laurel building on a like-for-like basis (planning ref: 3/2009/0470).

PLANNING POLICY

NATIONAL POLICY

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
8. *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.
9. *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.
10. *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.
11. *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.

12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *NPPF Part 16 Conserving and enhancing the historic environment* - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

LOCAL PLAN POLICY:

18. The development plan is the Wear Valley District Local Plan (WVDLP) saved policies:

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.

Policy BE1 (Protection of the historic environment) – The Council will seek to conserve the historic heritage of the district by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.

BE4 (Setting of a Listed Building) – Development which impacts upon the setting of a Listed building and adversely affects its special architectural, historical or landscape impact will not be allowed.

BE5 (Conservation Areas) – The character of the Bishop Auckland Conservation Area should be protected from inappropriate development.

BE6 (New development and alterations in Conservation Areas) – The Council will permit new development and alterations within Conservation Areas provided it preserves or enhances the character of the area, utilising external building materials which are appropriate to the Conservation Area and satisfies General Development Criteria set out in GD1.

BE8 (Setting of a Conservation Area) – Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.

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.

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.

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.

Policy H17 (Housing for the elderly, handicapped and disabled) – sets criteria for the approval of proposals for the provision of residential and nursing homes and other accommodation for the elderly, handicapped and disabled.

Policy H22 (Community Benefit) - On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

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.

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.

Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

RELEVANT EMERGING POLICY:

The County Durham Plan

19. 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. An Examination in Public (EiP) of the County Durham Plan (CDP) is currently in progress. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time. This position will be subject to review upon receipt of further correspondence from the Inspector.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

20. *Bishop Auckland Town Council* – The Committee is in support of the application which would resolve a long standing issue of the fire damaged derelict building and provide social housing in the town centre. Members are also pleased to see that the application would retain the front façade of the building.
21. *Highway Authority* – No objections.
22. *The Coal Authority* – considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.
23. *NWL* – There would be no issues provided the application is approved and carried out within strict accordance with the submitted document entitled “Schematic Drainage Layout” requiring foul flows to discharge to the combined sewer downstream of manhole 2502, whilst the surface water shall discharge to the surface water sewer at manhole 2602 at a restricted rate of 5l/sec.
24. *Environment Agency* – No comments received.
25. *Historic England* – The test for demolition remains as set out in paragraph 194 of the NPPF. Considering the long involvement of Durham County Councils specialist conservation staff with this building, no objections are raised to the determination of the application in line with their advice in respect to this policy.
26. *National Amenity Societies* – No comments received.

INTERNAL CONSULTEE RESPONSES:

27. *Contaminated Land* – No objections, subject to conditions with respect land contamination.

28. *Noise* – The development is considered to be noise sensitive and is close proximity with a number of significant noise sources, including traffic, noise from the pavilion and noise from sporting uses. The granting of planning permission for the development may potentially result in a statutory nuisance being created. However, the imposition of conditions relating to the submission and agreement of a scheme of noise mitigation measures to protect future occupiers from road traffic/commercial noise and music breakout from the adjacent pavilion would be sufficient to overcome any objection.
29. *Landscape* – No objections. The detailed planting plan, received 03 February 2020 incorporates all previous landscape advice.
30. *Arboriculture* – Based on the removal of a significant number of highly visible mature trees to facilitate this development and the harm that this would have on the visual amenity, the application in its present form is not supported from an arboricultural perspective and potentially conflicts with various aspects of policy GD1. Whether this justifies a recommendation for refusal is a decision for the planning officer to make in the planning balance.
31. *Ecology* – There will be a net loss of biodiversity arising from development, this has not been fully compensated for by the landscape proposals.
32. *Design and Conservation* – The policy tests set out within paragraph 195 of the NPPF have been met and an appropriate and deliverable scheme for redevelopment has been secured. Overall there will be a benefit to local residents and the amenity of the surrounding environment. No objections are raised subject to control over materials to be used and the submission of a detailed demolition method statement.
33. *Drainage* – No objections. Submitted information is deemed to be satisfactory with respect to the management of surface water for the development.
34. *Education* – Given the proposed development is aimed towards over 55s, there would be no requirement for an educational contribution. Overall, it is felt that the proposed development does have many merits and that it would have a significant and positive impact upon the townscape and upon the presentation of the local area. Consideration should be given to boundary treatment to protect the interests of pupils at the adjacent academy and also highway improvement works on South Church Road which would improve safety for pupils.
35. *Affordable Housing* – Affordable Housing provision should reflect the requirements of local residents in respect of property type, size and location. The applicant is proposing to provide a 100% affordable housing scheme. The Housing Development Team are happy that these proposals meet the affordable needs of the area.
36. *Archaeology* – No objections to the scheme.
37. *Spatial Policy* – The principle of development on this site appears acceptable in principle in respect to Policy H15 of the Local Plan. The scheme must also satisfy the requirements of the Built Environment Policies and GD1 which can still be afforded some weight in the balance. Given that the housing delivery strategy in the Local Plan has expired, Paragraph 11 of the NPPF would be engaged. The decision maker should consider whether there are any overriding issues, in accordance with criteria (d)ii, granting permission unless there are any adverse impacts of doing so which would significantly outweigh the benefits of the scheme (when assessed against the NPPF as a whole).

38. *Air Quality* – No objections, subject to the imposition of a condition requiring the submission of a Construction Management Plan.
39. *Heritage Action Zone* – The Heritage Action Zone support this proposal as it provides a solution that will improve the Conservation Area. It will provide more residential accommodation close to the town centre which will in turn support local businesses.

NON-STATUTORY RESPONSES:

40. *NHS* – In this case, the increase in resident population should not have a material effect on the local GP surgeries and their abilities to provide care.

PUBLIC RESPONSES:

41. The application has been publicised by way of site notice, press advertisement and neighbour notification letters. 1no. letter has been received from Bishop Auckland Cricket Club who raise no objections to the development, welcoming proposals which would improve the surrounding area. However, concerns have been expressed over potential danger to future residents of the development from flying cricket balls, with it requested that the developer considers the erection of a 20ft high protective net along the north western boundary of the site.

APPLICANTS STATEMENT:

42. Railway Housing Association seeks planning approval and Listed Building consent for the partial demolition of the former King James School, and the construction of 16no. 2 bedroom 3 person bungalows and 12no. 2 bedroom 3 person apartments, all to rent, for older people.
43. Railway Housing's mission is 'Providing homes for today and tomorrow' and this is underpinned by their seven values to be: honest, approachable, flexible, forward thinking, transparent, accountable and diverse. Their core business is the provision of affordable accommodation and a management and maintenance service to residents. They are very proud of their heritage and retain their charitable values whilst being committed to the future provision of accessible homes and services to meet housing need. The development at Former King James School will deliver, high quality, well designed, energy efficient and much needed new housing to the area, in turn regenerating a run-down site.
44. The existing buildings have been empty for nearly twenty years and following a fire in March 2007 the main elevation to South Church Road was secured and scaffolding erected around the front of the property to provide structural support. The site has become an established "eyesore" on South Church Road and continues to detract from the character and setting of the Conservation Area on a key approach to the town centre.
45. The development will aim to preserve an element of the historic past of King James School maintaining its architectural contribution towards the streetscape. The proposal will retain the façade on South Church Road and enhance its contribution to the wider street scene whilst providing a sustainable and viable use for the rest of the site. The historical significance of the school will not be lost and will still be articulated through the surviving elevation on South Church Road. Although the school building will have gone, its presence within Bishop Auckland will remain.
46. The proposals will result in the loss of several trees within the site boundary, although this is regrettable the retention of the trees would compromise the

development. The proposal looks to mitigate the loss of the trees through new extra heavy standard and semi mature tree planting and extensive soft landscaping within the site.

47. As well as providing quality new homes, this development will undoubtedly support a range of economic benefits to the area. The development of the site will generate direct and indirect construction jobs in the area and will support local businesses through the use and purchase of local materials; and an increase in local expenditure.
48. In summary, the proposal contributes to all three dimensions of sustainable development, delivering substantial social, economic and environmental benefits. The scheme would make a significant contribution to meeting recognised local housing needs through the provision of high quality housing, whilst regenerating a brownfield site and preserving assets of an historic Listed building.

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

49. 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, impact upon the significance of the identified heritage asset, privacy/amenity, landscape/arboricultural impact, highways impact, flooding and drainage, ecology, contaminated land/coal mining and planning obligations.

The principle of the development:

50. 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 Wear Valley District Local Plan (WVDLP). A new county wide development plan is currently in preparation; however, no weight can currently be afforded to the 'Submission Version' of this document.
51. Given the housing supply policies which are most important for determining the application are considered to be out of date, the application would fall to be determined in accordance with paragraph 11d of the NPPF (February 2019). This means planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
52. 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 that the applicant is seeking to deliver an affordable rent scheme comprising a mix of 2 bed apartments and bungalows (of which 15% would be secured as affordable in perpetuity), proposals would add diversity to the housing

tenure in Bishop Auckland and contribute towards creating a socially inclusive community.

53. 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. Paragraph 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. The application site comprises previously developed land (in parts) within the heart of the Bishop Auckland settlement in a sustainable and accessible location. The works would see the removal of a large section of an existing fire damaged building, albeit retaining and enhancing its prominent and historic frontage, whilst making effective use of the land to the rear, bringing the wider site back into use.
54. 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 set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
55. 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.
56. 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.
57. 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 an established social housing provider on land soon to be in their control. Given the scale of the development it is likely that the site could be built out in its entirety within a 5 year period.
58. 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.
59. There are no policy objections to the principle of developing this site for housing subject to an assessment of the impacts and benefits of the proposals in accordance with the following material planning considerations.

Impact upon the significance of the identified heritage asset:

60. The application site comprises a fire damaged Grade II Listed building fronting South Church Road with undeveloped land to the rear, within the Bishop Auckland Conservation Area. In determining the application, the consideration of the impact upon the significance of the heritage asset may be broken down into two key parts. Firstly, the principle of the works proposed including demolition of most of the Laurel building and retention of its front facade, and secondly the design merits of the proposed redevelopment scheme.
61. Section 66 of the Listed Buildings and Conservation Areas Act 1990 states that 'in considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
62. With regard development affecting land or buildings in a Conservation Area, Section 72 of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
63. Paragraph 189 of the NPPF sets out the need for new development to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. In determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
64. Saved policies Policy BE1 (Protection of the historic environment), BE4 (Setting of a Listed Building), BE5 (Conservation Areas), BE6 (New development and alterations in Conservation Areas) and BE8 (Setting of a Conservation Area) are relevant to the determination of the application. The Council should seek to conserve historic heritage through the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest with development which impacts upon the setting of a Listed building and adversely affects its special architectural, historical or landscape impact to be resisted. The character of the Bishop Auckland Conservation Area should be protected from inappropriate development with new development permitted only where it preserves or enhances the character of the area, utilising external building materials which are appropriate to the Conservation Area. Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.

The principle of the works

65. Since the fire at this building in 2007 the Councils Design and Conservation Team has had a consistent involvement in the protection, exploration of options and ultimately the marketing and potential sale and redevelopment of the site. Every effort has been made to secure options which provided solutions for preserving the significance of the building and its contribution to the surrounding conservation area and setting of other designated assets. These options have included disposal to a third party through active marketing, securing of funding from national and European sources and consideration of the use of public funding to secure the asset. However, given the current condition of the building, the conservation deficit associated with an

appropriate redevelopment and the inherent risks in a successful business model, none of the options have proven to be deliverable.

66. The current application represents an opportunity for the Council to dispose of the site to facilitate a good quality affordable housing development which utilises the wider site whilst protecting and enhancing the Listed façade of the building. Having reached the conclusion that the proposal in its wider context is acceptable this application must be considered on the basis that substantial harm will occur to the designated asset in question (through the demolition of the vast majority of the Listed Building). The tests set out in paragraph 194 of the NPPF therefore need to be addressed and as a Grade II Listed Building, the case should be clear and convincing and prove exceptional circumstances. In this case, the building condition, viability and market position provide the necessary evidence that the case is exceptional and the followings tests of paragraph 195 of the NPPF are therefore relevant to the determination of the application:
67. *Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.*
68. This modest redevelopment scheme does not provide substantial public benefits and therefore tests a-d should be considered. Tests a-c are clearly met, and test d captures the resultant impact if this proposal is approved. The benefits of removing a long-term blight from the area, delivering sustainable affordable housing and retaining the façade which retains evidential and communal values outweigh the loss of this severely degraded and unviable asset in these exceptional circumstances. Historic England have raised no objections to the proposals, noting the long term involvement of the Councils Conservation team with this site.
69. The previously prepared statement of significance which accompanies the application identifies that whilst the highest architectural significance is derived from the portion of the building to be lost, the main contribution to the Conservation Area results from the principal elevation to South Church Road which is to be retained. Whilst it is always regrettable to reach a position where a Listed building will be lost, it is considered the policy tests have been met and an appropriate and deliverable scheme for redevelopment can be secured which benefits local residents and the amenity of the surrounding environment.
70. Given the historic research which has already been undertaken and deposited with the HER and the survey and photographic records which already exist for this site, no request for further recording prior to demolition is considered appropriate. A detailed demolition method statement is however required by condition which clearly highlights how the works will be undertaken and how the retained fabric will be protected and supported during the construction contract.
71. In summary there would be no objections to the principle of works which would result in notable loss of historic fabric, but which satisfies the policy tests set out in

paragraphs 194 and 195 of the NPPF to the satisfaction of the Councils Conservation and Design team and Historic England.

The design merits of the proposals

72. The proposed development as originally submitted was assessed by the DCC Internal Design Review, in line with emerging planning Policy 30 of the County Durham Plan. The application was assessed against the reserved matters questions which resulted in 3 red scores, 4 amber scores, 5 green scores and 0 unknown score. In design terms it was considered that the proposed scheme failed to respond to the character and appearance of the Bishop Auckland Conservation Area, proposing a standard housing product which failed to take reference from and respond to the architectural detailing and dominant material palette of this part of the Conservation Area. Furthermore, the proposed new build bungalows were not positioned or designed to enhance the wider streetscape. Nevertheless, it was considered that there was an opportunity to revisit the proposed layout, to ensure the bungalows to the front of the site appropriately address South Church Road whilst revisiting the layout of parking spaces to help increase the level of usable public open space.
73. The site layout has been revised through subsequent discussion with specialist services to arrive at a more acceptable scheme which better respects the Conservation Area setting, prominent frontage and Listed assets. The proposed redevelopment of the site will retain and enhance the existing Listed façade of the former school building, with new bungalow development primarily located to the rear which has been designed in such a way so as to provide a modern, yet sympathetic design approach. New development alongside the façade to the front of the site has been designed in such a way so as to provide an active street frontage which appropriately addresses South Church Road and the revised layout also addresses the positioning of parking within the site, opening up corridors of open space through the development.
74. Development would ensure an appropriate mix of house types comprising semi-detached bungalows, a short terrace of bungalows and single storey apartments. There is no objection from a design perspective to the revised approach subject to control over the proposed materials palette so as to ensure a sympathetic development form which respects the heritage assets of the area. It is specifically requested the bungalow fronting South Church Road should include a slate roof, with timber fascias to all proposed bungalows. Details of external materials including windows and doors are to be controlled by condition.
75. Notwithstanding the above, there is no objection from a design and conservation perspective. Proposed works would deliver notable enhancements to the character and appearance of the Conservation Area, involving the redevelopment of the site whilst retaining/enhancing the Listed façade front South Church Road. The proposed development would be of a scale, layout and design which respect their surroundings, the Bishop Auckland Conservation Area and identified heritage assets, marking a notable improvement on the current condition of the site, thereby satisfying the principles of Parts 12 and 16 of the NPPF and saved policies BE1, BE4, BE5, BE6 and BE8 of the WVDLP.

Privacy / Amenity:

76. Saved policy GD1 of the WVDLP seeks to ensure that new developments do not disturb or conflict with adjoining uses. Separation distances between dwellings as set out within policy H24 have now been superseded by the Councils recently adopted

Residential Amenity Standards SPD which provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed. With regards new bungalow development, a minimum 18m separation would be recommended between opposing main facing elevations containing windows serving a habitable room. This separation distance reduces to 10m between main facing elevations and an opposing gable elevation which does not contain a window serving a habitable room.

77. The proposed site layout is shown to satisfy these minimum separation requirements with the proposed bungalows and apartments laid out in such a way to avoid any directly overlooking windows within close proximity to one another. Furthermore, with regards the relationship to the 12no. apartments, no objections are raised with a minimum 17m separation to be achieved between the southernmost elevation of these apartments and the nearest bungalow to the south (plot 16).
78. The proposed layout and scale of dwellings would ensure no direct overshadowing of neighbouring plots or overlooking window openings with each dwelling (including apartments) to benefit from sufficient level of private amenity space commensurate to the scale of the unit they serve. This would include turfed lawn and paving areas, with a small SuDs area to provide an element of amenity open space within the centre of the site. Acceptable enclosure details are set out in submitted plans and permitted development rights for the 16no. bungalows are to be removed by condition in the interests of maintaining satisfactory separation and private amenity space between neighbouring plots (the proposed apartments do not benefit from such rights).
79. A detailed landscape plan has been submitted to the satisfaction of landscape officers, incorporating areas of hard and soft landscaping and mitigatory planting which all assist with the effective drainage of the site.
80. The development is considered to be noise sensitive and is in close proximity to a number of significant noise sources, including traffic, noise from the cricket ground to the north west and school playing fields and grounds to the south east. Whilst the granting of planning permission for the development may potentially result in a statutory nuisance being created, the imposition of conditions relating to the submission and agreement of a scheme of noise mitigation measures to protect future occupiers from road traffic/commercial noise and music breakout from the adjacent pavilion would be sufficient to overcome any environmental health objection and ensure a satisfactory level of residential amenity.
81. 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. 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

82. Part 15 of the NPPF seeks to ensure that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Saved policy GD1 of the WVDLP seeks to ensure new development shows regard to landscape features which are to be retained and incorporated into the design of the scheme avoiding a detrimental impact upon the landscape quality of the surrounding area.

83. The application is submitted alongside an Arboricultural Impact Assessment (AIA) dated 20 November 2019 which includes a tree constraints plan and details of protective fencing. A number of trees are shown to be removed across the site, with a small cluster to the south east corner fronting South Church Road to be retained. Arboriculture officers express concern over the proposals which would involve the removal of a significant number of highly visible mature trees resulting in harm to visual amenity. Notwithstanding this, any harm must be balanced against the benefits of the proposals in arriving at a final recommendation.
84. None of the trees to be removed are protected by TPO although are afforded protection by being located in a Conservation Area. Although their loss is regrettable (given their mature status and contribution to the surrounding environment), this is required to facilitate the proposed development. In particular a large tree grouping within the centre of the site to the rear of the existing building and another at the site entrance effectively sterilize the site and would prevent future development to the rear or indeed vehicular access to the site, in turn impacting the viability of the proposed apartment scheme. A further tree grouping along the north western boundary of the site where adjacent the neighbouring cricket ground would be removed given the likely future impact to the amenities of future residents of these dwellings, limiting available private amenity space and giving rise to overshadowing concerns.
85. Submitted plans confirm the retention of those most prominent trees along the frontage of the site where possible (to the south east corner), with areas of new landscaping in the form of replacement tree planting provided within the site to mitigate the aforementioned landscape loss. Conditions are imposed regarding the submission of tree protection measures to ensure the preservation of landscaping to be retained. On balance, the harm which would result from the loss of existing trees that are set back within the site can be satisfactorily overcome by replacement landscape planting and the wider benefits of redeveloping this site to deliver improved housing mix and affordable provision within the Bishop Auckland settlement.

Highways:

86. Saved policies GD1 and T1 of the WVDLP together seeks to ensure new development achieves safe access and adequate parking facilities, would not result in unacceptable levels of traffic which exceeds the capacity of the local road network, whilst achieving adequate links and access to public transport systems. Priority should be given to pedestrians and cyclists within the site, providing links to local footpaths and cycle networks where practicable. 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.
87. The application site is located in an established residential setting on the edge of Bishop Auckland Town Centre. This is a sustainable and accessible location within short walking distance to a range of local services and public transportation networks reducing reliance upon private vehicle use.
88. The proposed site layout has been developed in association with the Council's highways team to produce an acceptable scheme which ensures an appropriate means of access into the site from South Church Road (achieving satisfactory site visibility in both directions) and satisfactory off-street parking provision to serve all 28no. proposed units, including visitor parking provision. Existing vehicular access crossings in the public highway fronting the site, shown to be come redundant are

expected to be removed and returned to footway construction under separate highways licensing.

89. No highway objections are raised with proposals consistent with the principles of saved policies GD1 and T1 of the WVDLP paragraph 32 of the NPPF. It will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980 in order to ensure the adoption of the proposed new highways. It will also be necessary for the applicant to enter into an agreement under Section 278 of the same Act, to allow the required works within the existing highway to be carried out. The applicant is to be reminded of such detail by informative.

Flooding and Drainage:

90. 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 application site is not located within a flood zone 1, 2, 3 risk area. The site drainage layout which incorporates a SuDS feature to the northern boundary of the site and areas of permeable paving and rain gardens has been developed in accordance with the Councils drainage section requirements who raise no objections to the proposed layout. The submitted information is deemed to be satisfactory with respect to the management of surface water for the development, and subject to adherence to the approved plans, the proposals are considered to satisfy the principles of Part 14 of the NPPF.

Ecology:

91. 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 Preliminary Ecological Appraisal (September 2019) which identifies a number of mitigation measures to overcome any perceived threat to protected species including bat and bird boxes. Adherence to such measures would be controlled by condition with no requirement for a European Protected Species License on this occasion.
92. Notwithstanding this, Ecology officers consider there will be a net loss of biodiversity arising from the development which has not been fully compensated for by the landscape proposals. Under such circumstances the LPA would normally request financial compensation (secured by s106) to be used by the Council towards biodiversity enhancements in line with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy document. Where appropriate opportunities are available the delivery of compensatory works will be in the vicinity of development.
93. The applicant has provided a detailed viability statement in support of the application which shows the build cost of the scheme to exceed the market value of the completed development. With the scheme already heavily grant funded the applicant argues that further additional costs such as ecological contribution cannot be accommodated. Whilst this is disappointing, having regard to the overarching benefits of the scheme and noting that some ecological benefit will result through adherence to the mitigation measures set out within the submitted PEA, the proposals are considered to remain consistent with the NPPF as a whole, albeit not specifically Part 15 regarding net biodiversity gain.

Contaminated Land/Coal mining:

94. 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 is submitted alongside a geoenvironmental appraisal (Dunelm Geoenvironmental, D9723, 24 October 2019) and remediation method statement (November 2019) which has been scrutinised by contaminated land officers. The report confirms a limited number of samples having been undertaken across the site, leaving a significant area of ground to the centre of the site without any investigation given its current developed nature. Considering the elevated levels of contaminants demonstrated on the site, further sampling is required. Furthermore, given the presence of the existing building on the site, no investigation of this area has been carried out with further sampling needed of this area post demolition. Subject to conditions controlling further site assessment works, no objections are raised. The wording of these conditions is to be carefully considered so as to allow for the necessary demolition works to take place.
95. With respect to Coal Mining Legacy issues, the application site falls within the defined Development High Risk Area. Within the application site and surrounding area, therefore there are coal mining features and hazards which need to be considered in relation to the determination of the planning application. The applicant has carried out intrusive site investigations, as recommended in the Coal Authority's initial consultation response (dated 17 December 2019), with a covering letter (dated 17 January 2020, prepared by Dunelm Geotechnical and Environmental) to identify the results of the investigation. The report concludes that the site is not at significant risk from shallow coal mine workings. The Coal Authority considers the content and conclusions of the Coal Mining Risk Assessment Report to be sufficient for the purposes of the planning system, meeting the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority has no objection to the proposed development with proposals to satisfy the provisions of Part 15 of the NPPF.

Planning obligations

96. *Affordable Housing*
As the proposed development is for 28no. dwellings, it exceeds the size threshold (10no. dwellings) where there is a need to provide affordable housing as part of the scheme. 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. The Strategic Housing Market Assessment (SHMA) (2019) identifies the need for affordable housing within County Durham which it defines as one housing market area. The % of affordable housing which we ask for is not set out within a Policy, however, it is based on viability evidence which confirms that 15% is appropriate within this part of the County, which is regarded as a medium value area.
97. Railway Housing Association is a registered provider of affordable housing. The scheme proposes specialist and affordable accommodation in the form of housing suitable for the elderly and disabled. The applicant confirms that development would comprise a mix of 2 bedroom, 3 person bungalows and 2 bedroom, 3 person apartments (with communal facilities) for older persons over the age of 55. Those who are not over 55 years of age would not be eligible to rent a property, falling outside of the necessary criteria required by the housing provider. Properties will be let upon completion for first and subsequent occupiers in accordance with Homes England funding conditions for affordable rent and would meet the definition of Affordable Housing as defined in Annex 2 of the National Planning Policy

Framework. Notwithstanding the above it would be necessary to request a minimum 15% of units to be retained as affordable in perpetuity (equating to 4no. units). The Councils Housing team are satisfied that the proposals will meet the affordable needs of the area, with affordable housing provision supported, subject to the satisfactory completion of a S106 agreement securing this provision.

98. *Educational provision*

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. In supporting information the applicant confirms that the proposed development is to be made available for over 55s only. Given the scale of the units proposed and the intended target occupancy, the Councils Education section are satisfied that there would be no requirement for educational contribution or mitigation in this case.

99. *NHS*

Noting the former use of the site and proposed development, the NHS advise that the increase in resident population should not have a material effect on the local GP surgeries and their abilities to provide care with no requirement for NHS contribution on this case.

100. *Open Space contributions*

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. Given the scale of the proposals the LPA would normally expect S106 open space contributions for off-site provision. The applicant is a social housing provider and given the significant costs associated with redeveloping the site is arguing a case for viability.

101. A viability appraisal of the scheme has been undertaken with figures provided demonstrating proposed demolition costs and redevelopment of the 28no. units including retention of the Listed façade structure. The scheme is grant funded to offset the short fall in construction costs and the LPA note significant outgoings relating to site acquisition, demolition, building and site remediation works, structural works associated with the retention of the historic façade, drainage and permeable paving costs not to mention costs associated with the required ball stop fencing to be constructed along the western boundary of the site and professional fees. It is apparent that this scheme would unlikely prove viable without significant financial assistance and any requirement for further financial contributions from the LPA would likely fail to ensure the scheme breaks even. In view of the foregoing and accepting the notable benefits of bringing this site back into use through delivering a well-designed affordable housing scheme within a sustainable location, it is considered that an off-site financial contribution cannot be insisted upon on this occasion.

102. *Provision of public art*

Saved Policy BE23 (Provision of Public Art) of the WVDLP seeks to ensure that in appropriate cases, the Council will encourage the provision of works of art as part of development. Submitted 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 aforementioned viability implications, it is not considered appropriate on this occasion to require the provision of public art as part of the development.

Other matters

103. Considering the proximity of the site to the adjacent Bishop Auckland Cricket ground and the potential for cricket balls to impact the safety and property of future residents who would share a site boundary, it is considered necessary to require the applicant to erect a ball stop fence along the north western boundary of the site. The applicant has confirmed their acceptance to gift a fence to the Cricket Club with precise details of its location, scale, design and future management to be controlled by condition in the interests of securing good design and protecting the amenities of those residents most likely to be affected.

Planning balance:

Benefits

104. The application site is located within a sustainable and accessible location within the Bishop Auckland settlement, comprising land that has been previously developed and close to existing shops, services and public transportation linkages within the adjacent town centre, reducing any overreliance upon private vehicle use.
105. The proposal would see the preservation and sensitive restoration of the fire damaged Grade II Listed façade of the Laurel building fronting South Church Road, whilst bringing the wider site behind back into use through the provision of affordable rent bungalows and apartments targeted towards the over 55s and disabled within an upgraded physical setting (of which 15% would be secured as affordable in perpetuity). The tests of paragraph 194 of the NPPF are met and proposals will result in an enhancement to the Conservation Area through the removal of longstanding blight and the delivery of affordable housing which fulfils an identified local need in a sustainable location.
106. 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. Notwithstanding this, proposals would assist in the delivery of a mix of house types to the settlement.
107. The proposed development would relate well to the surrounding residential area, enhancing the character of the surroundings and Conservation Area in terms of layout and design.
108. The proposed layout would achieve acceptable relationships between dwellings, both internally and externally to the site and would safeguard the privacy and amenity for existing and future residents.
109. 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.
110. In addition, the applicant has agreed to enter into an obligation to maintaining 4no. of the 28no. units as affordable in perpetuity.

Adverse Impacts

111. Landscape concerns have been raised over the perceived impact on existing tree cover on the site. Although such loss is regrettable, the applicant has sought to mitigate this by introducing new planting across the site.
112. The applicant is unable to provide any financial contribution relating to the provision of off-site open space enhancements linked to a development of this scale. Likewise, Ecological concerns have also been raised over the net loss of biodiversity arising from development which has not been fully compensated for by the landscape proposals. Whilst it is also regrettable that financial contributions cannot be secured to mitigate the above areas of concern, the applicant has provided a detailed viability statement setting out the associated costs of delivering this scheme and stating that this scheme would otherwise be unlikely prove viable without significant financial assistance.
113. 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

114. Detailed and Listed Building Consent is sought for the clearance of the former King James School site which is a Grade II Listed structure located within the Bishop Auckland Conservation Area, including the retention of the Listed façade and alterations to the front boundary wall. The proposed development would provide a mix of new build affordable bungalows and apartments, fulfilling an identified local need of affordable rent properties in a sustainable and accessible location, whilst delivering a scheme that can be appropriately integrated within the surrounding street scene without compromising highway safety, residential amenity, coal mining legacy or land contamination. Works would see a notable enhancement to the Conservation Area through the removal of longstanding blight and improvements to the prominent frontage of the Listed asset that would deliver economic, social and environmental benefits in accordance with the core principles of the NPPF.
115. Proposals fall to be determined in accordance with para 11d of the NPPF. 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 Wear Valley District Local Plan. In view of the foregoing, the application is recommended for approval subject to the following conditions and completion of a s106 obligation.

RECOMMENDATION

DM/19/03733/FPA

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 4no. affordable units in perpetuity, and the following conditions:

1. 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.

2. Approved plans

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

P000 (Location plan), received 03 December 2019

19-022 100D (Proposed site plan), received 31 January 2020

19-022 P200A (Proposed floor plan, plots 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15 and 16), received 28 January 2020

19-022 P201A (Proposed floor plan, plots 5, 6, 7 and 8) received 28 January 2020

19-022 P202A (Apartment, ground and first floor plans), received 28 January 2020

19-022 P203A (Apartment, second floor and roof plans), received 28 January 2020

19-022 P204A (Apartment, proposed elevations), received 28 January 2020

19-022 P300A (Proposed boundary details site plan), received 03 February 2020

19-022 T102A (Proposed boundary details and bin store), received 03 February 2020

N923-ONE-ZZ-XX-DR-L-0201 Rev P06 (Detailed planting plan), received 03 February 2020

19N2041-130 REVT2 (Proposed drainage layout), received 31 January 2020

19N2041 REVB (Flood risk and drainage impact assessment), received 31 January 2020

KJS-BGP-01-00-DR-C-01110 (External works GA), received 31 January 2020

Arboricultural Impact Assessment, 20 November 2019

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Material samples

Notwithstanding any details of materials submitted with the application no new above ground construction work shall commence until samples of the external walling, roofing, fascia, doors, windows and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Paragraph 189 of the NPPF.

4. Slate roof

Notwithstanding details shown in the approved plans, the proposed bungalows fronting South Church Road shall have a slate roof.

Reason: In the interests of the appearance of the area and to comply with Paragraph 189 of the NPPF.

5. Ball stop fencing

Prior to first occupation of the dwellings hereby approved, details of proposed ball stop fencing along the north western boundary of the site adjacent to the Cricket ground detailing its precise location, scale, design and management shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed in accordance with the approved details prior to first occupation of the dwellings hereby approved.

Reason: In the interests of residential amenity in accordance with saved policy GD1 of the WVDLP.

6. Front boundary wall

Notwithstanding details shown in the approved plans, prior to any works to the front boundary wall of the site being carried out, details of any alterations proposed shall be submitted to and approved in writing by the Local planning authority. Works shall be undertaken in accordance with the approved details prior to first occupation of the site.

Reason: In the interests of the appearance of the area and to comply with Paragraph 189 of the NPPF.

7. Contaminated Land (Phase 2-3)

Prior to any works commencing on the approved apartments scheme (not including necessary demolition works), 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.

8. 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.

9. Noise mitigation

No new above ground construction work shall commence until a scheme of noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The aim of the scheme shall be to protect future occupiers from road traffic/commercial noise and should ensure the following noise levels are achieved:

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 completed prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: In the interest of amenity in accordance with saved policy GD1 of the WVDLP

10. Noise mitigation

No new above ground construction work shall commence until a scheme of noise mitigation measures has been submitted to and approved in writing by the local planning authority. The aim of the scheme shall be to ensure a noise level of NR20 in relation to music breakout from the adjacent cricket pavilion shall be achieved in habitable rooms of the affected sensitive receptor. Development shall adhere to the approved mitigation measures thereafter.

Reason: In the interest of amenity in accordance with saved policy GD1 of the WVDLP

11. Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping as shown on approved plan ref: N923-ONE-ZZ-XX-DR-L-0201 Rev P06 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 whichever is earlier), 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 policy GD1 of the WVDLP.

12.AIA

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

Reason: In the interests of the visual amenity of the area and to comply with policy GD1 of the WVDLP.

13. Mitigation

No development shall take place unless in accordance with the mitigation detailed within Section 4 of the Preliminary Ecological Appraisal (September 2019)

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

14. Demolition method statement

No demolition works shall commence until a detailed demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall highlight how necessary demolition works will be undertaken and how the retained fabric will be protected and supported during the construction contract. Works shall be carried out in accordance with the approved scheme of demolition thereafter.

Reason: In the interests of the appearance of the area and to comply with Paragraph 189 of the NPPF.

15. 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 policy GD1 of the WVDLP.

16. 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 policy GD1 of the WVDLP.

DM/19/03734/LB

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

1. Time limit

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. Approved plans

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

P000 (Location plan), received 03 December 2019

19-022 100D (Proposed site plan), received 31 January 2020

19-022 P200A (Proposed floor plan, plots 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15 and 16), received 28 January 2020
19-022 P201A (Proposed floor plan, plots 5, 6, 7 and 8) received 28 January 2020
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19-022 P204A (Apartment, proposed elevations), received 28 January 2020
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19-022 T102A (Proposed boundary details and bin store), received 03 February 2020
N923-ONE-ZZ-XX-DR-L-0201 Rev P06 (Detailed planting plan), received 03 February 2020
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19N2041 REVB (Flood risk and drainage impact assessment), received 31 January 2020
KJS-BGP-01-00-DR-C-01110 (External works GA), received 31 January 2020
Arboricultural Impact Assessment, 20 November 2019

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Material samples

Notwithstanding any details of materials submitted with the application no new above ground construction work shall commence until samples of the external walling, roofing, fascia, doors, windows and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Paragraph 189 of the NPPF.

4. Slate roof

Notwithstanding details shown in the approved plans, the proposed bungalows fronting South Church Road shall have a slate roof.

Reason: In the interests of the appearance of the area and to comply with Paragraph 189 of the NPPF.

5. Front boundary wall

Notwithstanding details shown in the approved plans, prior to any works to the front boundary wall of the site being carried out, details of any alterations proposed shall be submitted to and approved in writing by the Local planning authority. Works shall be undertaken in accordance with the approved details prior to first occupation of the site.

Reason: In the interests of the appearance of the area and to comply with Paragraph 189 of the NPPF.

6. Demolition method statement

No demolition works shall commence until a detailed demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall highlight how necessary demolition works will be undertaken and how the retained fabric will be protected and supported during the construction contract. Works shall be carried out in accordance with the approved scheme of demolition thereafter.

Reason: In the interests of the appearance of the area and to comply with Paragraph 189 of the NPPF.

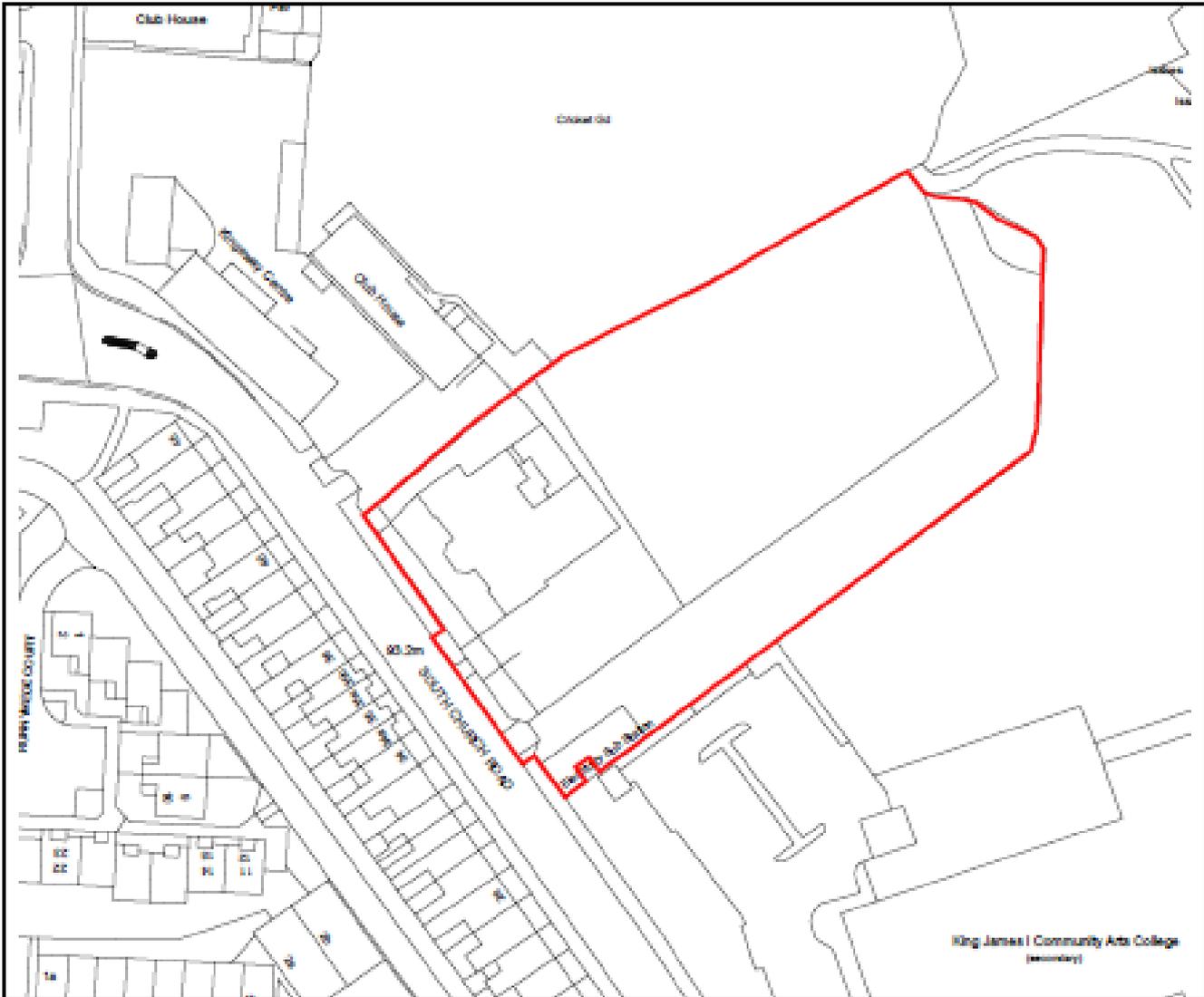
STATEMENT OF PROACTIVE ENGAGEMENT

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
- Wear Valley District Local Plan (WVDLP)
- Statutory consultation responses
- Internal consultation responses
- External consultation responses



Planning Services

16no. bungalows, partial demolition of former King James School and construction of 12no. apartments retaining front façade, including alterations to Listed boundary wall

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Comments

Date 20 February 2020

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/03961/FPA
FULL APPLICATION DESCRIPTION:	11no. bungalows including demolition of existing sheltered housing
NAME OF APPLICANT:	Livin
ADDRESS:	King William Grange, High Grange Road, Spennymoor, Co Durham
ELECTORAL DIVISION:	Tudhoe
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 the decommissioned King William Grange sheltered housing site in Spennymoor located to the north of Oxford Road and south of High Grange Road. The site is situated within predominantly residential surrounds, with neighbouring bungalows to the north and west of the site and a row of two storey terraced properties to the east (for which requires 11no. off street parking spaces within the application site boundaries would be retained). The Moors Tavern PH is located to the north east of the site with retail uses within Spennymoor Town Centre to the south beyond Oxford Road. To the west beyond the existing bungalows is a large area of landscaped open space forming a green corridor between the town centre to the south and properties to the north.
2. The application is submitted by Livin (a registered provider of social housing) who wish to replace the existing sheltered housing unit on the site (comprising 32no. 1-bed living units) with 11no. 2-bed bungalows (resulting in an overall net decrease of 21no. dwellings across the site), targeted towards over 55s and disabled occupiers. All 11no. units would be provided for affordable rent and arranged in a mix of 2no. short terraces of 3no. units, a semi-detached pair and 2no. detached properties.
3. The single storey bungalows (5.3m in height to ridge level) would have external finishes comprising a mix of white render or buff brick finish, grey tiled roof, with areas of feature cedar cladding and white/anthracite fenestration.
4. Vehicular access to the site would be taken from High Grange Road to the north, and a new tarmac surface estate road would extend through the middle of the site, with the 11no. units to be developed either side. This road would not connect with Oxford Road to the south although strong pedestrian access would be maintained across the site, linking properties to the north with the Town Centre to the south.
5. The proposals include off-street resident and visitor parking provision set amongst lawned garden areas, with small areas of public open space would be retained

primarily to the south of the site adjacent to Oxford Road, with existing trees to be kept where possible.

6. 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 major development.

PLANNING HISTORY

7. There is no planning history relevant to the current submission. Previous prior notification applications for the demolition of the existing sheltered housing units which presently occupy the site were withdrawn (DM/18/03665/PND) or returned invalid (DM/19/00665/PND).

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 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.
14. *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.
15. *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.
16. *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.
17. *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.
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.

LOCAL PLAN POLICY:

19. The development plan is the Sedgefield Borough Local Plan saved policies:
20. *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.
21. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
22. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.

23. *Policy D9 – Art in the environment* – seeks to encourage the incorporation of artistic elements in development schemes.
24. *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.
25. *Policy H14 - Maintenance and improvement of housing stock* – seeks to support the 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.
26. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.
27. *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.
28. *Policy L2 – Provision of open space in new housing development* – seeks to ensure open space provision in housing developments of 10 or more dwellings.
29. *Policy L5 – Safeguarding of areas of open space* – sets criteria for the retention of areas of open space.
30. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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. An Examination in Public (EiP) of the County Durham Plan (CDP) is currently in progress. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time. This position will be subject to review upon receipt of further correspondence from the Inspector.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Spennymoor Town Council* – Has made no comment or objection on the application.
33. *Highway Authority* – Parking provision would be considered acceptable given this is a sustainable town centre location. The proposed access offers good visibility in both directions and given the volumes of likely traffic it would be acceptable. No objections are raised subject to informatives relating to the applicant entering into a

Section 38 agreement, Highways Act 1980 in order to ensure adoption of the proposed new highways, and a Section 278 agreement of the same act to allow works within the existing highway to be carried out.

34. *The Coal Authority* – Concur with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends the imposition of a planning condition requiring the undertaking of the necessary site investigation works prior to commencement of development.
35. *NWL* –The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess its capacity to treat the flows from the development. It is therefore recommended that any approval is subject to a condition requiring foul and surface water drainage details.

INTERNAL CONSULTEE RESPONSES:

36. *Ecology* – The mitigation and compensation detailed in Section H of the submitted Bat Survey Report (E3 Ecology, December 2019) should be conditioned, including but not restricted to the acquisition of a relevant bat license prior to any works commencing on site. All works thereafter should be undertaken in strict accordance with the conditions of a relevant protect species license.
37. *Contaminated Land* – No objections, subject to conditions with respect land contamination.
38. *Noise* – The applicant should ensure that during demolition and construction, appropriate controls are in place to minimise noise, vibration and dust emissions from the site. Consideration should also be given in relation to the level of protection of amenity for the future residents of the bungalows in relation to noise from external sources. The imposition of a condition relating to the submission of a Construction/Demolition Management Plan (CDMP), and a suitable assessment of noise mitigation measures would be sufficient to mitigate the potential of statutory nuisance.
39. *Affordable Housing* – Affordable Housing provision should reflect the requirements of local residents in respect of property type, size and location. Proposals seek to deliver an affordable housing scheme and the Housing Development Team are happy that these proposals meet the affordable needs of the area.
40. *Spatial Policy* – No objections. The application site comprises of ‘white’ land located within the town of Spennymoor and falls to be determined in accordance with paragraph 11d of the NPPF. 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.
41. *Landscape* – No landscape objection. There should be a comprehensive landscaping scheme for the site, with a maintenance programme, and clarity over the responsibility for maintenance.
42. *Arboriculture* – Proposals will result in the removal of two mature cherry trees and a sorbus with some adverse visual amenity impact. Providing the submitted tree

protection measures are adhered to in full, any harm should be mitigated by the retained trees.

43. *Design and Conservation* – No objections.
44. *Drainage* – The proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable solutions to surface water management and ensuring the prevention of flood risk to and from the proposed development. The application is acceptable with respect to surface water management and flood risk. Details of the proposed drainage design for the SuDS area should be controlled by condition.

NON-STATUTORY RESPONSES:

45. *NHS* – In this case, the increase in resident population should not have a material effect on the local GP surgeries and their abilities to provide care

PUBLIC RESPONSES:

46. The application has been publicised by way of site notice, press advertisement and notification letters to neighbouring residents. No objections have been received in response to this consultation and publicity exercise.

APPLICANTS STATEMENT:

47. This application seeks approval for 11no. two bed bungalows consisting of affordable high-quality homes, all to rent, for older people/disabled. The new homes will replace 32no. 1 bed roomed flats and bedsits within the former King William Grange sheltered housing unit owned by Livin and decommissioned in 2017. The new homes proposed by this application offer significant improvements in design, space and thermal efficiency.
48. The proposed development will support a range of economic benefits, including:
 - the generation of direct and indirect construction jobs;
 - support local businesses through the use and purchase of local materials; and
 - an increase in local expenditure.
49. The proposed development provides social benefits by supporting strong, vibrant and healthy communities through delivering 11no. well-designed affordable homes for rent, to meet the needs of present and future generations, boosting the supply of affordable homes.
50. The development offers older person housing replacing existing unsuitable housing with more energy efficient stock, built to the latest building regulations ensures that the development will have a positive environmental impact. The proposed scheme sits in the town centre of Spennymoor and these works will contribute to the overall regeneration of the town centre.
51. The principle of residential development on site has been established by virtue of the existing housing on site. In summary, the proposed development contributes to all three dimensions of sustainable development, delivering substantial social, economic and environmental benefits.

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

52. 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, arboricultural/landscape impact, highways impact, flooding and drainage, ecology, contaminated land/coal mining and planning obligations.

The principle of the development:

53. 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 currently be afforded to the 'Submission Version'.
54. 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.
55. 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.
56. 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.
57. Given the housing supply policies which are most important for determining the application are considered to be out of date, the application would fall to be determined in accordance with paragraph 11d of the NPPF (February 2019). This means planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
58. The application site is located within the Spennymoor settlement in a sustainable and accessible location. It comprises of previously developed land and is currently occupied by the decommissioned King William Grange sheltered housing unit which is to be demolished. Development 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, adding diversity to the housing tenure in Spennymoor and contributing towards creating a socially inclusive community. The application site offers excellent links to local services and amenities in the adjacent town centre and surroundings and was previously considered within the SHLAA (ref: 7/SP/445), having been given a suitable (green) classification.

59. 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 set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
60. 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.
61. 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.
62. 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 an established social housing provider on land in their control. Given the scale of the development it is likely that the site could be build out in its entirety within a 5 year period.
63. 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.
64. There are no policy objections to the principle of developing this site for housing subject to an assessment of the impacts and benefits of the proposals in accordance with the following material planning considerations.

Scale / Design:

65. Part 12 of the NPPF and saved policies D1 and H17 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. The proposed development site lies within an existing residential setting to the north of Durham Road.
66. There are no heritage assets within the proposed development site with the nearest being the Grade II Listed Spennymoor Settlement Building approximately 90m to the

east and the Grade II Listed Spennymoor UD War Memorial some 180m to the south. Spennymoor Jubilee Park (which is a Park and Garden of Local Interest) is located some 210m to the west. Due to the existing plan form of the area there is no inter-visibility between the site and the identified heritage assets and therefore the proposed development would not impact on the setting of these assets.

67. The decommissioned residential block presently occupying the site is falling into disrepair and detracts from its setting. Redevelopment would allow for the removal of this building and the creation of a stronger residential frontage to Oxford Road and High Grange Road from the proposed detached, semi-detached and short terrace bungalows, framed by some of the existing trees to be retained. Plans have been revised at the request of the design team to reduce the amount of white render across the development, introducing a mixed palette of material finishes comprising white render and buff brick as detailed on proposed plans. Consequently, the scheme is considered to be of a scale and design which respect their surroundings, representing 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.

Privacy / Amenity:

68. 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. Minimum separation distances between dwellings as set out within Supplementary Planning guidance Note 3 have now been superseded by the Councils recently adopted Residential Amenity Standards SPD which provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed. With regards new bungalow development, a minimum 18m separation is recommended between opposing main facing elevations containing windows serving a habitable room (21m between bungalows and 2 storey development). This distance reduces to 10m between a main facing elevation and an opposing gable elevation which does not contain a window serving a habitable room (13m between bungalows and 2 storey development).
69. The proposed 11no. units would be arranged across the site and orientated in such a way so as to achieve levels of separation between one another in excess of the minimum spacing requirements. The proposed layout and single storey scale of dwellings would ensure no direct overshadowing of neighbouring plots or overlooking window openings whilst also respecting the amenity/privacy of existing neighbouring dwellings to the north, east and west. Furthermore, each dwelling would benefit from private garden areas, with the landscaped frontage to the south of the site fronting Oxford Road to be retained. Although the size of the gardens may fall below that threshold of 9m indicated within the Residential Amenity Standards SPD, this is considered commensurate in scale to the dwellings they serve, and the intended occupiers.
70. The plans seem to indicate that the majority of the site will remain open plan and details of any proposed enclosures can be controlled by condition in the interests of good design and to ensure that acceptable privacy between neighbours is maintained without impacting the character of the wider street scene. Given the limited space around each dwelling permitted development rights for extensions and outbuildings are to be removed by condition to ensure that separation distances are not unacceptably reduced in the future in the interests of residential amenity.
71. The views of the environmental health section have been sought who advise the site is located near to mixed residential and commercial properties including a Public

House to the north, with roads to the northern and southern boundaries. The proposed development would be both a Noise Generating Site (NGS), in relation to demolition and construction activities, and a Noise Sensitive Receptor (NSR). Insufficient information has been provided in relation to mitigation techniques for the demolition or construction phases of the existing site, nor in relation to proposed attenuation for the residential units. As such the information that has been submitted would suggest that the development is likely to breach the thresholds within the TANS during the demolition, construction and occupation stages.

72. 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 by condition 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. Consideration should also be given in relation to the level of protection of amenity for future residents of the bungalows in relation to noise from external sources. The imposition of a condition relating to the submission of a CDMP and a suitable assessment of noise mitigation measures would be sufficient to mitigate the potential of statutory nuisance and to ensure a satisfactory standard of residential amenity. Subject to the above, the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5.

Arboricultural/landscape impact

73. 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. The application site is located on the edge of Spennymoor Town Centre in an established residential setting, fronting Oxford Road to the south. A landscape verge separates King William Grange from this highway and is to remain as part of the proposals. A number of trees would be removed as part of the proposals, most notably 2no. mature cherry trees and a sorbus which make some contribution to the visual amenity of the street scene. These trees are set back from the public highway and are not protected. Arboriculture officers consider that their loss could be acceptably mitigated by retaining the remaining trees along this frontage. The submitted landscape plans show that these are to be retained and a Tree Protection plan identifies the trees that are to be kept and their method of protection throughout the course of development.
74. Whilst the loss of existing vegetation is regrettable, on balance the improvements which would result from the regeneration and re-use of this prominent edge of town centre site, combined with proposed mitigation and protection measures for retained trees along the prominent frontage are deemed to outweigh any landscape harm. The application is considered to satisfy the provisions of saved policy E15 of the SBLP in this regard.

Highways:

75. 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.
76. A revised site layout has been developed in accordance with advice provided by the Highways section. The proposed development relies on the creation of a new access point onto King John Street to the north and would offer good visibility in both directions and given the volumes of likely traffic it would be deemed to be acceptable. A stretch of adopted highway would intersect through the centre of the

development, linking to a private shared driveway arrangement at its western extent. Dwellings would frame this arrangement to the north and south with sufficient off street parking and visitor parking provision to be provided across the development site. Proposed plot 11 to the north of the site will be served by 2no. off street parking bays to the west whilst maintaining the existing footway through the site. Plans also detail the retention of 12no. spaces to the east of the site which provide parking facility for existing residents at King Street. Given the town centre setting, such provision is deemed acceptable.

77. No highway objections are raised with details having been provided to confirm which parts of the existing highway network are to be extinguished (Stopped up) and which parts are to be dedicated as adopted highway. It will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways. It will also be necessary for the applicant to enter into an agreement under Section 278 of the same Act, to allow the required works within the existing highway to be carried out. The applicant is to be reminded of such detail by informative.
78. Proposals are deemed to be consistent with the principles of saved policies H17 and D3 of the Sedgfield Borough Local Plan, and paragraph 32 of the NPPF.

Flooding and Drainage:

79. 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.
80. The application site is not located within a flood zone area. The application is submitted alongside a Flood Risk and Drainage Statement (19169/FRA.1, January 2020 V1) and the proposed drainage design has been developed in consultation with the Councils drainage section who consider the resulting layout (which incorporates areas of permeable paving) to demonstrate compliance with National Standards and Council Policies in providing sustainable solutions to surface water management, ensuring the prevention of flood risk to and from the proposed development. Revised plans detail the creation of a SuDS area to the western extent of the development with details of its design and future maintenance subject to condition. Subject to conditions seeking to ensure adherence to the aforementioned flood risk and drainage statement, submission of and adherence to full hydraulic simulation calculations, proposals would be considered to satisfy the provisions of part 14 of the NPPF It is requested that the proposed permeable carriageway construction be agreed with the highway authority.

Ecology:

81. 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, December 2019) which identifies the presence of a small roost within the existing buildings on site. It is recommended that the mitigation and compensation detailed in Section H of the Bat Report be conditioned, including but not restricted to the acquisition of a relevant bat license prior to any works commencing on site. All works thereafter should be undertaken in strict accordance with the conditions of the license.
82. In relation the requirement for a bat license, 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 license from Natural England which is normally obtained after planning permission has been granted. 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.

83. Notwithstanding the licensing regime, the local planning authority (LPA) must discharge its duty to 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.
84. In this case mitigation is to be provided by the provision of bat boxes and crevice roost sites within the new buildings, with sensitive timing of works, sensitive site working methods and enhanced landscaped planting to support bats and nesting birds. Subject to the above, 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.
85. Having regard to the Habitats Regulations, there is overriding public interest in the scheme which would enhance the wider site through the removal of a disused, prominent building on the edge of the Town Centre, and provision of an affordable social housing scheme for the elderly and/or disabled. There are no more suitable alternative to the proposals. Furthermore, the proposed mitigation measures are considered appropriate so as 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 with proposals considered to satisfy the provisions of Part 15 of the NPPF.

Contaminated Land/Coal mining:

86. 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 site falls within a defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site which has been used to inform a Coal Mining Risk Assessment (Solmek, February 2014), accompanying the planning application. The report correctly identifies the potential for shallow coal mining to exist beneath the site but is unable to discount the risk.
87. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. A Planning Condition is imposed requiring these site investigation

works prior to commencement of development with due consideration to also be afforded to the potential risk posed by mine gas to the proposed development.

88. With regards land contamination, the February 2014 Solmek Phase 1 Desk Study (S140210) confirms the potential for Made Ground/contamination associated with the buildings on site. Contaminated Land officers agree with the risk assessment and all recommendations made, including a revised preliminary risk assessment to be provided in the phase 2 where necessary and a sampling and analysis plan included. Subject to condition, coal mining risks can be adequately mitigated with no objections raised to the proposed works in accordance with the provisions of Part 15 of the NPPF.

Planning obligations

Affordable Housing

89. As the proposed development is for 11no. dwellings, it exceeds the size threshold (10no. dwellings) where there is a need to provide affordable housing as part of the scheme. Policy H19 of the SBLP requires affordable housing on allocated housing sites identified within Policies H2 and H9, and it is considered justifiable to seek affordable housing on windfall sites such as this too. 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. The Strategic Housing Market Assessment (SHMA) (2019) identifies the need for affordable housing within County Durham which it defines as one housing market area. The % of affordable housing which the LPA would ask for is not set out within a Policy, however, it is based on viability evidence which confirms that 15% is appropriate within this part of the County, which is regarded as a medium value area.
90. The applicant is a social housing provider who has stated that all of the 11no. units would be made available at affordable rent levels to over 55s and/or disabled, with 2no. (18%) of these to be offered for affordable rent in perpetuity and controlled by legal agreement. Those who are not over 55 years of age would not be eligible to rent a property, falling outside of the necessary criteria required by the housing provider.
91. The Councils housing team consider the proposals to be acceptable in delivering an affordable housing scheme which would assist in meeting the affordable housing needs of the area. Approval is subject to the satisfactory completion of a S106 agreement securing this provision.

Educational provision

92. 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. The applicant confirms that the proposed development is to be made available for over 55s and/or disabled only and dependant on eligibility criteria. Given the scale of the units proposed and the intended target occupancy, the Councils Education section are satisfied that there would be no requirement for educational contribution or mitigation in this case.

NHS

93. Noting the former use of the site and proposed development, the NHS advise that the increase in resident population should not have a material effect on the local GP

surgeries and their abilities to provide care with no requirement for NHS contribution in this case.

Open Space contributions

94. 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. Given the scale of the proposals the LPA would expect S106 open space contributions for off-site provision with a scheme of 11no. 2 bed properties to generate around 17no. occupants based on a reduced figure of 1.5 persons per household (on the basis that some of the properties would likely be single occupancy of over 55s). An off-site open space contribution has been calculated at £13,400.00 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

95. 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

96. The application site is located within a sustainable and accessible location within the Spennymoor settlement, occupying previously developed residential land and close to existing shops, services and public transportation linkages within the adjacent town centre, reducing any overreliance upon private vehicle use.
97. The proposal would see the clearance of the disused sheltered accommodation on the site, replacing this with 11no. affordable rent bungalows targeted towards the over 55s and/or disabled (dependent upon eligibility criteria), within an upgraded physical setting.
98. 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. Notwithstanding this, proposals would assist in the delivery of a mix of house types to the settlement.
99. The proposed development would relate well to the surrounding residential and landscaped area, enhancing the character of the surroundings in terms of layout and design.
100. The proposed layout would achieve acceptable relationships between dwellings, both internally and externally to the site and would safeguard the privacy and amenity for existing and future residents

101. 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.
102. In addition, the applicant has agreed to enter into an obligation to secure financial contributions towards off site open space enhancement, whilst maintaining a minimum 18% of the units as affordable in perpetuity.

Adverse Impacts

103. Proposals will result in the loss of a small number of existing trees, most notably 2no. mature cherry trees and a sorbus which make some contribution to the visual amenity of the street scene. Whilst the loss of existing vegetation is regrettable, on balance the improvements which would result from the regeneration and re-use of this prominent edge of town centre site, combined with proposed mitigation and protection measures for retained trees along the prominent frontage are deemed to outweigh any identified landscape harm.
104. Having regard to the above, it is considered on balance that the adverse impacts of the development scheme are significantly outweighed by the overall benefits.

CONCLUSIONS

105. Proposals would see the demolition of the decommissioned King William Grange sheltered housing unit and its replacement with 11no. affordable rent bungalows targeted towards the over 55s and/or disabled in a sustainable and accessible location on the edge of Spennymoor town centre. The application is submitted by Livin (a registered social housing provider) providing a mix of affordable house types to the settlement whilst representing 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.
106. The application falls to be determined in accordance with para 11d of the NPPF and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. All representations have been considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal. In view of the foregoing, the application is recommended for approval subject to the following conditions and completion of a s106 obligation.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the retention of 2no. affordable units in perpetuity and an off-site open space

contribution of £13,400.00, payable in a single instalment prior to the occupation of the first dwelling, and the following conditions:

1. 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.

2. Approved plans

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

100-00 rev1 (Site location plan), received 24 December 2019

200:01 rev8 (Proposed site plan), received 12 February 2020

200:03 rev1 (Proposed roof plan), received 24 December 2019

210:02 rev1 (Proposed floor plan, detached, Plots 9, 10,11), received 29 January 2020

210:05 rev1 (Proposed floor plan, semi-detached, Plots 7, 8), received 29 January 2020

210:08 rev1 (Proposed substructure and ground floor plan, terraced), received 29 January 2020

220:01 rev1 (Proposed elevations, detached, plots 9, 10, 11), received 29 January 2020

220:02 rev1 (Proposed gable elevations, detached, Plot 9), received 29 January 2020

220:03 rev1 (Proposed gable elevations, detached, Plots 10, 11), received 29 January 2020

220:04 rev1 (Proposed elevations, semi-detached, Plots 7, 8), received 29 January 2020

220:05 rev1 (Proposed gable elevations, semi-detached, Plots 7, 8), received 29 January 2020

220:06 rev1 (Proposed elevations, Terrace, Plots 1-3 and 4-6), received 29 January 2020

AIA TPP A (Arboricultural impact assessment, tree protection plan, TPP revA), received 24 December 2019

AMS TPP A (Arboricultural impact assessment, tree protection plan, AMS TPP revA) received 24 December 2019

19169/FRA.1 V1 Flood risk and drainage statement, received 30 January 2020

D300 rev1 (Proposed long sections), received 30 January 2020

D500 rev1 (Kerbs and surfacing), received 30 January 2020

D700 rev1 (Typical external construction details), received 30 January 2020

D800 rev1 (S106 works), received 30 January 2020

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

3. Enclosures

No new above ground construction work shall commence until details of means of enclosure have been 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 Sedgfield Borough Local Plan.

4. Bin store

No new above ground construction work shall commence until details of bin stores are submitted to and approved in writing by the Local Planning Authority. The bin stores shall be constructed and available for use 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 Sedgfield Borough Local Plan.

5. Landscape details

No new above ground construction work 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.

6. 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, 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.

7. Coal Mining

No development shall commence until an appropriate scheme of intrusive site investigations as directed by the submitted Coal Mining Risk Assessment Report (Solmek, February 2014) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. Furthermore, no works may commence before the submission of a report of findings arising from the intrusive site investigations, the submission of a scheme of remedial works for approval (if deemed necessary), and the completion of those remedial works, again to be agreed in writing by the Local Planning Authority.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

8. Contaminated Land (Phase 2-3)

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 2 site investigation, 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.

9. 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.

10. Noise

No new above ground construction work shall commence until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority. Approved details shall be implemented prior to the first occupation of the development.

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.

11. SUDS

No development, other than site remediation works, shall commence until a scheme for the management and disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority including details of the proposed SuDS, drainage calculations and maintenance plan. Thereafter the development shall be implemented in accordance with the approved details.

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 in accordance with Part 14 of the NPPF.

12. Drainage calculations

No development, other than site remediation works shall commence until full hydraulic simulation calculations are submitted to and approved in writing by the Local planning authority. Works shall be carried out in accordance with the approved details thereafter.

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 in accordance with Part 14 of the NPPF.

13. Mitigation

No development shall take place unless in accordance with the mitigation detailed within Section H of the Bat Survey Report (E3 Ecology, December 2019) including but not restricted to the acquisition of a relevant bat license prior to any works commencing on site. All works thereafter should be undertaken in strict accordance with the conditions of the license.

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

14.CDMP

Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction;
2. Details of methods and means of noise reduction;
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration;
4. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
5. Designation, layout and design of construction access and egress points;
6. Details for the provision of directional signage (on and off site);
7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials;
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic;
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
13. Detail of measures for liaison with the local community and procedures to deal with any

complaints received;

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

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

15.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 Sedgefield Borough Local Plan.

16.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.

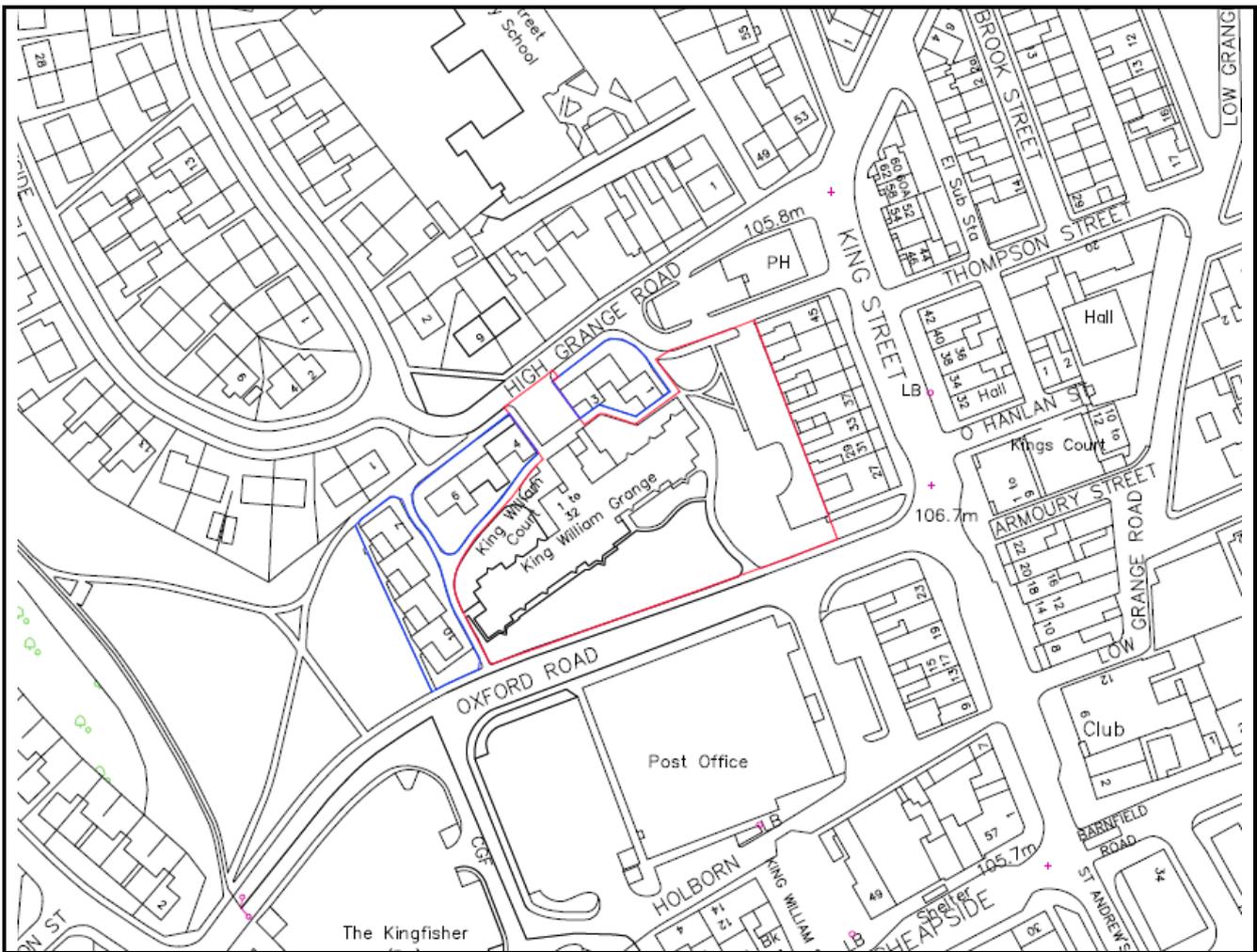
Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with saved policies H17 and D1 of the Sedgefield Borough Local Plan.

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
Sedgefield Borough Local Plan
Statutory consultee responses
Internal consultee responses
External consultee responses



Planning Services

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11no. bungalows including demolition of existing sheltered housing scheme

Comments

Date 20 February 2020