



Area Planning Committee (South and West)

Date Thursday 22 April 2021
Time 9.30 am
Venue Remote Meeting - This meeting is being held remotely via Microsoft Teams

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 30 March 2021 (Pages 3 - 30)
5. Applications to be determined
 - a) DM/20/03744/FPA - Building South West of St Annes Centre, West End, Wolsingham (Pages 31 - 46)
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
14 April 2021

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 **Remote Meeting - This meeting is being held remotely via Microsoft Teams** on **Tuesday 30 March 2021 at 9.30 am**

Present:

Councillor J Clare (Chair)

Members of the Committee:

Councillors D Bell, J Blakey, L Brown, I Jewell, J Maitland, S Quinn, G Richardson, F Tinsley and S Zair

Also Present:

Councillor Christine Potts

1 Apologies for Absence

Apologies for absence were received from Councillor Jim Atkinson, Councillor Eunice Huntington and Councillor John Shuttleworth.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

Subject to an amendment to the final paragraph of minute 5a to replace "NPPF" with "County Durham Plan (CDP)":

"Councillor Brown proposed going against the recommendations, subject to paragraph 5.186 of the *County Durham Plan (CDP)* seconded by Councillor Blakey."

the minutes of the meeting held 15 January 2021 were agreed as a correct record and would be signed by the Chair.

5 Applications to be determined

a DM/20/03644/FPA - Units 1-6 Gas Lane Industrial Estate, Gas Lane, Middleton in Teesdale

The Committee considered a report of the Senior Planning Officer in relation to the demolition of existing toolroom and warehouse and construction of new warehouse, change of use of existing warehouse to offices and tool room (amended plans reducing height of western warehouse to 6.6m ridge and 5m eaves, drainage scheme, construction management plan, revised site layout plan depicting car and cycle parking received 1.3.2021) (for copy see file of minutes).

The Principal Planning Officer, Steven Pilkington gave a detailed presentation which included a site location plan, aerial and site photographs, and noted the application was recommended for approval subject to conditions as set out in the report.

The Chair thanked the Principal Planning Officer and asked Judith Mashiter, Clerk to Middleton-in-Teesdale and Newbiggin Parish Council to speak in relation to the application.

Parish Clerk, J Mashiter thanked the Chair and noted that the application had generated significant interest within the local community and had polarised views, noting there were those that sought economic development, to preserve local jobs and welcomed the creation of new jobs; and on the other hand there were those that wished to protect the amenity of residents in close proximity to the site. She added, that while not stated within the Officer's report, the Parish Council had also requested that the application be brought to Committee to allow all issues to be explored, given the significance and scale of the proposed development and interest it had generated.

It was explained that upon receipt of the application, the Parish Council called an extraordinary meeting, specifically to listen to views of members of the public, held on 8 February 2021. Parish Clerk, J Mashiter explained that the Planning Officer had attended the meeting and had been able to clarify several issues of procedure and specifics relating to the proposed development. She noted that the meeting had been held remotely and between 18 and 21 members of the public had joined the meeting, 13 of which spoke in relation to the application. She explained that Middleton-in-Teesdale and Newbiggin Parish Council comprised of 12 seats, eight for the Middleton-in-Teesdale ward and four for the Newbiggin ward. Parish Clerk, J Mashiter noted that as of 8 February 2021 11 of the Parish Council seats

were filled and nine of those Parish Councillors were in attendance at the extraordinary meeting.

She explained one of the Parish Councillors, as an employee of the applicant, declared an interest and left the meeting while the application was being considered. Parish Clerk, J Mashiter explained that the decision of the Parish Council, by a vote of six to one, with one abstention, was to support the application.

Notwithstanding the clear vote in favour of supporting the application, Parish Clerk, J Mashiter explained that the Parish Council also sought to echo the concerns of residents who had made representations to Parish Councillors. She noted that specifically the Parish Council asked: that the possibility of lowering the height of the buildings overall be explored; that the addition of stone cladding be considered to reduce the visual impact; that the light pollution and light levels in general from the site and the blocking of street lighting on Gas Lane be considered further; that the issue of noise reduction or minimisation be addressed; that the impact of traffic to and from the site and of construction traffic be carefully considered, especially during school drop off and pick up times; and that sufficient space was ensured for boundary tree planting and that mature or semi-mature trees were planted, not whips, to quickly create effective screening.

Parish Clerk, J Mashiter noted in conclusion that the Parish Council supported the application, however, urged that conditions were attached to any permission such that the potential adverse effects on neighbouring residents might be mitigated or avoided.

The Chair thanked the Parish Clerk and asked the Principal Planning Officer to respond to the points raised.

The Principal Planning Officer explained that amended plans had been received during the course of the application, amending the western most part of the building, resulting in a reduction in ridge and eave heights. He referred Members to the conditions recommended to be attached to any planning approval, noting that condition six required a scheme of lighting to be submitted to, and approved by, the Local Planning Authority, adding that could apply to the wider site. He noted that there was landscaping as set out on the submitted plans, however, condition seven required the submission of a landscaping scheme, ensuring that appropriate specimens were planted at the appropriate time. The Principal Planning Officer noted there was a Construction Management Plan (CMP), which had been agreed by Officers from Environmental Health and the Highways Section, that was acceptable and help to mitigate the impacts of construction. He added that the Highways Section had offered no objections to the application when consulted upon the application.

The Chair asked as regards the point raised in respect of boundary planting and mature trees rather than whips. The Principal Planning Officer reiterated that there was a comprehensive condition requiring the applicant to submit the landscaping details and that as part of that, suitable specimens could be specified to be planted at the appropriate times in order to mature at an appropriate rate, as advised by Landscape Officers.

The Principal DM Engineer, David Stewart noted paragraph 154 of the Officer's report summarised the application in terms of it being an expansion of an existing industrial facility and the constraints of Gas Lane were known in terms of the other places it served. He added the amount of additional traffic was relatively modest and, in that context, it could not be seen as an issue that could sustain a refusal reason. He noted the content of the CMP was quite specific and fully acknowledged the school on Gas Lane and as much as possible tried to mitigate issues, such as having construction traffic away from peak periods of the school.

The Chair thanked the Principal DM Engineer and asked Mrs Judith Tarn, a local resident speaking in objection, to address the Committee. The Chair noted that the remote connection with Mrs J Tarn had been lost and, after taking advice from the Solicitor – Planning and Development, Clare Cuskin, he proposed that the Committee move on to the submission from the Local Members and Applicant while attempts were made to arrange for a copy of representations to be read out on the behalf of Mrs J Tarn.

The Senior Committee Services Officer, Ian Croft read out a statement on behalf of Councillors R Bell and T Henderson, Local Members for Barnard Castle West.

"The building of industrial units in the field next to them is understandably an undesirable development from the perspective of the residents of Newtown and River Terrace.

On the other hand, Technimark are a major local employer, providing quality technical jobs at a time when GSK are laying off. Technimark have reduced the height of a building in response to a suggestion made by myself during an open public virtual meeting.

The question seems to be "at what point does the loss of a view have such a severe visual impact on a private property such that it may affect the residential amenity of a dwelling?". That is a matter of judgment for the Committee, but we would support the residents' request for a deferment to

enable a site visit by Councillors as it is hard to judge this from photographs and drawings alone”.

The Chair thanked the Senior Committee Services Officer and asked Mr Stephen Shaw representing the applicant, Technimark, to address the Committee.

Mr S Shaw thanked the Chair and Committee for the opportunity to speak in support of the application and explained he was the Managing Director for Technimark UK, a US owned company involved in the manufacturer of plastic injection moulded components used in the medical, pharmaceutical and healthcare industry. He explained that in 2020 the business had been deemed “essential” as it was involved in manufacturing components directly used in the treatment of COVID-19 patients. He added the facility had remained open 24 hours a day, seven days a week throughout the pandemic and more recently some of the product the company manufactured had been identified for use in the manufacture of the COVID-19 vaccine.

Mr S Shaw explained the company had been operating from the current site in Middleton-in-Teesdale for over 25 years, currently providing permanent, full-time employment for over 90 people, many of which had worked for the company for a number of years. He added 75 percent of employees lived within 15 miles radius of the site and 30 percent of those lived within one mile of the site. He added the company supported the local economy through their business interactions with local shops, pubs, hotels, and many other trades. He noted Technimark and its staff had a proud history of supporting the local community and every year fundraising events were held, raising thousands of pounds to help support of local charities and causes.

Mr S Shaw explained Technimark had invested heavily in all aspects of the business, including staff training; energy efficient equipment; and in their facilities to help maximise the utilisation of space. He explained the business had grown “double digits” in percentage terms and had a lack of space meant that the expansion was urgently required in order to cater for further growth over the next five to ten years. He noted the owners had committed to invest over £1.1 million this year in the expansion, work which would be carried out by local businesses employing local people. He added that a further £1 million was expected to be invested in the next 12-18 months in respect of new equipment and infrastructure. Mr S Shaw explained that the planned growth would also bring employment opportunities for more than 30-40 new people over the next five years with jobs ranging from operating staff to highly skilled trained engineers, including the growth of the company’s youth training apprenticeship scheme.

Mr S Shaw noted that Technimark had worked with Council Members for many years to seek solutions to the company’s growing needs. He explained

this had included extensive reviews of potential sites, including the Harmire site, adding that while as good as the opportunities were, they had not proven to provide a viable solution for the business.

Mr S Shaw explained a brownfield site had been identified, a one hour drive from the existing site, and that opportunity had been put on hold due to Brexit. He noted that subsequently, as the business had continued to grow, that opportunity was no longer viable given the lead-time of the project development. It was explained that expansion at the company's current location was the most viable opportunity to be able to keep the business local. He noted that without the ability to grow at the current site that there was the possibility and risk that the business would need to relocate to secure a larger location outside of the Dales.

Mr S Shaw concluded by noting Technimark respectfully requested that Members of the Committee looked to support the application to help support and secure employment and future employment at the site.

The Chair thanked Mr S Shaw and noted that the representations had not yet been received from Mrs J Tarn. After taking advice from the Solicitor – Planning and Development, he proposed that the Committee move on to the next application while attempts were made to obtain a copy of the representations from Mrs J Tarn, to allow them to be read out by an Officer on her behalf.

Consideration of Item 5a was paused and Item 5b was presented for consideration by the Committee (see Item 5b).

Following the determination of Item 5b, consideration of Item 5a was continued.

The Chair noted the representations from Mrs J Tarn had been now been received. The Senior Committee Service Officer read out the statement on behalf of Mrs J Tarn:

“Chairman and Members of the Planning Committee, thank you for letting me speak at your meeting. I represent the residents of Middleton-in-Teesdale who are very concerned about this planning application. Initially, as you would expect, many of our concerns were about how the proposed development would affect our lives and property. All of these have been listed in the Planning Officer’s Report under Public Responses Items 66 and 68 so I won’t repeat them here. But they still stand and despite some suggested mitigation in the Report, we still remain very concerned. We are therefore grateful to Councillor Bell for recognising our concerns about the scale of the proposed development and calling this application to Committee for consideration.”

As we learned more about the proposed development, we read in the Teesdale Mercury that Technimark's American owners, who only moved the company to Middleton in 2016, had made a thinly-veiled threat that if they didn't receive permission to expand, they would take the factory elsewhere, leading to loss of jobs for our friends and neighbours in the village. This caused both consternation and division amongst our close-knit community. Technimark further claimed that there wasn't suitable development land within 30 miles of Middleton.

This, we found disingenuous because we know that the Durham County Plan describes Employment Land Allocation sites at both Shaw Bank and Harmire Industrial Estates in Barnard Castle – a mere 10 miles away and situated on much better-served bus routes. Durham County Council's (DCC's) Steve Pilkington confirmed at the Public Consultation meeting that DCC has a bespoke Business Team that works with companies to suitably accommodate them using these sites. However, there is no indication in the Report that Policy 11f of the Durham County Plan [it could not be more appropriately situated on an existing or allocated industrial estate, an existing suitable building or other land within other settlements in the vicinity] has been considered. This is disappointing as local relocation would both save current jobs and provide opportunities for the estimated 6 possible new positions per annum as a result of the expansion. The claimed good relationships with local businesses could also continue, though interestingly there have been no letters of support for Technimark from these local businesses nor from the school.

The Report clearly sets out DCC's obligations under the NPPF and the resulting Durham County Plan. Policy 39 of the Durham County Plan states that "the development affecting Areas of High Landscape Value will only be permitted where it conserves and, where appropriate enhances, the special qualities of landscape, unless the benefits of the development in that location clearly outweigh the harm". We believe the Report has not given adequate weight in this planning balance, to the adverse visual impact of the proposed development on the Middleton-in-Teesdale Conservation Area and North Pennines Area of Outstanding Natural Beauty, to safety on our roads and to the impact on residential amenity. We respectfully request that alternative sites better suited for this expansion and improved job security be investigated.

Finally, when Councillor Bell held a site visit with local residents, he gave the impression that the true impact of the development could not be appreciated without seeing the proposals on the ground.

We would therefore respectfully request that the Committee defer their decision in order to carry out a site visit to both the proposed site and perhaps the alternative sites available in Barnard Castle. Thank you”.

The Chair thanked the Senior Committee Services Officer and noted that it was not within the brief of the Planning Committee to examine alternative sites, the application before Members was the proposal for consideration. He asked the Principal Planning Officer to respond to the points raised within the statement from Mrs J Tarn in objection to the application.

The Principal Planning Officer reiterated the point made by the Chair in terms of consideration of application before Committee rather than other potential applications or sites. He explained that the applicant had worked with Business Durham to explore other potential sites within the county, however, they had not proved to be viable or would have required a significant relocation from the existing site. He noted reference to Policy 11 – Rural Exception Sites, with objectors stating it should be applied to the application, however, he explained that policy was only relevant where an application would fail to satisfy the criteria of Policy 6 of the local plan. The Principal Planning Officer noted that Policy 6 effectively required that development was acceptable in principle, where it was well related to an existing settlement and he noted Officers felt that was the case in terms of the application and that therefore the suitability of the proposal should be considered against Policy 6 of the CDP.

The Principal Planning Officer noted objectors had referenced Policy 39 of the CDP in relation to landscape harm and that the levels of impact had not been fully considered. He noted he respectfully disagreed with that assessment and explained the report articulated the level of harm and that had been weighed against the benefits of the proposal, as set out within the report. In terms of the statement from the Local Members, Councillors R Bell and T Henderson, the Principal Planning Officer noted that it distilled the suitability of the site down to whether the loss of a view from a private property had a severe visual impact and whether that outweighed any benefits from the development. He reminded the Committee that loss of view was not a material planning consideration and though impact upon amenity was a material planning consideration, it was considered that the separation distances of approximately 50 metres between the western elevation to the proposed development and the residential properties of Newtown was sufficient to protect residential amenity. He referred Members to the paragraphs from 127 onward within Committee report which considered those issues and highlighted the Council’s residential standards document which sets out that, between residential properties, a separation distance of 21 metres was considered acceptable. He noted the eave and ridge heights of the proposed development were representative of what could be expected from a terraced property and within the residential amenity standards document that separation distance with facing windows could be acceptable

and therefore a separation distance of almost double that distance was considered acceptable in terms of the application.

In reference to the proposed deferral of the application within the representations, the Principal Planning Officer respectfully suggested that Members had been provided with sufficient information to be able to make a decision upon the proposals, noting site photographs, plans, and the presentation, the latter being a summary of the information on file that Members would have reviewed prior to the meeting.

The Chair thanked the Principal Planning Officer and asked the Committee for their comments and questions.

Councillor I Jewell noted the Principal DM Engineer had spoken as regards construction traffic, though not operational traffic, and therefore asked as regards that element. He also asked as regards what the operational hours of the proposed development would be and what level of noise would be generated.

The Principal DM Engineer explained that figures provided were for an additional nine to ten commercial vehicles movements per day, across a working day of 8.00am to 7.00pm, broken down between heavy goods vehicles (HGVs) and light goods or transit sized vehicles. He noted the additional number of employees that had been referred to was around 30-40 over the next five years, the bulk of which had been described as being employed across shift patterns. He added that in essence the conclusion of the Highway Authority was that the amount of additional traffic was deemed not material to the continued safe operation of Gas Lane.

The Principal Planning Officer noted that the site was a 24 hour operation and it was proposed to continue operation on that basis. He added that the applicant had produced a Noise Impact Assessment in support of the application, and it had been deemed acceptable upon review by Officers from Environmental Health. He noted there was a condition that the development was carried out in accordance with that Assessment which included mitigation in terms of insulation in the construction of the warehouse building. He noted that subject to that condition, Environmental Health had offered no objections to the scheme and added it was an existing site with no history of noise complaints.

Councillor J Maitland asked if the expansion of the business was linked to the ongoing pandemic and whether any easing of the pandemic would mean the expansion would no longer be necessary. The Chair noted he would allow the applicant to respond. Mr S Shaw reiterated that the company had experienced double digit percentage growth in previous years, with the pandemic representing a further 10-15 percent growth. He added he was

confident in the growth of the business and while the COVID-19 related products represented a small percentage of the overall products, he felt they would be needed for some years to come.

Mr S Shaw emphasised that if the growth of the business had been deemed a blip, the company would not have over 90 full-time position.

Councillor G Richardson noted the decision was a difficult one and in considering the application he felt that it would not be possible to defend a refusal of the application at appeal. He noted the positive aspects of the proposals in terms of employment and separation distances of around double of that required and therefore he moved that the application be approved as per the report.

Councillor I Jewell noted he agreed with Councillor G Richardson and that it appeared that the majority of local people supported the application, albeit there were a number that were in objection to the proposals. He added he felt the application had many benefits, although there was the issue of the view being affected, however, he felt the positives outweighed the negatives and he seconded that the application be approved as per the recommendation.

Councillor S Quinn left the meeting at 11.08am

Councillor F Tinsley noted there was a balance to be had and the decision in relation to the application was difficult. He noted that, while there may be impacts in particular for residents nearby, there was a risk that the business may cease to exist in that location and that would also have impacts in the area.

The Chair noted that Councillor G Richardson had moved that the application be approved, and he was seconded by Councillor I Jewell and upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to the conditions as set out within the report.

b DM/20/03699/FPA - Land to the south of the Telephone Exchange, Durham Road, Chilton

The Committee considered a report of the Senior Planning Officer, Mark O'Sullivan relating to the construction of 1no. dwelling with associated access and tree works (for copy see file of minutes).

Councillor J Blakey left the meeting at 10.09am

The Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site and he noted the application was recommended for approval, subject to conditions as set out in the report.

The Chair thanked the Senior Planning Officer and asked if any Members of the Committee had any questions of clarification in relation to the presentation.

Councillor L Brown asked if the temporary Tree Preservation Orders (TPOs) would be turned into permanent TPOs in future. The Senior Planning Officer noted that the TPO for the site was originally put in place after the first application for development at the site had been withdrawn. He noted it was temporary in that it would be reassessed in August 2021, in line with the usual process for TPOs, and he reiterated that there currently was a TPO in place for the site.

The Chair thanked the Senior Planning Officer and asked Councillor C Potts, Local Member, to speak in relation to the application.

Councillor C Potts thanked the Chair and Members for the opportunity to have the item brought to Committee. She explained that as Local Member, and resident of Meadowdale, she wished to outline her concerns and objections to the application. She noted she had communicated with the residents of Meadowdale, whose properties would be adversely impacted by the erection of the proposed development, adding she completely understood and shared their views. Councillor C Potts noted the application was on a site which was not allocated for housing within Policy 4 of the CDP and should only be considered if it met the criteria determined against Policy 6 of the CDP. She noted Policy 6(c) stated that development should “*not result in the loss of open land that has... ecological... value...*” and she added she truly believed the site had such value. She explained that it was a long-established area of woodland, comprising of 72 mature trees and was a haven for local wildlife. Councillor C Potts noted the huge variety of native birds, including owls and woodpeckers as well as more common nesting birds. She added the site also attracted foxes, squirrels, hedgehogs and especially bats, in addition to providing a carpet for a variety of wildflowers and ferns.

Councillor C Potts noted that many of the trees were subject to a second temporary TPO, which was hoped to become permanent in due course. She explained she had no doubt that the felling of 40 of the 72 trees, and the removal of hedgerows, as outlined in the application, would decimate the biodiversity of that unique part of Chilton.

She added that the copse of trees also provided a much needed landscape buffer from the noise of the adjacent busy road as well as helping to tackle carbon emissions, air pollution and assisting with the natural drainage of the land.

Councillor C Potts noted DCC were passionately committed to the climate change agenda and were proactively planting vast quantities of trees to assist with that initiative. She added that therefore it seemed very contradictory to approve the loss of 40 trees to justify the erection of one dwelling. Councillor C Potts noted Members would be aware that over the past few years Chilton had seen an unprecedented growth in housing on its greenfield sites to the south, north and west of the town, with a significant amount currently going through the planning process. She noted she believed Chilton had done its fair share in contributing to the County's target in respect of new housing.

In conclusion, Councillor C Potts noted she felt passionate in respect of protecting long-established areas of natural habitat, such as the site being considered, and added that the site had always been a much welcomed, much valued integral part of the community which all would be devastated to lose.

The Chair thanked Councillor C Potts and asked Mr Philip Keenan, local resident in objection, to speak in relation to the application.

Mr P Keenan thanked the Chair for the opportunity to allow Members to listen to the concerns of residents. He explained that he believed that the Committee's decision would ultimately be based upon the environmental impact and the value Members placed on the woodland trees within the copse, the habitat it supported and the devastation that would be caused upon its removal. He added that the Senior Planning Officer's report stated that, as a county, there was more than enough deliverable housing land and that Councillor C Potts would be able to confirm that Chilton had exceeded the quota in terms of new housing.

Mr P Keenan noted the Committee report referred to an Arboricultural Impact Assessment which was paid for by the developer, however, there was no mention of the points raised in relation to the TPOs placed by colleagues at DCC. He added that the Senior Planning Officer's report mentioned the importance of environmental issues 11 times and that they should be taken into consideration. He noted the site contained 72 trees of which 40 were to be removed and explained that, as someone with experience in respect of groundworks, he had no doubt that the development could not be built without damaging the few remains trees regardless of the methods referred to within the Arboricultural Impact Assessment. He added that the

Assessment sounded plausible on paper, however, he emphasised that the holes being dug around those trees were not being done on paper.

Mr P Keenan noted a recent article in the Northern Echo, approximately two weeks ago, that was headlined “Planting trees to fight climate emergency” and explained it had outlined the proposals and measures to plant tree cover in County Durham in relation to the climate emergency response plan.

He added that if the application was approved it would make a mockery of the DCC policy, however, there was equal concern that it would set a precedent for any developer that wished to remove trees for development, giving them effectively a 40 tree head start even if the trees were protected.

Mr P Keenan explained the development had no gain or benefit for anyone other than the developer, adding that regardless of political party, all would have their own environmental policies and that there was a platform for encouraging the younger generation to get involved in politics, as they were very passionate about the environment. He noted that all had seen Councillors in the media planting trees and bushes over the years, and he asked: if Members had the enthusiasm for photo opportunities when planting trees, would they have the same enthusiasm to be photographed alongside 40 cut down trees with a suggested accompanying headline of “Climate emergency response plan”.

The Chair thanked Mr P Keenan and asked Mr Barry Porter, local resident in objection, to speak in relation to the application.

Mr B Porter thanked the Committee for the opportunity to speak and noted that the size of the proposed development was such it would be oppressive to the neighbouring properties in Meadowdale. He added that the Officer had noted the impact upon the amount of sunlight could be explained further if required and noted that screening out of sunlight, and the oppressive size of the building, could have adverse effects on some residents to the east of the proposed development. He noted the report mentioned light level measurements that had been recorded, however, those had been collected in the summer and did not reflect autumnal or winter sunlight levels, which would be different due to the lower elevation of the sun.

Mr B Porter noted that, given the number of trees to be removed to make space for the development, he felt the impacts would not be within acceptable limits. He noted within the ecology section of the report there was no mention of invertebrates, bats or breeding mammals, adding that the indication that the wall distances had been reduced suggested that the proposed house design was too large for the plot and had required other compromises such as extra tree removal to be considered. He noted that the stairwell of the proposed dwelling was not a habitable room, however, if built he felt that it should contain obscure glazing as that would be the only way

that nearby houses would be able to not feel overlooked, as the stairwell faced habitable rooms of the properties opposite.

Mr B Porter reiterated that the small group of trees was a very scarce resource in Chilton and that any reduction or modification of it would be a great loss to the town. He added that the local wildlife, insects, other invertebrates, bats, mice, voles, birds, foxes, hedgehogs and so on were all attracted to such areas for a variety of reasons and they were reliant upon the endemic flora and related fauna for their survival.

He concluded by noting that allowing the proposal to be passed would create a precedent for the county allowing for the removal of trees from other sites which should be protected from unnecessary development including in areas where housing quotas had already been fulfilled.

The Chair thanked Mr B Porter and asked the Senior Planning Officer to respond to the points raised by the objectors.

The Senior Planning Officer noted comments in relation to the ecology of the site, it currently comprising of trees and unmanaged grassland, and explained that as part of all planning applications, the Council's in-house Ecology Team would be consulted. He explained the Ecology Team had viewed the site, viewed the application and supporting documentation, had seen all neighbour and Town Council objections, and had raised no objections throughout the application. He noted they were views of qualified professionals who had taken on board the information presented to them within professional reports. He reiterated that, if the Council's in-house Ecologists were raising no objections to the application, subject to a breeding birds informative, then that would be the professional advice followed by Planning Officers. He added that in addition to offering no objections, the Ecology Team had suggested the trees to be removed had no value in terms of species living within them. The Senior Planning Officer noted that was not to say there would not be animals using the area, however, the view of the Ecology Team was that there was no ecological objection.

In reference to the footprint of the proposed building, the Senior Planning Officer noted the application was a revision of a previously withdrawn application, the previous application being for a larger building, with the current application representing a compromise. He added that it was accepted that the footprint of the proposed dwelling would be larger than properties at Meadowdale to the east, however, it was important to note that the proposed property would be viewed from Durham Road, where properties of similar and even larger footprints could be found to the north-west, west and south-west. He added that it would be in the context of those dwellings that the proposed development would be viewed. It was noted that

the property would be behind a row of trees, which were to be retained, and new planting.

The Senior Planning Officer reiterated there was a group TPO in place on the site and Members were referred to a slide highlighting all the trees to be retained and their respective canopies. He noted the Arboricultural Impact Assessment was written by a qualified professional, with the ability to calculate root protection areas. He added that the proposed dwelling had been positioned to avoid root protection areas of the trees to be retained.

The Senior Planning Officer noted the trees to be removed were required to be removed for development, and those to be retained would be protected by the TPO, together with the conditions proposed to be attached to any permission that would ensure that the protective measures were in place throughout the course of development. He explained that the TPO was first imposed upon the site in the interest of ensuring future control over the retention of the trees during the application process. He noted the presence of a TPO did not mean a site could not be developed, and in the case of the application, the most suitable trees would be retained and the removal of those less suitable from the wider group would help promote the future growth of the retained species, thereby improving the integrity of the wider tree group value as a whole. The Senior Planning Officer noted the proposed new planting, as detailed upon submitted plans, would mitigate the loss of the trees to be removed and therefore could not be seen as a biodiversity impact, noting Landscape and Arboricultural Officers had not objected to the application. He reiterated that the group TPO was applied in the interest of future control over the retention of the trees during the application process, in that respect it had been successful, and it would be reassessed in the future.

The Senior Planning Officer noted issues raised in respect of overlooking and overshadowing and referred to elevations highlighting upper floor windows on the east elevation, facing Meadowdale, that would both serve bathrooms and would be obscured glazed by condition. He noted those windows, together with the central stairwell window, were not classed as habitable windows. He explained the Residential Amenity Standards Supplementary Planning Document (SPD) specifically mentioned a 21 metre separating distance between main facing elevations containing windows serving habitable rooms. He reiterated the windows mentioned were not serving habitable rooms and therefore the standards could not be applied. Members were referred to a slide within the presentation setting out the shadows cast throughout the day by the proposed development. The Senior Planning Officer noted as the sun moved east to west, there was no shadow on properties to the east until midday, however, the level of the shadow was already that caused by the boundary fence, not the proposed building.

In reference to the Strategic Housing Land Availability Assessment (SHLAA), the Senior Planning Officer noted that as the site was relatively small it would not have been assessed within the SHLAA, however, that did not mean that the site could not be developed. He explained the application was for an unallocated site and therefore Policy 6 of the CDP applied, and the application had been considered against the merits of Policy 6 and Officers had felt that it was an acceptable site. He noted that when considering those points, in conjunction with Paragraph 11(c) of the NPPF "*applications in accordance with an up-to-date plan should be approved without delay*".

The Chair thanked the Senior Planning Officer and asked Mr Steven Longstaff, Agent for the applicant to speak in support of the application.

Mr S Longstaff thanked the Chair and Committee and noted he was a Director at ELG Planning, acting on behalf of the applicant, alongside Mr Matthew Lee of Glasper Lee Design. He explained that the Officer's recommendation to grant full planning permission for a single dwelling was fully endorsed and explained they had worked with Officers during the pre-planning and planning process to achieve an acceptable design that addressed all technical matters. He noted that, as set out within the Committee report, Officers were satisfied that the proposals had addressed all the issues raised in the previously withdrawn application as well as comments raised during the course of the application. He added the application was recommended for approval on that basis. Mr S Longstaff noted the scheme was for a high quality dwelling on an in-fill site, that Officers confirm as being a sustainable location, surrounded by existing residential development. He added that the proposals were therefore acceptable in principle, in line with Policy 6 of the CDP.

In relation to objections raised in respect of tree loss, impact upon biodiversity and amenity, Mr S Longstaff noted the issues had been comprehensively addressed within the application submission and also by Officers within the Committee report. He noted that the detailed landscaping scheme demonstrated that new planting would mitigate the loss of the trees to be removed, which were young and of limited value. He explained the scale and massing of the proposed dwelling had been significantly reduced since the previously withdrawn application and the proposed dwelling would be set down within the ground level of the existing plot. He noted the windows to the rear would serve bathrooms and a staircase and, as Members had already been informed, did not serve habitable rooms, with the bathroom windows being obscure glazed. He noted the careful design of the scheme meant that there would not be any loss of privacy or amenity issues for neighbouring residents, in accordance with the CPD and Residential Amenity Standards SPD.

Mr S Longstaff noted in conclusion that there had been no objections from statutory or internal consultees, and he would respectfully request that the Committee endorse the Officer's recommendation and approve the application.

The Chair thanked Mr S Longstaff and asked as regards insulation quality, emissions, and the quality of the house to be developed. Mr M Lee, Lead for Architectural Design for the project noted he had experience in building highly air-tight, highly insulated buildings which reduced the amount of energy required to heat the property. He added there was the possibility of using highly insulated timber panels, and potential renewable technologies such as an air-source heat pump, mechanically ventilation with heat recovery and solar photovoltaic panels.

Councillor G Richardson noted the proposal was for the building to be sunk into the ground and asked if there was potential for water entering the foundations. Mr M Lee noted that there would be no water ingress, the design was for the property to be partially set in the ground as the site was sloping and there would be a small retaining wall. He noted that surface water details would be submitted to be agreed by the Council, in line with the condition as set out within the Officer's report.

Councillor L Brown asked as regards bats, as they had been mentioned by objectors, however, not within the report. She also asked when the sunlight surveys had been undertaken. The Senior Planning Officer explained the Ecology Section had assessed the application site using their knowledge and skills and it was noted they had not raised the issue of bats on the site. He added they had concluded that the trees to be removed were not capable of supporting bats and, while that did not mean bats would not be flying in the area, as the site would not contain bats, a bat survey had not requested. The Senior Planning Officer noted the sunlight survey had been conducted 21 March 2021.

The Chair noted there were no further questions from Members for the speakers and he asked the Committee for their comments and questions in determining the application.

Councillor G Richardson noted it was for Planning Committee Members to decide upon a difficult application, and thanked Councillor L Brown for raising the issue of bats as it had been consistently mentioned within the representations. He noted bats were shy creatures and added he would have been surprised if any were within the site, other than those flying in the area as noted by the Senior Planning Officer. He explained that he understood local residents' feelings, however, he did not feel there was any reasons for the Committee to stop the application from progressing.

Councillor I Jewell noted he had some concerns as local residents were noting a significant amount of wildlife within the application site, whereas the various reports did not seem to identify such amounts, and therefore he asked for clarification on the facts in relation to wildlife. He noted the application site was an in-fill site, surrounded by a number of houses, and was not located on the fringes of the countryside. He noted that it had been explained that 40 trees were to be removed and asked how many were proposed to be planted.

The Senior Planning Officer noted that the site was an in-fill site and added that the Ecology Section screened applications to determine whether an ecology survey was required, and they had not requested such a survey for the application. He noted the number of additional trees was contained within the arboricultural statement, and while he did not have the number to hand, the additional trees to be planted were to mitigate and offset the loss.

The Chair noted the site was deeply valued by the local community for what they saw as its ecological value, however, that was not supported by the arboricultural and ecological reports, as indicated by Councillor I Jewell.

Councillor G Richardson noted he had listened with interest to Councillor C Potts as regards the wildlife of Chilton, however, having listened to the application in full he felt he could only move the Officer's recommendation for approval.

Councillor I Jewell noted the difficulty for Members in reaching decisions, as was often the case at Committee, however, he felt it was necessary to come to a decision based upon planning legislation. He added that if an application conformed with planning rules then he felt Members had little choice other than to go with the Officer's recommendation. He noted he did not feel that a refusal could be defended and therefore he seconded Councillor G Richardson's proposal for approval.

Upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to the conditions as set out within the report.

c DM/21/00176/FPA - Limekilns Farm, Lonton, Middleton-in-Teesdale

The Committee considered a report of the Planning Officer in relation to the siting of 2no Shepherd huts for holiday accommodation purposes and associated works (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 and noted the application was recommended for approval subject to conditions.

The Chair noted comments had been received from the Local Members and asked the Senior Committee Services Officer to read out a statement on behalf of Councillors R Bell and T Henderson, Local Members for Barnard Castle West.

“We appreciate the changes made by the applicant during the course of this application to improve it. However, the fact remains that the Shepherds Huts will impact the amenity of the neighbour.”

In general, rural tourism provision is to be welcomed, but It is not the case that this development has to take place here. The applicant has land further away from the neighbour, for which he previously had planning permission for a similar development. It is regrettable that this application impacts the neighbour's amenity in this way when an alternative option exists. For this reason we would ask the Committee to refuse the application”.

The Chair thanked the Senior Committee Services Officer reiterated the point often made at Committee that the availability of alternative land was not an issue for Committee, rather the application before Members was for determination. He asked Mrs Gillian Bainbridge, local resident speaking in objection to the application, to address the Committee.

Mrs G Bainbridge explained that she would be speaking on behalf of all objectors to the application, in particular the elderly resident of Lonton Blacksmiths who was very distressed by the application. She noted that the applicant had amended his plans and had sought to address the points raised by objectors. She added, however, that there was significant loss of amenity to Lonton Blacksmiths which was directly to the north of the application site. Mrs G Bainbridge noted Policy 8 of the CDP states visitor accommodation should be allowed where appropriate to the scale and design of the area. She asked Members to consider looking into a formerly green field where two huge black huts would sit on 25 square metres of grass, surrounded by a gravel track. She added the huts would be 3.1 metres high, around 10 feet wide, and extend 6.7 metres, 22 feet long.

Mrs G Bainbridge noted that the huts would be visually dominant, overbearing and would overwhelm the small paddock. She added that a third of their structure would extend above the wall, even when the wall height was raised, the equivalent to looking at the back of a building some 44 feet long, in a tiny paddock that was only 30 metres from a neighbour's front door. She explained it was enormously significant in terms of visual

dominance for Lonton Blacksmiths and visual amenity for the neighbourhood, as the huts would be seen from roads and footpaths, especially in winter months and with the colour of the huts having been changed to almost black.

Mrs G Bainbridge noted that the impact for the resident of Lonton Blacksmiths was significant and she added that she believed the proposed development would constitute towards a statutory nuisance. She explained that residents and visitors to Lonton Blacksmiths would be overlooked, and be able to overlook the site, despite the proposed wall. It was added that the resident of Lonton Blacksmiths would lose his privacy that he had enjoyed for 60 years. Mrs G Bainbridge noted the huts proximity and their north and east facing windows, in addition to external bollard lighting, would impact upon the Dark Skies area and allow light to escape and shine directly into the master bedroom of the property, impacting upon sleep.

Mrs G Bainbridge added that the resident would also have to put up with noise nuisance from outdoor living and drinking throughout the day, up until the supposed curfew mentioned within a noise management document. She added the resident would have to tolerate smells and pollutants from barbeques and al fresco dining, again statutory nuisance. She explained that the resident's quality of life would be impacted through visual intrusion, visual dominance, noise, and loss of privacy. She added that she believed, as part of Policy 31, the development should not be permitted. Mrs G Bainbridge noted that under NPPF considerations there was reference to healthy communities being safe and accessible, however, the proposed development had no provision for anyone with disabilities or limited mobility. She added that NPPF also referred to the effective use of land, noting that the proposal would remove an agricultural use and would change the character of the small paddock substantially. She noted that the site was within an area of High Landscape Value, next to the Area of Outstanding Natural Beauty (AONB) and therefore should be preserved. Mrs G Bainbridge noted that Policies 38 and 39 repeatedly referred to preservation and not causing harm because its special character, adding the huts with their mitigation feature would have limited views for their holidaymakers. She added that, due to their size and dark paint, the huts would stand out in the landscape, especially in the winter months. She noted the Council's landscape consultee had also picked up on that point adding she felt that was grounds for refusal.

Mrs G Bainbridge noted that the applicant, within his statement, had referred to his 2011/12 application, however, he had failed to mention that he dismissed the site in question because of how it would impact upon Lonton Blacksmiths and invade privacy. She added that she would ask that the applicant consider the location and do the neighbourly thing and relocate to land where only his family would be inconvenienced. She noted the applicant had stated the market aimed for would be up-market couples, and

asked what surety there was in terms of that being maintained, and how those guests behaviour would be any different to what the applicant described as the “birthday party market”. Mrs G Bainbridge noted that the applicant, having purchased the huts, would expect 100 percent occupancy, and referred to lowering the huts, however that was in comparison to his previous application. She noted the huts in question had always been three metres by three metres by seven metres and added the application had been suitably vague, with some items only coming to light within the Planning Officer’s report. She added the failure to mention heating methods, shrubs, the height of low walls, material to be used and submission of an old design and access statement from 2011 was not appropriate.

Mrs G Bainbridge concluded by noting the planning issues listed by the Officer were numerous and not insubstantial, particularly points 47 and 68 and she urged the Committee to use the NPPF and CDP to refusal the application, or at the very least to ask the applicant to use his other land.

The Chair thanked Mrs G Bainbridge and asked the applicant, Mr Liam Scott Patrick to speak in support of his application.

Mr LS Patrick thanked the Chair and Committee for the opportunity to speak and noted he would not reiterate all of his statement from within the report, rather he would refer to points he felt may be useful for Members. He noted he wished to explain the reasons why he felt the small development would work, why his family wished to do it, why they had chosen the site, and what they wished to achieve.

Mr LS Patrick noted he had worked within the hospitality industry and associated industries for the last 30 years, always at the top end of the market, firstly with Corney and Barrow within the wine business, and more recently with Lonton Coffee which had a great reputation, supplying many Michelin-starred restaurants with coffee roasted in Teesdale. He noted he wished to convey that he had always operated at a certain level within the market and he added that was what he would wish to continue to do so with the proposed development.

Mr LS Patrick explained that Visit County Durham (VCD) was actively looking for high quality accommodation and he noted that was what he was looking to achieve with the proposal, with the budget being approximately £80,000. He noted that budget was close to that which would enable the purchase of a small cottage, however, he was looking to balance the need for high quality accommodation while also avoiding taking small cottages away from local residents, something he felt the holiday-let market was doing. He reiterated that the aim was to provide quality accommodation for high spending individuals, without taking away housing stock for local people.

In respect of the proposed positioning of the huts, Mr LS Patrick explained that it was for two reasons, firstly when he had previously looked at the glamping sector in 2012, he had looked at camping pods. He noted the Council's Senior Landscape Architect at that time had suggested such camping pods be placed in the location that was being proposed within the current application. He continued, noting that at that time his children were twelve and eight years old and the lawn was used as a lawn, with the children having now grown up the lawn was effectively unused land. He added that therefore he had started with the position as suggested by the professional Officer.

Mr LS Patrick explained that there had also been a change in terms of what people would expect from accommodation, with glamping being very popular in 2012, camping without a tent with outdoor toilet arrangements, however, more recently the market had moved on. He noted, with a view of looking at the aims of the CDP in terms of more high quality accommodation, the camping pods would no longer work, in respect of the pods themselves as a product as well as the location behind a wall. He noted that therefore, working with Planners, he had looked to provide a solution which would give more space, provide accommodation with washing facilities within the huts while looking to protect everyone's privacy. Mr LS Patrick explained that the proposed location was therefore pushed further south, as far away as possible from neighbours, and other elements including car parking had been relocated, with the huts themselves also facing south. He added that any of the windows that faced north were small windows with one being a bathroom, the other a kitchenette area. He noted he was not a Planner, however, the position he had started with was that advised a few years ago by the Senior Landscape Architect and, working closely with Planners, he had tried to address any issues that would create conflict with national planning policy or the CDP, including many ways to create privacy.

Mr LS Patrick noted he had taken as many steps as he could in respect of the application, adding he lived on site and provided details of a noise management plan should any issues arise, reiterating that the aim was the professional couples' market. He thanked the Committee for their time, noting he hoped Members would approve the Planning Officer's assessments.

The Chair thanked Mr LS Patrick and asked the Principal Planning Officer to respond to the points raised by the speakers.

The Principal Planning Officer noted the application site was a previously undeveloped parcel of land, similar to the previous application considered by Committee, and the test would be whether the impact of development was at an unacceptable level such to warrant refusal of the application and substantiate at appeal. He explained that Officers did not feel the impacts

were at an unacceptable level, with colleagues in Environmental Health having assessed the application in relation to residential amenity and statutory nuisance and had raised no objection to the application, subject to adherence to a noise management plan. He added there was a condition recommended to be attached to any approval that would ensure the plan would be adhered to. He added that, in terms of landscape impact, it was felt the development would be considered within the context of a background of existing development. The Principal Planning Officer noted objectors had pointed out that the previously granted permission was for a site to the east of the proposed site, however, the site would be more visually prominent than the proposed site. He added the proposed site was well contained within the garden wall as highlighted on the photographs within the presentation. He noted the wall would be refurbished and additional planting was proposed, and existing planting would be retained. The Principal Planning Officer highlighted there was a condition proposed to control details of external lighting with motion sensors to be used, and to ensure the luminance was not significant. He reiterated that the proposed site was residential amenity space, not agricultural land, the applicant being able to use the land for residential amenity with the impacts associated with that use. He noted that therefore it was not felt that the level of impact from the application would warrant refusal and substantiate at appeal.

The Chair thanked the Principal Planning Officer and asked the Committee for their comments and questions.

Councillor I Jewell noted the comments from objectors in respect of visual impact and asked how far the huts were from the applicant's premises. The Principal Planning Officer referred to presentation slides detailing side elevations of the proposed huts, noting they would be constructed in timber, with a dark stain, and they were considered acceptable in terms of visual impact. He added that the huts would be located around 30 metres from the neighbouring property, in excess of the recommended 21 metres set out within the Residential Amenity SPD. He added the huts would be approximately 40 metres away from the applicant's property, although there were areas of amenity space that were closer to the application site. He added that the applicant would be within earshot of the development and be able to effectively manage the site, not being located off-site as was the case for some holiday-let accommodation.

Councillor L Brown asked whether there would be screening planting between the objector's property and the proposed huts. She added that post-COVID-19 she felt there needed to be a way to attract tourism back into the area as the County's town and village centres were going to need all the help they could get. She added she could not see any reason not to allow the application, though she would listen to comments from other Members. The Principal Planning Officer referred to the proposed site location plan and highlighted the wall in a t-shaped arrangement, proposed to

be 1.2 metres tall. He added that there would be a secondary wall to the north extending from the roastery building across the northern boundary of the site, the application proposing that it be constructed in stone and be 1.8 metres in height to provide additional screening. He noted that no vegetation was proposed, however, referring to site photographs, there was vegetation within the objector's boundary which did provide a degree of filtering. He added that if Members' wished, a condition to provide additional planting could be explored, however he did not feel it would be necessary. He reiterated that there was support for the application by VCD and the benefits of tourism with the rural area was recognised.

Councillor I Jewell noted he could not see any reasons not to go with the recommendation from Officers for approval, adding he felt there were some mitigation measures within the proposal and therefore he would propose the application be approved. Councillor L Brown noted it was not an easy decision, however, she would second the proposal for approval, reiterating that post-COVID-19 the tourist industry would need as much help as it could get.

Councillor G Richardson explained that he considered himself a countryman, and that the application was in Barnard Castle West, not Barnard Castle East which he represented. He noted that if the application had come forward within a housing development, or similar area, he would not have been surprised. However, he noted the application was within the countryside, where he believed friends and neighbours really cared for each other's opinions. He noted the application was placed right in front of the objector's property and as such blocked their amenity. He added that he had only seen such a shepherd's hut on the television programme "The Yorkshire Shepherdess", filmed only a few miles across the border of North Yorkshire, however the chosen location for the hut in that programme was in a private area where it would not affect anyone. Councillor G Richardson noted the location for the two proposed huts was in effect the total opposite and he noted the objections raised by his local colleagues and also that the original application location would not have impacted anybody. He noted he would therefore support refusal.

The Chair noted that he felt the Committee had an incredibly difficult decision to make and noted all would be able to understand the impact of two holiday chalets appearing next door with people arriving to have a good time on holiday. He noted the impact in terms of the neighbour and added that the applicant as a resident also had the right to develop their property to be a commercially viable as possible as a business. He noted the previous application considered by the Committee, of the development of a factory alongside residential properties, and highlighted that while the perceived

change in residential amenity may be huge to an individual, the Officer had highlighted whether it was felt to be acceptable in terms of the level of impact upon residential amenity. He noted the issue raised by Councillor L Brown in respect of tourism and the support of VCD for the application.

The Solicitor – Planning and Development noted there was a proposal by Councillor I Jewell, seconded by Councillor L Brown, for approval of the application and upon a vote being taken it was:

RESOLVED

That the application be **APPROVED** subject to the conditions as set out within the report.

d DM/20/03744/FPA - Building South West of St Annes Centre West End Wolsingham DL13 3AP

Item 5d, the application relating to the building south west of St Anne's Centre, West End, Wolsingham was withdrawn.

e DM/20/01603/FPA - Site of former St Peters School, Main Road, Gainford

The Committee considered a report of the Senior Planning Officer in relation to the erection of 37 no. dwellings with associated access and landscaping (amended engineering plan and drainage scheme 4.2.2021) (for copy see file of minutes).

Councillor S Zair left the meeting at 11.46am

The Principal Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site and noted the application was recommended for refusal.

The Chair thanked the Principal Planning Officer and asked Mr S Longstaff, Agent for the applicant to speak in support of the application.

Mr S Longstaff thanked the Chair and Committee and reminded Members that planning permission had been granted in 2018 for the comprehensive redevelopment of the site, including the former school building. He added that therefore the site was a housing commitment and delivery from it was included within the Council's housing land supply. He explained that, since the approval, Kebbell Homes had worked very hard to agree a deal with the other landowner to be able to have the site developed on a comprehensive basis, however, despite their best endeavours, those discussions had not borne fruit.

Mr S Longstaff noted that therefore Kebbell's solution to the dilemma was to seek a standalone permission for their part of the site, in the hope that bringing their site forward would encourage the other landowner either back to the negotiating table to agree the comprehensive approach or to give them the necessary confidence to bring forward development for their part of the site, which already had a standalone planning permission. He added that both schemes could operate independently and would be complimentary. He explained that approach had culminated in the submission of the current application for housing development on the part of the site that they control.

Mr S Longstaff noted the current scheme would provide the same benefits to the local community that the original scheme would have delivered, including the high quality, well-designed new dwellings within walking distance of local services and facilities on a predominantly previously developed site. He added there was a policy-compliant number of affordable units within the proposals offering first-time buyer and those on low-income the opportunity to access new housing. He explained that the scheme would also provide an improved area of open space to the south of the site for all residents to enjoy.

Mr S Longstaff noted that while not the ideal solution the developer had hoped for, he hoped Members could appreciate the difficult position the applicant and their proactive attempts to bring the site forward, notwithstanding problems outside of their control. He explained that Kebbell believed a start had to be made somewhere and that granting planning for their current application provided the best opportunity available to resolve the problems at St. Peters. He noted therefore there was disappointment that Officers had recommended refusal of the application, which was in essence the same as that the application already approved.

Mr S Longstaff explained in terms of the refusal reasons, the applicant had sought throughout the process to deal with the issues raised and it was not felt that the matters raised warranted refusal of the application. He noted that the proposals would make effective use of previously developed land, and as acknowledged within the Committee report, extend to around 65 percent of the brownfield site.

He explained that the proposals followed a similar design principle to that of the previously approved scheme, the proposed houses would not face on to the St. Peters building, and submitted plans showed that existing vegetation and proposed boundary fencing would screen the development from that area. He noted that the requirements set out within refusal reason four had not been required when the application had been submitted, however, the house types proposed could readily meet the M4 (2) requirements and that could easily be controlled by way of condition. He added that the proposed housing mix offered a range of house types including smaller dwellings which would be suitable for those looking to downsize as well as larger properties

suitable for multi-generational families. Mr S Longstaff explained that it was therefore felt the requirements of Policy 15 could be met and as such it was not felt that there was any reasonable basis for the Officer's recommendation and accordingly he respectfully requested that Members support the application and grant planning approval.

The Chair thanked Mr S Longstaff and asked the Principal Planning Officer to respond to the points raised.

The Principal Planning Officer noted that while the proposals were similar to the scheme that was approved, however, without the conversion of the principal buildings on the site. He reminded Members that significant weight had been afforded to the retention and conversion of those buildings when the previous permission had been granted. He added that Officers felt the omission of that element was critical to the application and therefore without the cross-benefit of market housing there was not a realistic prospect of securing redevelopment of the principal building, therefore not an effective use of land. The Principal Planning Officer explained that in terms of design, the county was in a different planning context with the CDP now having been adopted and design had moved up the planning agenda. He noted that the design had been robustly assessed and it was not felt that it was up to the standard required, notwithstanding the fundamental issue of the omission of the conversion of the original building.

The Chair thanked the Principal Planning Officer and asked the Committee for their comments and questions.

Councillor G Richardson noted the application was within his Electoral Division, adding the site was a bit of a millstone around the necks of those in the area. He noted the work of his previous Councillor colleague for the area, J Fergus with her husband having been the Headmaster for the school many years ago. He noted that for many years there had been attempts to move the site forward, and indeed it had been thought that was the case with the previous permission. He explained that he, and his current colleague Councillor J Rowlandson, could do nothing but agree with the Officer's recommendation.

He added that he had spoken to Parish Council Members and all those he had spoken to were in agreement that the application did not meet the necessary criteria and was not what was wanted. He noted it was with a heavy heart, as all involved wanted something for the site, he would propose refusal as per the Officer's recommendation.

Councillor I Jewell explained he could see the pros and cons of the application and noted his disappointment as the proposals that included the old school had been very much welcomed. However, taking on board the comments from the Local Member, he felt that he agreed and therefore he

would second refusal of the application, in the hope something more positive would come forward for the site in future.

Councillor J Maitland noted she was in agreement with the Councillors that had spoken and confirmed that when the previous permission had been granted the aim had been very much to ensure that the site was redeveloped as a whole and to develop now, building homes around a derelict building, would defeat the whole purpose of redeveloping the site as a whole. She noted the views of the Local Members and explained that while travelling past the site over the years she had noted the deterioration of the building and to build new housing around building was not acceptable and therefore she would support refusal of the application.

The Chair noted there was a proposal by Councillor G Richardson, seconded by Councillor I Jewell, for refusal of the application and upon a vote being taken it was:

RESOLVED

That the application be **REFUSED**.

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/20/03744/FPA
FULL APPLICATION DESCRIPTION:	Conversion and extension of pavilion to form food/refreshment sales kiosk and WC facilities.
NAME OF APPLICANT:	Wolsingham Parish Council
ADDRESS:	Building South West of St Annes Centre West End Wolsingham DL13 3AP
ELECTORAL DIVISION:	Weardale
CASE OFFICER:	Adam Williamson, Planning Officer, 03000 260826, Adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located within Wolsingham Park and Recreation Ground on the south side of the village of Wolsingham. The proposals relate to a single storey brick-built structure currently used for storage, positioned on the western site boundary of the park. Access to the site is predominantly gained on foot and there is a public car park located to the northern boundary of the site adjacent to the A689. The application site is located within Wolsingham Conservation Area
2. To the north of the building lies children's play equipment and mature trees, beyond which lies the A689. To the east of the building lies additional play equipment and Wolsingham Bowling Club, and the St Anne's Centre with residential properties in Mill Race beyond. To the south of the building there is a skate park and playing fields beyond. Immediately to the west of the application site lies the detached residential dwelling of 'Strandfield' and its associated curtilage. The eastern boundary of Strandfield is separated from the application site by a close boarded timber boundary fence approximately 1.8 metres in height, and mature vegetation.

The Proposal

3. Members may recall that this application was intended to be reported to the Planning Committee on 30th March 2021. However due to an administration issue in respect of the sending out of the public notification letters and queries about the nature of the proposed use the application was removed from the agenda. Since the publication of the previous report, the proposed menu has been amended to substantially reduce the hot food sales element of the proposal and the report has therefore been amended to reflect this change.

4. Planning permission is sought for the change of use and extension of the existing building to provide W.C facilities and a food/ refreshment sales kiosk. It is proposed that 3 No W.C facilities (including an accessible W.C) would be provided on the northern side of the building in an infill extension with a footprint measuring 3.2m x 2m. This would have a pitched roof extending to the height of the existing building (approximately 3.6 metres in height) and would be constructed in brick and tiles to match the existing. The remainder of the building would be used as a sales kiosk serving hot and cold refreshments and food items such as jacket potatoes, sandwiches and ice creams. No internal seating is to be provided.
5. The scheme has been amended through the application process and a substantial amount of the proposed hot food sales element has been removed from the menu. The existing flat roof on part of the building would be replaced throughout with a pitched roof to tie in with the existing ridgeline. Additional hardstanding's and an access ramp would be provided to improve pedestrian access, a waste storage area would be provided to the southern elevation.
6. It is proposed that the building would be open to members of the public from 11am to 4pm weekdays and 10 am to 5pm at weekends and school holidays.
7. The application is being reported to the Planning Committee at the request of Cllr Shuttleworth due to concerns relating to residential amenity.

PLANNING HISTORY

8. None relevant

PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. *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 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.
13. *NPPF Part 7 Ensuring the Vitality of Town Centres* – Sets out that Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

20. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; historic environment; design process and tools; determining a planning application; healthy and safe communities; light pollution; natural environment; noise; public rights of way; town centres; use of planning conditions; and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The County Durham Plan (CDP)

21. *Policy 6 (Development on unallocated sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
22. *Policy 9 (Retail Hierarchy and Town Centre Development)* sets out that the CDP will look to support new town centre development across all of the county's centres that will improve choice and bring about regeneration and environmental improvements. Proposals for town centre uses, as defined by National Planning Policy Framework (NPPF) not located within a defined centre, as shown on the policies map, will be required to provide a sequential assessment. Where an application fails the sequential test or would have a significant adverse impact on investment or the vitality and viability of a town centre, it should be refused.
23. *Policy 21 (Delivering Sustainable Transport)* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
24. *Policy 29 (Sustainable Design)* All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
25. *Policy 30 (Hot Food Takeaways (A5 uses))* Sets out that in order to minimise the detrimental impacts of an over concentration of hot food takeaways, planning applications for A5 uses will be carefully considered. Where a proposal would lead to more than 5% of premises in A5 use, or where the A5 levels are currently above 5% and a proposal would further increase this, applicants will be required to demonstrate

that the proposal would not detract from a centre's vitality and viability. Where a proposed A5 use is considered locationally acceptable, consideration will need to be given to the impact that the development would have in terms of amenity, particularly in relation to noise and odours. Where it is considered that the proposal would give rise to unacceptable impact, the application should be refused.

26. *Policy 31 (Amenity and Pollution)* Development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
27. *Policy 35 (Water management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.
28. *Policy 36 (Water infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
29. *Policy 39 (Landscape)* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
30. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
31. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

<https://www.durham.gov.uk/cdp>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Highway Authority* – No objections

INTERNAL CONSULTEE RESPONSES:

33. *Ecology* – Offer no objections.
34. *Environmental Health (Noise)* –Following the submission of additional information offer no objections. Conditions are recommended to ensure that the building does not operate as a hot food takeaway, has restricted opening hours and to ensure that a details scheme of odour suppression and extraction are agreed.
35. *Design and Conservation* – Advise that proposed alterations to the building would not have a detrimental impact on the character and appearance of the conservation area. The bringing of the building into a functional use would be a marginal improvement on its current semi-derelict appearance.

PUBLIC RESPONSES:

36. The application has been advertised by way of individual neighbour notification letters to nearby properties and a site notice has also been displayed. The application has also been advertised in the press. In response to the consultation exercise one letter of objection has been received in relation to the proposed development as summarised below.
 - The building has been used as an implement shed, the description as a pavilion is misleading.
 - Any additional need for a public toilet is restricted to peak times in summer months, other options including being sited at the St Anne's centre would be less costly.
 - The Parish Council have been unwilling to engage to address concerns of residents of the development.
 - The proposed items for sale are considered to constitute a hot food take away rather than a café. The proposal could allow the unrestricted sale of hot food takeaway items.
 - No hours are proposed, given the unrestricted proposed opening the use be used on afternoons, weekends, holidays of extended to 24/7.
 - It is envisaged that pupils of Wolsingham school would be a target of whichever operator there would be. The recreation ground is extensively used by pupils from the school at lunchtimes and after school.
 - Policy 32 of the County Durham Plan states that any new takeaways should within 400m of an existing or proposed school or college building will not be permitted. The proposal is located within 137m of Wolsingham School.
 - Noise and odour from the kitchen as well as the storage of waste is considered to have significant impacts on residential amenity. Other impacts from the later opening hours and congregations of patrons outside the premises will contribute to a bad neighbour type of use.
 - No details have been provided on waste collection including frequency and times of delivery which could impact on residential amenity.
 - Existing toilets in the vicinity of the site have caused smells and odours even when frequently cleaned. The development provides a congregation point and a focal point for anti-social behaviour. The openings of the toilet doors would be towards the living space of neighbouring residents at a distance of 11m.
 - There is limited lighting around the building, no details have been provided.

37. 11 letters of support have been received in relation to the proposed development, as detailed below:-

- The building has been used as a former pavilion
- The provision of additional facilities on the site warrants the need for additional toilet facilities, the current facilities are inadequate.
- The additional usage of the building as a Kiosk/Café is long over due as the ice cream van brings pollution from fumes. The facility would serve the people using the recreational facilities.
- The development would lead to employment opportunities.

38. Contributors to the original submission have been reconsulted upon the proposed menu amendments to the scheme and have been given 14 days to provide additional comments if they so wish. This date ends after the committee report publication deadline, and therefore any comments received will be reported verbally to the Committee.

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>

APPLICANTS STATEMENT:

39. Wolsingham recreational park is a popular place for both existing residents and visitors. The park can be easily accessed on foot, by bike, bus and car with parking facilities available on site. The park includes play equipment, picnic benches, outdoor gym equipment, skatepark, football pitch and Wolsingham Parish Council are in the preliminary stages of gaining funding to construct tennis courts within the site. The Wolsingham Family Walk advertised on This Is Durham starts from the parking area.
40. The park promotes a good quality of leisure, sporting and recreational activities and it is vital that there are suitable facilities on site to support this.
41. The site currently has a WC kiosk to the north east of the site with 1 Accessible toilet available and an ice-cream van parks in the parking area throughout the year.
42. St Anne's Centre to the north east of the proposal was considered by Wolsingham Parish Council as potential additional WC facilities but because of private functions there was a serious question raised on safeguarding issues for children and vulnerable people.
43. The proposal is to convert and extend the existing single storey brick building into a café with 3 toilets, the third accessible toilet will be within the extension. The extension will be constructed of brick to match the existing. The proposal will be an effective use of an existing building located between the play equipment and the skate park.
44. Wolsingham park is a popular park for local families and visitors alike. The café will enhance the existing attraction, support visitor economy and create employment opportunities.

PLANNING CONSIDERATIONS AND ASSESSMENT

45. 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, visual/heritage impact, residential amenity and other matters.

The Principle of the Development:

46. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise, the NPPF represents a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020, and as such represents the up to date development plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
47. Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situation where future opportunities arise for additional new development over and above that identified, this includes for employment and economic generating uses. Policy 6 sets out the that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;

- i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
48. The County Durham Plan defines 'the built-up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect the site is considered to be located within the built-up area of Wolsingham and therefore Policy 6 is considered applicable to the development proposal.
49. Further to this, Policy 9 of the CDP seeks to support existing town centres by ensuring that appropriate development is located within them and preventing development outside of town centres which may undermine their vitality and viability. In this respect Policy 9 sets out that town centre uses as defined by the NPPF will be required to provide a sequential assessment. Although not specifically referred to, a refreshments sales kiosk use is considered to be capable of falling within the NPPF definition of a town centre use depending upon its nature and size. The NPPG also provides further guidance on this matter setting out that the use of the sequential test should recognise that certain main town centre uses have market and locational requirements which mean that they may only be accommodated in specific locations. Paragraph 88 of the NPPF also sets out that a sequential approach should not be applied to applications for small scale rural development. In considering the proposal in this context, it is noted that the proposed floor space of the sales kiosk only amounts to approximately 15sqm in total. Given the size of the development and that it is directly aimed at users of the recreation and leisure site, along with providing additional W.C facilities, it is considered that a sequential assessment is not required in this instance and the proposal is unlikely to impact on the vitality and viability of the town centre.
50. Objections have been received in relation to the possible use of the development as a hot food takeaway. A typical menu has been produced setting out a range of foods that would be provided, including hot and cold sandwiches, jacket potatoes and ice creams. It is also stated that a range of hot and cold drinks would be offered.
51. It is acknowledged that the serving of Jacket Potatoes would still result in the sale of hot food to takeaway and to be eaten away from the premises. However the removal of items such as burgers, chicken nuggets and chips from the proposed menu means that the range of hot food items has been significantly reduced, and the smaller scale hot food offerings would be more ancillary to the sales of other food stuffs offered from the kiosk. It is considered that with a suitable worded condition restricting the type of cooking equipment so that hot food may only be prepared using a domestic style cooker, toaster, sandwich toaster, waffle maker, microwave, jacket potato cooker and bain marie at the premises would ensure hot food sales would be ancillary to the kiosk use and that the kiosk could not be used to sell items such as pizzas, kebabs and fried foods.
52. Officers consider that the building would be subject to a Sui Generis use class, as the limited hot food sales mean it would not fall within class E(a). Officers therefore consider that planning permission would be required for the change to any other sort of use from the one described as part of this submission.
53. Items on the typical proposed menu relating to the serving of hot food have been removed, and a restriction on hot food cooking methods for items being sold from the kiosk would be conditioned to prevent the operation of a typical hot food takeaway

from the building. It is therefore considered in light of the diminished hot food serving element and the proposed cooking equipment restriction, that the proposal would not be subject to Policy 30 of the CDP which seeks to limit the siting of hot food takeaways in close proximity of schools. It should be also be noted that this policy applies to the development of A5 use class developments only, and not sui generis or mixed use development.

54. Overall, given the limited scale of the proposals and that they are directly linked to the operation of the wider leisure/play functions of the site, it is considered that the development would not have an adverse impact on the vitality and viability of the town centre and a sequential test is not required. In principle it is therefore considered that the development of the building on the site is acceptable subject to assessing the detailed impacts of the proposals and meeting relevant criteria of Policy 6.

Visual/heritage Impact

55. Policy 6 part d, of the CDP requires that developments on unallocated sites are appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement, Policy 29 (Sustainable Design) details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
56. Policy 44 of the CDP sets out development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate. The policy permits flexibility in decision-making where harm is found to the heritage assets, with a public benefit test referenced similar to that within Part 16 of the NPPF. The site is located within the Wolsingham Conservation Area, and therefore regard is also to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. If harm is found this must be given considerable importance and weight by the decision-maker
57. Policy 40 seeks to resist development which would result in the loss of, or damage to, trees of high landscape, amenity or biodiversity value unless the need for, and benefits of the proposal clearly outweigh the harm. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
58. NPPF parts 12 and 16 also advocate the importance of achieving good design in new developments, which show sensitivity to heritage assets and the historic environment.
59. The existing building is located adjacent to the western site boundary of the recreation site. Although there is limited visibility external to the site the building is in a relatively untidy condition with unattractive steel railing gates securing the building.
60. In considering the impacts of the proposal, the Council's Design and Conservation Officer advises that that given the modest works and the location of the structure, the development the building would not have a detrimental impact on the character and appearance of the conservation area. It is also advised that the associated

development of bringing the building back into a functional use would represent a marginal improvement on its current semi-derelict appearance.

61. A number of mature trees are located down the western boundary of the site; however the building and location of the proposed extension are, in large located outside of the root protection area of these mature trees. A self-seeded tree is located in close proximity to the building which would need to be removed to facilitate its extension. Although the loss of a tree is always regrettable, given its quality and remaining tree cover this is not considered to have a significant impact on the character and appearance of the area.
62. Overall it is considered that the development would represent the re-use of an unattractive utilitarian style building resulting in the improvement of the character and appearance, or setting of the conservation area in this location in accordance with Policies 6, 29 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the NPPF.

Residential Amenity

63. Policy 31 of the CDP seeks to support proposals only where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Policy 6 of the CDP seeks to ensure is compatible with, and is not prejudicial to, any existing use of adjacent land.
64. Parts 12 and 15 of the NPPF, require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from unacceptable levels of pollution.
65. Objections from an adjacent resident been raised with respect to the location and nature of the development, and the potential impacts on residential amenity.
66. In this respect the building (and proposed extension which will not increase the overall height of the building) is located approximately 20 metres from the rear south east corner of 'Strandfield' which is a large detached dwelling in substantial grounds. The application site is screened from this property by a close boarded boundary fence of approximately 1.8 metres in height, and mature tree planting within the garden of Strandfield. While it is acknowledged that there are established impacts associated with the use as the site as a recreational ground, particularly those associated with the children's play equipment in close proximity of the site boundary, the proposal has the potential to introduce additional impacts.
67. In assessing the potential impacts of the development, consultation has been held with the Council's Environmental Health Officer. After reviewing the submitted and additional information, including details of the opening hours, likely food on sale and details of waste management, the Council's Environmental Health Officer offers no objections to the proposals. This is subject to conditions limiting the opening hours and providing details of extraction equipment. While it is accepted that the proposed development would introduce new activities on this part of the recreation site, it is considered that noise and disturbance levels would not be significantly greater than

the established impacts of the site. It is also noted that there is play equipment and other associated infrastructure closer to the main dwelling than the proposed building and use.

68. Objection has been raised regarding the potential impact on neighbour amenity levels for odours associated with the W.C and bin storage. However, the Council's Environmental Health Officer offers no objection in this respect, and it is considered that this matter would come down to the proper management of the facilities. While recognising that the Parish Council would be responsible for running the facilities as part of the overall management of the park Environmental Health also have statutory powers to enforce such matters. The presence of a food sales kiosk adjoining the W.C facilities is also considered to provide a degree of self-regulation in relation to this matter.
69. Overall, whilst recognising and appreciating residents' concerns regarding noise, disturbance and smells, it is considered that a significant loss of residential amenity would not arise that would justify refusal of the planning application on these grounds that could be substantiated at appeal. Accordingly, subject to conditions the application is considered to comply with the provisions of Policies 10 and 31 of the CDP and Parts 12 and 15 of the NPPF.

Other Matters

70. Policy 41 of the CDP seeks to resist proposals for new development which would otherwise result in significant harm to biodiversity or geodiversity, which cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Part 15 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity. In reviewing the submitted ecology report including bat survey, the Council's Ecology officer raised no objections to the development, the proposals are therefore considered to satisfy the provisions of Part 15 of the NPPF and Policy 41 of the CDP.
71. Given the existing parking provisions on site, parking restrictions on the main highway and the accessibility of the proposal the Highway Authority offers no objection to the proposal. The development is therefore considered to comply with Policies 6 and 21 of the CDP and Part 9 of the NPPF.
72. Foul and surface water from the site would drain into the existing surface water drainage network and an existing package treatment plant. This approach is considered acceptable in accordance with Policies 35 and 36 of the CDP and Parts 14 and 15 of the NPPF.

CONCLUSIONS

73. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
74. The proposed scheme has been assessed against relevant policies of the CDP. It is concluded that the proposal conforms to these policies, as the proposal would represent an improvement to the character and appearance of the conservation area in the

immediate location, would not have a significant impact on residential amenity, highway safety or ecological interests and would provide a facility that would benefit users of the recreation ground.

75. The proposal has generated some public interest and letters of objection and support have been received. All of the objections and concerns raised have been taken into account and addressed within the report. Any further comments received will be reported verbally to the Planning Committee. On balance the concerns raised were not considered sufficient to justify refusal of this application. There are no material considerations which indicate a decision should be otherwise.
76. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

77. That the application be **APPROVED** subject to the following conditions
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
 2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 21, 29, 31, 40 and 44 of the County Durham Plan and Parts 2, 4, 9, 12, 14, and 15 and 16 of the National Planning Policy Framework.
 3. No external lighting shall be installed until full details of the lighting has been submitted and approved in writing by the Local Planning Authority. The lighting should then be installed and managed in accordance with the approved details.

Reason: In the interests of the residential and visual amenity and to comply with Policies 8, 10, 29, 31, 39 and 40 of the County Durham Plan and principles of the NPPF.
 4. The premises hereby approved shall not be open to customers outside the hours of 11am to 4pm weekdays and 10 am to 5pm at weekends and school holidays.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
 5. The kiosk hereby approved shall serve only hot and cold beverages, cold food and such hot food as may be prepared using only a toaster, sandwich toaster, waffle maker, microwave, jacket potato cooker and bain marie.

Reason: In the interests of the amenity of the area in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6. The development hereby approved shall not be brought into use until a scheme to control the emission of fumes and smell from the premises has been submitted to and approved in writing by the Local Planning Authority. All equipment detailed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with the approved details so long as the use continues.

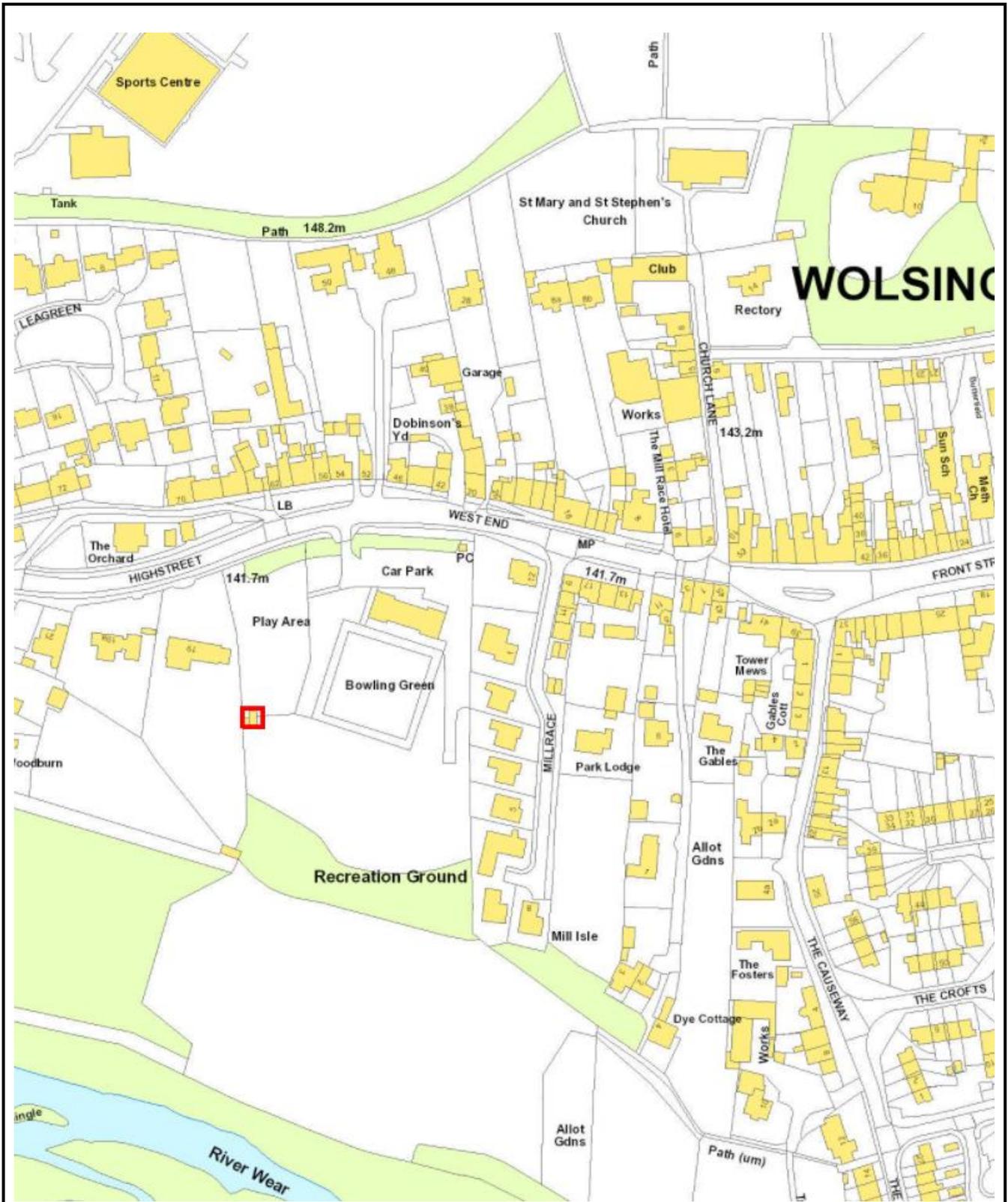
Reason: In the interest of the amenities of neighbouring properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.) It has been necessary to use pre commencement conditions in this instance for matters that cannot be left to as later stage in the development

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
The County Durham Plan (CDP)
Statutory consultation responses
Internal consultation responses
External consultation responses



Planning Services

DM/20/03744/FPA Building South West of St Annes Centre West End Wolsingham DL13 3AP

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Comments

Date April 2021

