



## Area Planning Committee (South and West)

**Date** Thursday 22 February 2024  
**Time** 10.00 am  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 14 December 2023  
(Pages 3 - 14)
5. Applications to be determined
  - a) DM/23/02917/FPA - 7 Kensington, Bishop Auckland, DL14 6HX (Pages 15 - 38)  
Change of Use from Offices (Class E) to an 8 bed House in Multiple Occupation (Class Sui Generis), including external alterations to the rear and cycle parking.
  - b) DM/23/02268/FPA - Masonic Hall, 25-26 Victoria Avenue, Bishop Auckland, DL14 7JH (Pages 39 - 66)  
Conversion of ground floor to a commercial space (Class E) and conversion of first, second and third floors into 10no. apartments (C3) with associated works.
  - c) DM/23/02935/FPA - Garage Block, Bewick Crescent, Newton Aycliffe (Pages 67 - 92)  
Conversion and alteration of existing garages to form 4no. bungalows including bin collection hardstanding.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Bradley**  
Head of Legal and Democratic Services

County Hall  
Durham  
14 February 2024

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

Councillor J Quinn (Chair)  
Councillor A Savory (Vice-Chair)

Councillors E Adam, V Andrews, J Atkinson, D Boyes, D Brown,  
J Cairns, N Jones, L Maddison, M McKeon, S Quinn,  
G Richardson, I Roberts, M Stead and S Zair

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**Contact: Amanda Stephenson    Tel: 03000 269703**

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## DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 14 December 2023 at 10.00 am**

### **Present:**

**Councillor J Quinn (Chair)**

### **Members of the Committee:**

Councillors A Savory (Vice-Chair), E Adam, D Brown, L Brown (substitute for N Jones), L Maddison, S Quinn, G Richardson, M Stead and S Zair

### **Also Present:**

Councillor C Kay

#### **1 Apologies for Absence**

Apologies were received from Councillors V Andrews and N Jones.

#### **2 Substitute Members**

Councillor L Brown substituted for Councillor N Jones.

#### **3 Declarations of Interest**

There were no declarations of interest.

#### **4 Minutes**

The minutes of the meeting held on 23 November 2023 were agreed as a correct record and signed by the Chair subject to the following amendment. Councillor G Richardson stated that his named was misspelt on the first page under declarations of interest.

The minutes should read 'Councillor G Richardson declared a non-pecuniary interest in agenda item 5b as he knew the applicant'.

## 5 Applications to be determined

### a **DM/23/01358/FPA - Site of Former Greyhound Track, Front Street, Merrington Lane, Spennymoor, DL16 7RS**

The Committee considered a report of the Senior Planning Officer for the erection of 65no dwellings with associated access, infrastructure and landscaping on the site of the former greyhound track, Front Street, Merrington Lane, Spennymoor (for copy see file of minutes).

G Spurgeon, Senior Planning Officer gave a detailed presentation that included a site location plan, aerial images, site photographs, images of the proposed site layout, the house type and the proposed street scene. A site visit had taken place prior to the Committee meeting. He explained that there had been previous planning applications for this site and this application proposed 100% affordable housing. During the consultation period Spennymoor Town Council were in support of the application and the Lead Local Flood Authority were happy with drainage that was sufficient to deal with any excess surface water but raised concerns over SUDs not being designed to form an intrinsic part of the layout. There were no responses from members of the public. A Noise Impact Assessment had been carried out to ensure ample amenities for future residents that Environmental Health were satisfied with. The planning application conflicted with policy and had scored two red classifications due to the lack of active bus stops within 400 metres of the development and SUDs not being designed to form an intrinsic part of the layout. As the development would improve the visual amenity and bring with it section 106 contributions, including to secure the delivery of 100% affordable housing, this outweighed the conflict with Policy and the harm it would cause and it was recommended to approve the application.

C Smith, Agent addressed the Committee in support of the application. He briefed the Committee on a few additional points to the Senior Planning Officer's presentation. He explained that the development was a partnership that had been established between Hardwick Homes and Livin that was similar to that of the development at Hamminkelm Place, Sedgfield which had been awarded the Royal Town Planning Institute's NorthEast Chair's Award, with judges noting its placemaking qualities, and detailing within the individual house types that provided assurance for quality of the development on this site. As noted in the Officer's presentation, 100% of the proposed 65 dwellings would be affordable housing available for rent and rent to buy, which was a significant contribution to the delivery of affordable housing both in the local area and the County. The development made use of a brownfield site which had been out of use since the 1990s. Its redevelopment would include a mix of 2, 3 and 4 bedroom houses which included a mixture of family homes and bungalows. It was also located in a highly accessible and sustainable location, in walking distance to the town centre.

A further benefit was that it would be a low carbon development with no gas connection and energy/heating would be generated by heat pumps and solar panels. During the course of the planning application, the applicants had worked positively with Officers that included engaging in the Council's Enhanced Design Review Service which had allowed any comments on specific areas of the layout and design to be discussed and subsequently addressed. In terms of next steps, and subject to the Committee's resolution, the applicants aimed to continue working with the Council to finalise the Section 106 Agreement and commence the development as soon as possible in the new year. This would also dovetail with the completion of the Laburnum Grove development in St Helens Auckland which was another partnership development between the applicants and allow the transition of construction staff to the site. He wanted to take the opportunity on behalf of the applicants, to thank Officers for their time, and effort, throughout the application process. Their contribution had enabled a timely conclusion to the planning application and influenced the quality of the development presented to committee. He respectfully urged the Committee to support the application in line with the Officer's recommendation.

Councillor E Adam was concerned that the application had received two red scores in relation to transport and the SUDS scheme and was still recommended for approval. He requested an explanation on what had been discussed around these elements.

The Senior Planning Officer explained that the first red score was in relation to transport as there were no active bus stops within 400 metres of the entrance to the site. As the development was for 65 dwellings, along with an existing consent for additional dwellings on the former Electrolux site to the east, there was potential for the bus company to introduce a bus service to this area in the future. It was felt that it was not proportionate for the applicant to fund a bus service and the town was within a reasonable walking distance from the proposed site. The second red score was due to concerns with the SUDS that conflicted with Policy 35 of the Durham County Plan regarding the treatment of surface water. The surface water would generally be dealt with by the addition of swales to convey run off water and remove pollutants to connect to the SUDS that would be an intrinsic part of the overall development. He advised that this was not the case with this development but the applicant had since proposed to install a treatment device instead, as to create larger SUDS as suggested by the Lead Local Flood Authority it would reduce the number of properties on site which would make the scheme unviable. He stated that on balance the benefits to redevelop the site and the delivery of 65 affordable homes outweighed the harm and conflict with policy.

Councillor E Adam was happy with this explanation. He advised that he had attended the site visit and was concerned with potential noise issues generated by forklift trucks on the Jewson site that would impact plot no 1 as it was set against the main fence.

He noted that the proposed sound bar fence would be lower standing at 1.8 metres to that of the PowerGrid original fence that stood at 2.8 metres high. He queried if plot no 1 was to remain if the noise proofing could be improved.

C Smith responded that plot no 1 was within the noise impact assessment that had been carried out on the layout of the site. The orientation of the frontage of the dwelling helped screen the noise from the Jewson site along with the road and substation.

Councillor E Adam noted that the agent had not covered the point that he had raised and would expect an improved fence.

The Senior Planning Officer commented that the function required of the fence was to soundproof against the noise in the garden. He advised that this was covered under condition 12 within the report and the applicant could if necessary install a taller fence to protect residents amenities.

Councillor E Adam questioned whether there could be a condition put forward to widen the main footpath to the North of the site that went past the substation towards the underpass and improve the street lighting in this vicinity to not only encourage walkers but also cyclists.

The Senior Planning Officer replied that the PROW 57 had been cited in condition 13 which would require details of the widening of this footpath to be discharged. This was considered necessary to serve the future residents of the proposed dwellings as well as the existing community which would represent a wider benefit that would help to outweigh some of the identified policy conflicts.

Councillor M Stead was concerned that the B6288 that lead to the A688 towards Thinford was a very fast road for pedestrians to cross to get to the Frog and Ferret pub. He mentioned that the Town Council and the police had issues with speeding on the road and queried whether consideration could be given to reduce the speed limit to 30mph.

D Battensby, Principal DM Engineer commented that the B6288 was of a credible speed limit of 40mph due to the road environment and that a reduction in speed would not be considered. He noted that the A688 was a rural A class road of good design standard and the speed limit of 60mph was also a credible speed for that road. He cited that a reduction in speed would not stop motorists from speeding.

Pedestrian movement on the roundabout to access the Frog and Ferret pub was facilitated by the appropriate crossing facilities as such a junction. The proposed residential development would be served by a subway that had been improved for residents in connections with the development of the former Electrolux site, the subway being the closest and most appropriate pedestrian route to the town centre. He declared that the site could not sustain off-site or detached works to the highway that could not be justified against the proposed development.

There were no objectors registered to speak on the application therefore the Chair opened up the Committee for debate.

Councillor S Quinn agreed with the Officer's recommendation and **Moved** the application. She commented that the site was prone to flytipping and travellers camping on the land. The site was in proximity to nurseries, schools and shops that would encourage people to walk to their destinations. She approved of the agencies carrying out a joint venture to supply affordable housing.

Councillor E Adam reiterated Councillor S Quinn's comments and **Seconded** the application. He stated that there was a real need for housing in the area and the design of the project suited the area well that needed improving.

Councillor L Maddison mentioned that the brown field site had been unoccupied since 1980 and was subject to anti-social behaviour illegal encampments, flytipping and used by 4x4 vehicles. The PROW 57 was the main route into town but people were reluctant to use it due to the unsuitable lighting along the path and in the subway where the area was not maintained. She asked if a barrier could be placed in the subway to prevent 4x4 vehicle access, whether the footpath could be widened, if the acoustic screen could be extended and if the SUDS would be maintained as she had seen issues develop with other sites when they were not. Overall she welcomed the development if it was approved for housing that would be a huge benefit for the area.

The Senior Planning Officer explained that further details were expected on the drainage strategy design to discharge the condition on drainage. The properties were outward facing onto the PROW that would act as a deterrent for anti-social behaviour. He advised that new street lighting columns would be added as part of the adoption process by Durham County Council. He was not receptive to barriers being erected in the area as this would detract from the benefits and value of the open space.

The brick wall on the western boundary with a gap for pedestrians would act as a barrier along with landscaping to help restrict access to 4x4 vehicles. He noted that as anti-social behaviour was an existing problem a condition could not be placed on the application to deal with it as it was not down to the applicant to solve the issue, but that the dwellings would help to provide informal surveillance.

Councillor L Maddison queried if section 106 monies could be secured for CCTV for the underpass to incorporate it as part of the scheme.

The Senior Planning Officer explained that he would need to check the requirements of a previous Section 106 agreement relating to the development of the former Thorn Lighting factory.

Councillor L Brown stated that she was going to second the application for approval as it had no objections, it was 100% affordable housing, low carbon and was a brilliant sustainable scheme.

Councillor A Savory was also going to second the application for approval. Members wanted to see more affordable housing in County Durham. She thought it was a good well thought out scheme that had no opposition from the public, was supported by both local members and the Town Council.

Upon a vote being taken it was unanimously:

### **Resolved**

That the application be **APPROVED** subject to the completion of a legal agreement to secure the financial contributions and be subject to the conditions as detailed in the report.

### **b DM/23/01719/FPA - Land West of 31 to 32 Church Street, Coundon**

The Committee considered a report of the Senior Planning Officer for the erection of 51no dwellings together with the formation of site access, landscaping and associated works on land west of 31 to 32 Church Street, Coundon (for copy see file of minutes).

G Heron, Senior Planning Officer gave a detailed presentation that included a site location, site photographs that showed the view from the highway and the proposed elevations of the site. A site visit had taken place prior to the committee meeting. Within the consultation period objections had been received from the Highways Authority, the Coal Authority, the Lead Local Flood Authority and Environmental Health.



There were 200 letters of objection from members of the public. There was no agreed scheme for the biodiversity net gain and the application had scored 9 red, 1 amber and 2 green classifications through the Council's Design Review Team. The scheme did not offer any affordable housing and the recommendation was to refuse the application.

Councillor C Kay addressed the Committee as the local member in support to refuse the application and thanked the Senior Planning Officer for her report. He advised that his community was not wealthy but had an abundance of open space for everyone to enjoy. He agreed that there was a need for housing but not at the expense of destroying the countryside.

He noted that in the 1990's the land had been used for grazing for cows and horses and although it did not have that function now it was classed as a greenfield site and would be a loss to Coundon if it were to be developed. His community had a low level of car ownership with residents walking everywhere. He himself had just established a new walking group in the area. The application was of poor design and he urged the Committee to refuse the application.

There were no registered speakers in support of the application.

Dr S Dobrowski and Dr T Featherstone gave a joint presentation to the Committee that was in support to refuse the planning application.

Dr S Dobrowski noted that the land was a greenfield site that had 7-9 horses grazing on it. There were 200 letters of objection from local residents who did not want the land to be developed for houses as the proposal did not meet the needs of the area and was not sustainable. It would spoil the countryside by tarmacking it over. The exit of the proposed site on to the B6287 was next to a garage that had an obscured view that came round a sharp bend. Motorists did in excess of 30mph that would make it dangerous. The land frequently flooded with vast amounts of water. He proposed a different approach to make the land into a green woodland space for the community to enjoy.

Dr T Featherstone lived near the site with 5 edges of the site bordering his land. He reminded the Committee that it had been used in the coal industry in the past with open pit shafts which were still on his land. He elaborated on the proposed alternative use for the land that could be considered as part of the masterplan for the area through a compulsory purchase order as there was a need for more open space with more wildlife to improve people's mental health. With climate initiatives woodland revival for tree planting could be carried out here to create a nature walk and public access.

S Pilkington, Principal Planning Officer stated that it was the planning application in front of committee that was to be considered nothing more.

As there were no questions from Members, the Chair opened up the committee for debate.

Councillor G Richardson stated he had attended the site visit and felt there was no need for discussion and **Moved** the application to be refused.

Councillor S Zair **Seconded** the application for refusal which was an easy decision as it was a poor planning application.

Councillor E Adam agreed with the previous two Councillors to refuse the application based on the grounds contained in the report. He was disappointed that the applicant had not attended the meeting for Members to ask questions. He was concerned with the 9 red classifications highlighted in the report that showed that the planning application had not met many standards for this type of development. He was dissatisfied that the development had not offered any affordable housing as there was a desperate need for it in the area.

Councillor S Quinn thanked the local Member Councillor C Kay for attending the Committee and fighting the case. She agreed with the officer's recommendation to refuse the application.

Councillor A Savory agreed to refuse the application based on the reasons in the report of no affordable house, 9 red flags and 200 letters of objection.

Councillor M Stead believed that a planning application would receive 10 or more objections but 200 letters of objection was a clear sign that everything was wrong with the application.

Upon a vote it was unanimously

### **Resolved**

That the application be **REFUSED** for the reasons set out in the report.

*Councillor S Zair left the meeting at 11am*

### **c DM/22/01848/FPA - Eclipse Development Site B, South of Rudkin Drive, Crook, DL15 8LU**

The Committee considered a report of the Senior Planning Officer for the erection of 15no. bungalows at Eclipse Development site B, South of Rudkin Drive, Crook (for copy see file of minutes).

G Heron, Senior Planning Officer gave a detailed presentation that included a site location, site photographs and a proposed site plan. A site visit had taken place prior to the Committee meeting.

The site was an underdeveloped parcel of land that was on a coal field high risk area that proposed two types of bungalows to be built, 14 semi-detached dwellings and a single detached property. It was close to Beechburn Industrial Estate that would ultimately create noise issues that would prevent future residents from opening their windows at night.

During the consultation process the Lead Local Flood Authority and the Coal Authority had objected to the application and the Highways Authority had raised concerns with the proposed access and had made suggestions for consideration. The biodiversity net gain was based on estimates rather than facts and there had been no habitat survey carried out. There were two letters of objection from the public with one member of the public claiming adverse possession to some of the land which was a civil matter outside of the planning remit. It was highlighted that there were car parking issues in the area. The development was of poor design and had insufficient provision for flood risk to deal with excess surface water. The recommendation was to refuse the application.

Councillor A Reed, Local Member was not present at the meeting but had asked the Committee Clerk to read out her letter to refuse the application. She stated that following attendance at the site visit on Wednesday 13<sup>th</sup> December 2023 to the above location with Members of the Planning Committee she had given some thought to the application and whilst there was a pressing need for housing in Crook, particularly bungalows, she was minded to object to the planning application mainly because of the omission of detailed information.

Firstly, the area of land in question was for many years used for industrial purposes, industrial debris in the form of large heaps dominated the landscape until it was removed, creating an open grassed area and the construction of housing developments nearby. The land itself lay within the high-risk coalfield area and there was no mention in the report that identified whether the land was suitable to build upon. In addition, the open grassed area which was the proposed application for 15 bungalows lay between the present housing development and was in close proximity to the Industrial units, some of which were in operation on a shift basis. Inevitably owing to the nature of the businesses in that particular area, the noise levels would be raised by the volume of heavy industrial vehicles, equipment and machinery. These continuous noise levels would occur at sociable and unsociable hours and could pose annoyance for some people occupying proposed nearby residential buildings.

Finally, residents living in the nearby housing development complained about the lack of parking spaces, many parked on the A689 road at Pease's Way, which was not ideal given that the road had issues with speeding vehicles and generally vehicles were forced to overtake on the wrong side of the road. The entrance to this proposed development was now used as a parking area and the creation of an entrance would displace the vehicles, thus adding further congestion to the area. Owing to the reasons she provided, she confirmed that she was unable to support the application.

J Baines, applicant addressed the Committee in support of the application. She saw this application as an opportunity to provide bungalows in the area. She explained that a detailed report had been carried out when the former factory had been in operation which had supplied figures that had informed the planning application. It was subject to pre-advice that the planning application had been brought forward. The site was designed to ensure that noise was kept to a minimum with kitchens possibly at the front of the dwelling and bedrooms at the back. The bungalows would be of a high specification with ventilation and safe amenities. They would be enclosed in a gated community for public protection. All properties had parking space to alleviate parking issues. The properties would be also screened by a soundproof fence.

The Senior Planning Officer advised that the land acted as a buffer between the existing residential dwellings and the industrial estate. The space helped to identify the two uses.

Councillor L Brown was disappointed that the noise consultant was not present at the meeting to question. She noted that the ecology report appeared to have expired in November 2023 and queried if there had been another report submitted. She was concerned about the 3 red flags from the Highways Authority.

The Senior Planning Officer responded that the latest ecology report had been submitted and had been reviewed by Officers.

Councillor L Brown mentioned that she could not see the latest ecology report on the planning portal prior to the meeting.

The Senior Planning Officer replied that the updated ecology report that commenced in November 2023 was on the planning portal and had been noted by officers.

D Battensby, Principal DM Engineer commented that the planning application did not meet Durham County Council's parking standards. There were outstanding safety issues relating to the length of the drives meaning that cars could overhang onto the pavement causing issues for pedestrians and people with disabilities using the footway. He was unaware that the development would be gated as this had not been indicated at any point during the application process, which would result in the development not being adopted by the Highway Authority. The non-adoption of an estate would require the developer to take on significant responsibilities in perpetuity in relation to maintenance and services which would not be provided by the Local Authority. There were several outstanding issues that had not been resolved and as a result highways were not in support of the application.

Councillor E Adam asked the applicant why there was a lack of information in relation to the Coal Authority and the Lead Local Flood Authority. He had attended the site visit and had seen first hand the amount of standing water on the site. He felt that the flood management needed to be considered as a matter of urgency.

K Ryder, Agent commented that a comprehensive water management and highways report had been submitted with the planning application along with the mining report.

The Senior Planning Officer responded that information had been supplied by the applicant that had been reviewed by the team and found to be unacceptable. The team had then requested additional information but this had not been received. The focus was the noise impact assessment where she has met with the applicant along with the Nuisance Action Team to work through issues that had been raised. She noted that the planning application had originally been submitted in June 2022 and the applicant had had plenty of time to submit the relevant information requested but a determination on the application was now needed.

Councillor E Adam was saddened that the planning application had not progressed further in the time span from when it was first submitted. He was troubled by the noise report as there was heavy machinery on the industrial estate that would be intolerable for future residents.

The Senior Planning Officer notified the Committee that the noise information received by the applicant was not sufficient. Meetings had been held with herself, the applicant and the Nuisance Action Team to mitigate measures to deal with the noise. It was felt as it stood potentially future occupiers would not be able to open their windows at night which did not comply with Policy 31 of the Durham County Plan therefore the recommendation was to refuse the application.

Councillor D Brown was not impressed that during the consultation period there had been no response from Northumbrian Water. He queried if there was an explanation as to why this was.

The Senior Planning Officer responded that generally Northumbrian Water only responded if they had an issue.

Councillor D Brown explained that the reason he asked was because Northumbrian Water were responsible for the supply of clean water, sewage and storm water to the site and therefore it was not acceptable that they had not responded.

The Chair opened the Committee to debate the application.

Councillor E Adam was disappointed that there were large gaps in the information supplied as the applicant had had plenty of time to provide what was requested. He stated that there was a clear need for housing and bungalows in the area but this was not the ideal location due to the close proximity of the industrial estate. He declared that the country had just survived a pandemic and it would be highly inappropriate if future residents could not open their windows. He was also concerned that the Coal Authority had objected to the planning application. He rejected the proposal due to the poor condition of the application, insufficient information and the issues with parking in the area and **Moved** to refuse the application.

Councillor L Brown **Seconded** the application to be refused as it was not just the noise issue but also the conflict with Policy 7 of the County Durham Plan.

Councillor S Quinn commented that this was a very ambitious planning application that she could not approve. She agreed with the Officer's recommendations to refuse the application.

Councillor J Quinn agreed and echoed concerns about the noise complaints and stated that just because there was a need for housing in the area did not mean that the application should be approved.

Upon a vote it was unanimously

### **Resolved**

That the application be **REFUSED** for the reasons set out in the report.



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/23/02917/FPA
Full Application Description:	Change of Use from Offices (Class E) to an 8 bed House in Multiple Occupation (Class Sui Generis), including external alterations to the rear and cycle parking.
Name of Applicant:	Eade
Address:	7 Kensington Bishop Auckland DL14 6HX
Electoral Division:	Woodhouse Close
Case Officer:	Hilary Sperring Planning Officer 03000 263 947 <a href="mailto:hilary.sperring@durham.gov.uk">hilary.sperring@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site relates to a large, stone built mid terraced property, within the Cockton Hill area of Bishop Auckland. The property is currently vacant having last been in use as an office for an insurance company. The property includes three floors of accommodation (with rooms within the roof space). An area of hard surfacing separates the front of the property from the footpath and Cockton Hill Road. To the rear the property includes a two-storey rear addition and enclosed yard. This is separated from the rear lane by an existing brick wall, with gated access. The property is surrounded largely by residential properties, however commercial properties, including offices, and a children's nursery are contained within the terrace.
2. The property is not listed but is located within the Cockton Hill Conservation Area and is considered to be a non designated heritage asset.

#### The Proposal

3. Full planning permission is sought for the change of use of the property from offices (Class E) to an 8 bed House in Multiple Occupation (HMO)(Class Sui Generis).
4. In order to facilitate the proposed change of use external alterations are proposed to the rear. This includes the demolition of an existing rear extension and formation of a smaller single storey extension and associated external alterations.
5. The proposals also include the provision of bicycle parking to the front and refuse storage within the rear yard area.
6. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation following a request from Councillor Jackson, with concerns raised over amenity, concentration of HMO's in the area and parking.

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## **PLANNING HISTORY**

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7. There is no relevant planning history relating to this site.

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## **PLANNING POLICY**

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### **National Policy**

8. A revised National Planning Policy Framework (NPPF) was published in December 2023. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
9. *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.
10. *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.
11. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where



it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

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 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
16. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
17. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the

highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<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; design process and tools; determining a planning application; healthy and safe communities; noise; planning obligations; use of planning conditions.

<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 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
23. *Policy 16 (Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation)* seeks to provides a means to consider student accommodation and proposals for houses in multiple occupation in ensure they create inclusive places in line with the objective of creating mixed and balanced communities.
24. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking account of existing imbalances in the housing stock, site characteristics,

viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.

25. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
26. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
27. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.

Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.

28. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
29. *Policy 31 (Amenity and Pollution)* sets out that 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 and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be

suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

30. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
31. *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.
32. *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 wastewater 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.
33. *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.
34. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
35. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

36. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) 2023 provides guidance on the space/amenity standards that would normally be expected.
37. The Council's Parking and Accessibility Supplementary Planning Document (SPD) 2023 provides guidance on parking and access for new development.

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

### **Neighbourhood Plan:**

38. There are no neighbourhood plans which apply to this application site.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **Statutory Consultee Responses:**

39. *Bishop Auckland Town Council* – Object to the application highlighting that while they are supportive of investment and development within Bishop Auckland, the Cockton Hill area of the Town already has increased Anti Social Behaviour, and issues surrounding housing, parking, fly-tipping etc, with a CAT Team currently operating in the area. Council Members have raised concerns regarding the application including -
  - The impact of additional vehicles in an area that is already very overcrowded and busy traffic area. Submitted information states that on street parking is sufficient for the area and Members feel that this isn't a true reflection.
  - Noise and the impact that an HMO may have on Anti Social Behaviour in the area.
  - Query how the impact of the HMO would be monitored, ensuring it would not exceed its designated number of tenants, become overcrowded and cause further impact on neighbouring properties.
  - The application states that this could be for working people however submitted information advises that the applicants are keen to use the opportunity to accommodate more social housing therefore having an undetermined clientele causes concern. The council seek some reassurances regarding whom the housing is going to support as the impacts on the neighbouring properties may differ.
  - Query if local people would be employed to carry out the renovation work.
  - Request that consideration be given to the concerns raised and how it is planned to mitigate the concerns if the application were to be granted.
40. *Highways Authority* – The proposed site is in a highly sustainable location adjacent to Bishop Auckland town centre. It is accessible by sustainable travel modes within walking distance to the town's bus and train stations and has regular bus routes. The site is in a well established commercial area with good links for pedestrians and cyclists to access the property. While there is no in-curtilage parking provided shared on-street parking is available which is typical of premises in these locations. The previous use as offices has been taken into consideration which will have generated a certain number of previous vehicle

trips and parking demand. As a result, this application raises no serious highway safety issues.

### **Non-Statutory Responses:**

41. *Spatial Policy* – Outline the policy context relating to the application and conclude by advising that the site proposal will see the creation of an HMO within a predominantly residential area. The proposal can be considered to be an acceptable use under Policy 6 but will need to comply with the criteria contained within Policies 16, 21, 29 and 31 to be considered acceptable.
42. *Design and Conservation* - The proposed works would have a slight positive impact on the character and appearance of the Conservation Area due to the external alterations at the rear of the property, reducing the massing of the later modern built addition in the backyard. It is suggested that the cycle storage is put to the rear of the property, in the courtyard, from a safety perspective.
43. *Environmental Health Nuisance* – Advise that subject to conditions relating to the installation of soundproofing measures and construction working that the development is unlikely to cause a statutory nuisance.
44. *Environmental Health Land Contamination* – No adverse comments to make. There is no requirement for a contaminated land condition.
45. *HMO Licensing Officer* – Advice on legislation provided and confirmation that the property will be required to be licensed.
46. *HMO Data* - 0 % of properties within a 100 metre radius of the site (including the host property) were Class N exempt based on data derived from Council Tax information captured in October 2023.

### **External Consultees**

47. *Police Architectural Liaison Officer* – Recommend that the principles of Secured by Design are adopted. HMOs can bring specific issues simply due to concentrating more single adults into a dwelling than an average household. HMOs that are poorly managed and badly maintained can put an extra burden on local services and have a negative impact on the area. A good management plan is essential should permission be granted.

### **Public Responses:**

48. The application has been advertised by way of a site notice, press notice and individual notification letters.
49. Two letters of objection have also been received. Objections have been summarised below:
  - Objectors consider competition between HMO properties such as that proposed, and family housing, as compromising the housing market and Policy requirements to create mixed and balanced communities. The area as existing has anti-social behaviour and amenity issues related to the prevalence of rental properties. Cockton Hill features both official and

unofficial HMOs resulting in a transient population, so additional such units will increase the problems associated with such that have already resulted in involvement from the Community Action Team and others like Durham Police, with the area being within a designated Selective Licence Zone. There is no Management Plan to ensure neighbours amenity is maintained, with the proposal contended likely to have greater potential for amenity impacts on existing neighbours than a single-family dwelling, along with anti-social behaviour concerns.

- The potential for the application to provide affordable housing is questioned.
- Existing parking problems in the area. Insufficient car and cycle parking is proposed for residents and visitors, contrary to the Parking and Accessibility SPD. The response of County Highways Officers to the proposal is difficult to understand, considered as contrary to the SPD and Policy requirements.
- Outdoor space is restricted, with a suggestion that developer, OSNA contributions should be provided, likewise provision of funds for healthcare demands the scheme will generate.
- Safeguarding requirements are suggested for the proximity of the site to a nearby nursery, and likewise imposition of a Construction Management Plan to protect neighbours' amenity.

*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/>*

### **Applicants Statement**

50. The existing building sits within the conservation area in Bishop Auckland on Cockton Hill Road.
51. The seller of the property has had this commercial premises for some time and in recent years with the working from home culture, has struggled to let out the property and decided to sell.
52. As with any proposal, the potential to develop needs to be viable and suitable to the building. This area has a mix of residential and commercial properties and therefore creating habitable living space would be suitable for this property. However, when considering proposals, converting to a residential house would not be financially viable. With current costs of development, any developer would spend more converting this building than what it would be worth as a large house. Therefore, converting to a HMO is a more viable option as it will provide habitable space for those who need it, and bring back what is a tired building into a better use.
53. The applicant is aware that there is a demand for this type of property in the area. From his experience, not all tenants drive cars and therefore is it unlikely that all tenants would have a car each. The proposal is to advertise the rooms

without parking to emphasise and promote there is no need for a car when there are good local transport links locally.

54. There is a lot of stigma around HMO's and we can see from some objections this is no different here. But not all HMO's create a negative impact. It is clear some objections have been raised referring to parking, anti-social behaviour, loss of amenity, management and construction works.
55. With the premises as an office, the amount of staff that could work in this building could number 15 or more as there is sufficient space to accommodate this number of people. The current property itself does not have parking and therefore as it is, there is more parking space required as an office than there is as an HMO. Indeed, along this street many of the properties do not have their own off street parking and thus rely on public roads for parking cars. We feel therefore it would reduce the parking requirements of the current building use.
56. Management is a big part of any HMO. This would be fully managed, and each tenant assessed according to normal tenant checks. When costs of living is increasing sharing bills and costs to live is attractive to people and living in a HMO will make living more affordable. It's important to note not everyone working can afford to buy a house and therefore renting is the best option, but with rent costs increasing year on year HMO's are more attractive. The running and condition of the HMO to a high standard is imperative as this will retain good tenants and avoid anti-social behaviour. The clients management approach is that the property is visited once a week from the management team to ensure standards are kept and any issues resolved.
57. One objection refers to loss of amenity as there will be unrelated adults living at the property. There would be no loss of amenity by people living at this property, whether a house or HMO.
58. As with any project there is a period of development that is carried out to complete the refurbishment and this project is no different. It is assumed by some that all contractors work the same and that they make living conditions for neighbours a nightmare. But in the wider view the limitation on hours of working which is standard in the construction industry will be applied to avoid affecting people outside of hours.
59. Overall, the approach to convert this building would avoid an empty building being left on the street and bring a building that is currently in poor condition into a better condition through full refurbishment. It is understandable that HMO's are not always welcome, but there is a demand and this type of conversion would service those do need a more affordable style of living.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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60. 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, community balance/ social cohesion, scale and design and impact upon the historic environment, parking and highway safety, impact upon residential amenity and other matters.



## Principle of Development

61. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) constitutes the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
62. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
63. Turning to an assessment against relevant County Durham Plan (CDP) Policies. The application site is located on Cockton Hill Road, which is within the town of Bishop Auckland. The premises are not situated within a defined centre (town, district or local), although the location on Cockton Hill Road is approximately 580 metres from the edge of the defined town centre, Cockton Hill road is a main thoroughfare into the town. CDP Policy 6 sets out that the development of sites which are not allocated in the plan or a Neighbourhood Plan within a built-up area which accord with all relevant development plan policies, and which:
  - a. are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;
  - b. do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
  - c. do 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. are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;
  - e. would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
  - f. have 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. do 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. minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
  - i. where relevant, make as much use as possible of previously developed (brownfield) land; and
  - j. where appropriate, reflect priorities for urban regeneration.
64. It is considered that criteria a), d), e) and f) will be the most relevant in this case, all of which are covered in more detail in the main body of this report.
65. Turning to criterion (a), as above the surrounding land uses are a mix of commercial and residential within proximity of the town centre. In principle, subject to a detailed analysis of the impacts of the development, the use is commensurate with surrounding land uses. (a).
66. In regard to criterion (d), compliance with this will be assessed in detail under 'Scale/Design and Impact upon the Historic Environment' section of this committee report. In relation to criterion (e), this will be fully assessed under 'Parking and Highway Safety' section of this report along with criterion (f). The proposal will make use of previously developed land which would comply with criterion (i). Also the proposal will bring a building back into use which is recognised as a non designated heritage asset reflecting criterion (j) of Policy 6.
67. Further to this, CDP Policy 16, Part 3 is also relevant which relates to the conversion of houses for multiple occupation. The policy states that in order to promote, create and preserve inclusive, mixed and balanced communities and to protect residential amenity, applications for new Houses in Multiple Occupation will not be permitted if:
- a. *including the proposed development, more than 10% of the total number of residential units within 100 metres of the application site are exempt from council tax charges (Class N Student Exemption);*
  - b. *there are existing unimplemented permissions for Houses in Multiple Occupation within 100 metres of the application site, which in combination with the existing number of Class N Student exempt units would exceed 10% of the total properties within the 100 metres area; or*
- less than 10% of the total residential units within the 100 metres are exempt from council tax charges (class N) but, the application site is in a residential area and on a street that is a primary access route between Purpose Built Student Accommodation and the town centre or a university campus.*
68. The policy also sets out that in all cases applications to change of use to Houses in Multiple Occupation will only be permitted where:
- d. *the quantity of cycle and car parking provided has regard to the council's adopted Parking and Accessibility Supplementary Planning Document (SPD);*

- e. they provide acceptable arrangements for bin storage and other shared facilities and consider other amenity issues;*
- f. the design of the building or any extension would be appropriate in terms of the property itself and the character of the area; and*
- g. the applicant has shown that the security of the building and its occupants has been considered, along with that of neighbouring local residents.*
69. Objections highlight difficulties in finding affordable family housing, as speculative developers are picking properties to rent out. Mixed and balanced communities cannot be achieved through the proliferation of HMO and similar properties in the area. Often highly transient tenants have no links to the area. The area is already subject to selective licensing and the subject of a Community Action Team project, which highlights the existing problems experienced. Representations also highlight other properties in the area, either official or unofficial HMO, housing multiple households.
70. It is appreciated that the data provided in terms of HMO percentages, relates to student properties only. Council Tax information which includes the data extract from April 2023, identifying that within 100m radius of, and including the application site, 0% of properties are Class N exempt student properties as defined by Council Tax records.
71. It is acknowledged that this does not therefore include the percentage of non student HMO's or those that have been converted utilising permitted development rights or those that have been undertaken unofficially. A search of the Council's HMO Licensing Register (February 2024) revealed that there were 3 registered HMO's in Bishop Auckland, all of which are more than 100 metres from the application site. It is appreciated that there may be more HMO properties either unregistered or with less than 5 separate tenants, not in the same family group, living together within a property. There is however no requirement to demonstrate need within Part 3 of the CDP Policy 16 which relates to applications for changes of use to HMO and is the part of the Policy which is relevant to the current application.
72. Paragraph 63 of the NPPF states that within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but not limited to) those who require affordable housing, families with children, older people (including those who retirement housing, housing-with-care and care homes), students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.
73. The need to create mixed and balanced communities is reflected in the requirements of Part 3 of CDP Policy 16, which seeks to strike an appropriate balance through the threshold of no more than 10% of properties being in HMO use. It is considered that this proposal would therefore not be contrary to the NPPF or CDP in this regard. Whilst it is noted that tenants would likely change over time this is unlikely to have any demonstratable adverse impact capable of sustaining refusal of the planning application.

74. Overall whilst concerns are noted, it is considered that the proposals would not have an adverse impact upon social cohesion and unbalance the community to the extent where refusal could be sustained. The principle of the development could be supported subject to proper consideration of other material considerations and matters raised which are considered in more detail below.

#### Scale/Design and Impact upon the Historic Environment

75. Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 sets out the duty as respects listed buildings and conservation areas in the exercise of planning functions. In considering whether to grant permission for development which affects a conservation area or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
76. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments. Part 16 of the NPPF advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
77. CDP Policy 6 criterion d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
78. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, CDP Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
79. The property is located on the east side of Cockton Hill Road, within the Cockton Hill Conservation Area. It is a late Victorian / early Edwardian town house of three storeys, constructed of buff brick on the façade and red brick to the rear, with a slate roof. The property includes prominent bay windows on the ground floor and is an intrinsic component of a terrace that contributes positively to the character and appearance of the conservation area, less so the rear street environment on account of later extensions and alterations to many of the properties. The property is considered a non-designated heritage asset.
80. There are no proposals to alter the front of the property itself, which is most visible from the public streetscene. It is however proposed to have bicycle storage in the foreground of the building. The Design and Conservation Officer questions whether this would be better situated to the rear from a safety

perspective. This has not been pursued during the consideration of the application and in the event of an approval it is suggested that a condition is attached to secure final details of the bicycle storage, with adequate space to the rear.

81. To the rear the proposed removal of an existing modern extension and replacement with a new addition, of a smaller footprint constructed with materials consistent with the rear of the host building's materials is considered acceptable, having a minor visual benefit. This change would be visible from the back lane but is not prominent. The Design and Conservation Officer considering that the proposals will have a slight positive impact on the character and appearance of the Conservation Area due to the removal of some of the later built forms in the rear yard. Other external alterations are considered acceptable.
82. Having regard to Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990, taking into account the above, it is considered that subject to conditions, the proposals would not have an adverse affect upon the character and appearance of the streetscene, or the significance of the Conservation Area. The proposals thus conforming to relevant CDP policies, in particular Policies 6d.,16f., 29 and 44 of the County Durham Plan, as well as Parts 12 and 16 of the National Planning Policy Framework in this regard.

#### Highway Safety

83. Part 9 of the NPPF requires new development to provide safe and suitable access to the site for all users and that significant impacts from development on the transport network or on highways safety should be mitigated to an acceptable degree.
84. In addition to CDP Policies 6 and 16, CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.
85. Development should also have regard to the recently approved Parking and Accessibility Supplementary Planning Document (October 2023), which sets out specific parking standards for different types of development. The Parking and Accessibility SPD does however recognise that applicable standards may be reduced on a case by case basis, particularly where a development is in an accessible location.
86. Para 115 of the NPPF, states that the development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
87. Objections received highlight the busy traffic area, existing overcrowded and parking problems, lack of parking proposed and highways safety issues. In addition, objectors also raise the issue that the proposal is not in compliance with the County Durham Plan and Parking and Accessibility SPD.

88. The application relates to a change of use from office to HMO. Part 4 of the Parking and Accessibility SPD relates to residential parking guidance. Para. 4.1 states that developers are expected to provide an adequate amount of safe parking which is appropriate in scale, location and reflects the context of the development. Table 5 of the Parking and Accessibility SPD states that dwellings of 6+ bedrooms, 4 in curtilage spaces per dwelling, along with 1 active charge point and where a garage is not provided, alternative secure provision must be made.
89. The property fronts the main road with parking possible to the area of the road to the front of the property. The development would not provide any in-curtilage parking spaces, bicycle hoops are proposed to the front amenity area of the property.
90. The Highways Authority have reviewed the proposal in light of the objections received. They advise that the site is in a highly sustainable location adjacent to Bishop Auckland town centre. The site is also accessible by sustainable travel modes within walking distance to the town's bus and train stations and has regular bus routes.
91. Whilst the lack of in-curtilage parking is noted, shared on-street parking is available which is typical of premises in these locations. The lawful use as offices has been taken into consideration, which will have equally generated previous vehicle trips and parking demand. It is also noted that the parking demand on Cockton Hill Road varies throughout the day, due to the mix of commercial and residential properties in the vicinity of the site.
92. Overall whilst the concerns and objections raised are fully appreciated, the site is considered to be located within an accessible location and given the lawful use of the site it is considered that a reduction in the parking standards set out in the SPD is appropriate. On the advice of the Highways Authority a loss of highway safety would not arise, certainly not to a level that would warrant refusal of the planning application. The development is therefore considered in accordance with the aims of Policies 16 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework in this respect.

#### Residential Amenity

93. Parts 12 and 15 of the NPPF require that new development should maintain a good standard of amenity for all existing and future users of land and buildings and that planning decisions should avoid, mitigate and reduce noise and other adverse impacts on health and quality of life as a result of new development.
94. CDP Policy 29 seeks to secure high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties; and linked to this policy Residential Amenity Standards Supplementary Planning Document 2023.
95. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact

on the environment, amenity of people or human health to an acceptable level. 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.

96. In this instance the application site is a central terraced property, currently vacant, having last been in use as offices. The property, in Kensington, fronts Cockton Hill Road, a main route way into Bishop Auckland. The neighbouring properties in the terrace include both commercial and residential users, including a nursery at the end of the terrace.
97. Opposite the site are also residential properties, in the main, with further residential streets behind. Those objecting to the application, including the concerns of the Town Council, cite increased noise, disturbance and antisocial behaviour as a result of the development, particularly in terms of the size of the HMO proposed. Loss of amenity as a result of unrelated adults living in a single location, likely causing significantly more rubbish, noise and traffic than that of a single family home. Representations highlight existing problems within the area, with a Community Action Team currently operating to look to address some of the issues.
98. The impact of the development upon residential amenity is a material consideration in determination of the application.
99. In considering these matters the views of the Council's Environmental Health Officer have been sought. It is advised that following a review of the submitted information the application complies with the thresholds stated within the TANS. Given this the development is unlikely to lead to an adverse impact.
100. It is recognised that the generation of noise could be greater from an HMO use than a single dwelling. This is due to the increase in household numbers and activity to and from the property. The demographic that use this type of accommodation are often associated with great use of the night-time economy and as such an increased level of night-time noise may occur. However, it is anecdotal as the potential for impact is associated with the individuals residing there and as such might differ greatly.
101. The Police Architectural Liaison Officer has provided comment recommending that the principles of Secured by Design are adopted. HMOs can bring specific issues simply due to concentrating more single adults into a dwelling than an average household. HMOs that are poorly managed and badly maintained can put an extra burden on local services and have a negative impact on the area. A good management plan is essential should permission be granted.
102. The submission, agreement and implementation of precise details of a management plan could be secured through planning condition prior to the use being brought into use. Therefore, subject to the inclusion of a planning condition in this regard, the development is considered to accord with the requirements of Policies 16 and 31 of the CDP. It is also considered that it would be appropriate to limit the occupancy of the development to 8 persons.

103. No objection has been raised from the Council's HMO licensing team and given the number of bedrooms proposed the property will be required to be licensed and as such other issues, including internal layout, as well as appropriate sanitation and cooking/storage facilities will be further regulated.
104. The Town Council have queried how the impact of the HMO would be monitored, ensuring it would not exceed its designated number of tenants, become overcrowded and cause further impact on neighbouring properties. This however could be monitored and enforced through the Council's planning enforcement service.
105. The property includes adequate external space to accommodate sufficient bin storage facilities as shown on the proposed site layout plan which will be located to the rear of the property, and therefore accords with criteria e. of Part 3 to CDP Policy 16. In addition, noting the extent of the rear area contained within the curtilage it is considered, on balance, there is sufficient external amenity space to serve the inhabitants and as in accordance with CDP Policy 16. The rear space is considered reflective of the historic arrangements for properties within the area. In the event of an approval a condition will be added to ensure that this area is made available and retained for bin storage at all times for the duration of the use of the property as an HMO.
106. In relation to internal space the Nationally Described Space Standards (NDSS) is a government introduced nationally prescribed internal space standard which sets out detailed guidance on the minimum standard for all new homes and was created with the aim of improving space standards within new residential development across all tenures. Evidence compiled during formulation of the County Durham Plan identified that many new homes in the county were being built below NDSS and that this was having an impact on the quality of life of residents. As a result, the Council was determined that it was necessary to introduce the NDSS in County Durham with the aim of improving the quality of new build development coming forward.
107. The NDSS is a relevant measurement against which to assess the suitability of internal space provided within all residential development in the context of CDP Policy 29(e) which requires new development to provide high standards of amenity and privacy. The proposed bedrooms are considered to meet the minimum requirements of the NDSS. In respect of planning, it is not felt that a reason for refusal could be sustained in this instance based on the above and therefore the proposal is considered acceptable in respect of CDP Policy 29(e).
108. It should also be noted that bedrooms one and two will be added at ground floor level and may, therefore, lead to a greater impact for the individuals residing in those rooms from noise when the ground floor is in use. The Environmental Health Officer therefore request a scheme of sound proofing shall be submitted to and agreed by the Local Planning Authority, secured by way of planning condition, should planning permission be granted. It is also advised that considering, the scale of the development, the construction phase is likely to be relatively brief and assuming works are kept within suitable hours (via an appropriate condition).
109. The proposals include demolition of the existing rear extension and formation of a smaller single storey rear addition. In terms of these proposed works it is



not considered to have any unacceptable impact upon overbearing, overshadowing or loss of privacy in accordance with CDP Policy 31 and the Residential Amenity Standards Supplementary Planning Document relevant SPD.

110. Overall taking into account all of the objections and representations received and consultee comments, it is not considered that the introduction of a single additional HMO in this location would result in a level of cumulative impact that would be unacceptably detrimental to residential amenity. Consequently, the development is considered to accord in this respect with the requirements of Policies 6, 16, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

#### Other Matters

111. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination. The Council's Contaminated Land Team have been consulted and have no adverse comments to make. There is no requirement for a contaminated land condition.
112. It is appreciated that submitted information within the Design and Heritage Statement advises "*the tenants will be working tenants however there is a need for social housing in the area for those in need of affordable housing. Mears Group are keen to take up the opportunity of using the property as an HMO. Therefore there are options for either market rent or social housing.*"
113. This has been highlighted within the representations and queried. It is appreciated that the accommodation proposed does not meet the definition of affordable housing within the NPPF. However, the planning assessment and any potential approval can only control the type of accommodation and land use provision and not the nature of the occupancy or type of occupant.
114. Comments are also noted in respect of Open Space and developer contributions. CDP Policy 26 (Green Infrastructure) requires proposals for new residential development to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). However, the approach of seeking contributions on schemes of 9 units or fewer will not come into force until the Council has adopted the "Development viability, affordable housing and financial contributions" Supplementary Planning Document (SPD). Therefore, no contributions are required at the present time.
115. Other concerns relate to difficulties in securing GP appointments, cumulative impacts of the proposals upon services and likewise provision of funds for healthcare demands the scheme will generate. Again, given the nature of the proposals there are no requirements to seek contributions in this regard.
116. Representations also highlight the proximity of the site to an existing nursery and ensuring that appropriate assessments and consultations with the police are completed to ensure that there are no safeguarding issues. As outlined above, the Police Architectural Liaison Officer has been consulted and it is

considered that there is other legislation in place, outwith the planning system, to address such matters.

117. Submitted information does not include whether local people would be employed to carry out the renovation work. However, it is not considered that this could be insisted upon or a reason to sustain refusal of the application.

#### Public Sector Equality Duty

118. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
119. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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120. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.
121. In summary, the proposed change of use is considered acceptable in principle and would accord with the aims of CDP Policies 6 and 16, subject to appropriate planning conditions described within the report and listed below.
122. Fully taking into account the objections and representations received, when assessed against policies of the County Durham Plan relevant to the application, it is considered that the introduction of a HMO in this location would not unacceptably imbalance the existing community towards one dominated by HMOs, nor would it result in any unacceptable impact, either individually or cumulatively, upon the amenity of existing or future residents or highway safety in accordance with Policies 6, 16, 21, 29 and 31 of the County Durham Plan or Parts 9, 12 and 15 of the National Planning Policy Framework.
123. In addition it is considered that on balance the development is acceptable in that it provides appropriate levels of amenity space for residents, protects the privacy and amenity of existing and future residents and would also be acceptable in design terms and in terms of possible impacts upon the significance of the designated heritage assets, in accordance, in particular with Policies 6, 16, 21, 29, 31 and 44 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 11, 12, 15 and 16 of the National Planning Policy Framework.

124. The development is considered to accord with the development plan as a whole and there are no material considerations which indicate otherwise. The application is therefore recommended for approval.

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## **RECOMMENDATION**

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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 accordance with the approved plans listed in Part 3 – Approved Plans.

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 16, 29 and 31 of the County Durham Plan and Parts 8, 9, 12 and 15 of the National Planning Policy Framework.*

3. Before any part of the development hereby approved is occupied, a scheme of sound proofing measures shall be submitted to and approved in writing by the Local Planning Authority. The aim of the scheme shall be to ensure that the noise insulation of walls, floors, windows, roofs between the adjoining properties shall be sufficient to prevent excessive ingress, egress of noise. The aim of the insulation should be to ensure the requirements of BS 8233: 2014 in relation to sleeping areas are met within the rooms. An insulation scheme designed to the requirements of Document E of the Building Regulations should prove sufficient.

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

*Reason: In the interest of residential amenity in accordance with Policies 29 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

4. Prior to the first occupation of the HMO hereby approved, a tenant management plan shall be submitted to and approved in writing by the Local Planning Authority. The tenant management plan shall thereafter be implemented in its entirety and retained for the lifetime of the development.

*Reason: In the interest of the amenities of the area in accordance with Policies 16, 29 and 31 of the County Durham Plan and the National Planning Policy Framework.*

5. Prior to the installation, further details shall be provided of design, materials and colour finish for the proposed bicycle parking to the front of the property. The development shall thereafter be undertaken with the approved details and shall remain available for use for as long as the property is in use as a HMO.

*Reason: To encourage sustainable modes of transport in accordance with Policies 21, 29 and 31 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.*

6. Prior to the first use of the HMO hereby approved, the bin storage arrangements as shown on the proposed plans shall be fully installed and available for use. Thereafter, this provision shall remain available for use for as long as the property is in use as an HMO.

*Reason: In the interests of residential amenity and in accordance with Policies 6, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

7. The HMO as approved, shall be limited to 8 no persons in total.

*Reason In the interests of the amenity of the surrounding areas in accordance with Policy 29 of the County Durham Plan and Part 12 and 15 of the National Planning Policy Framework.*

8. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

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

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

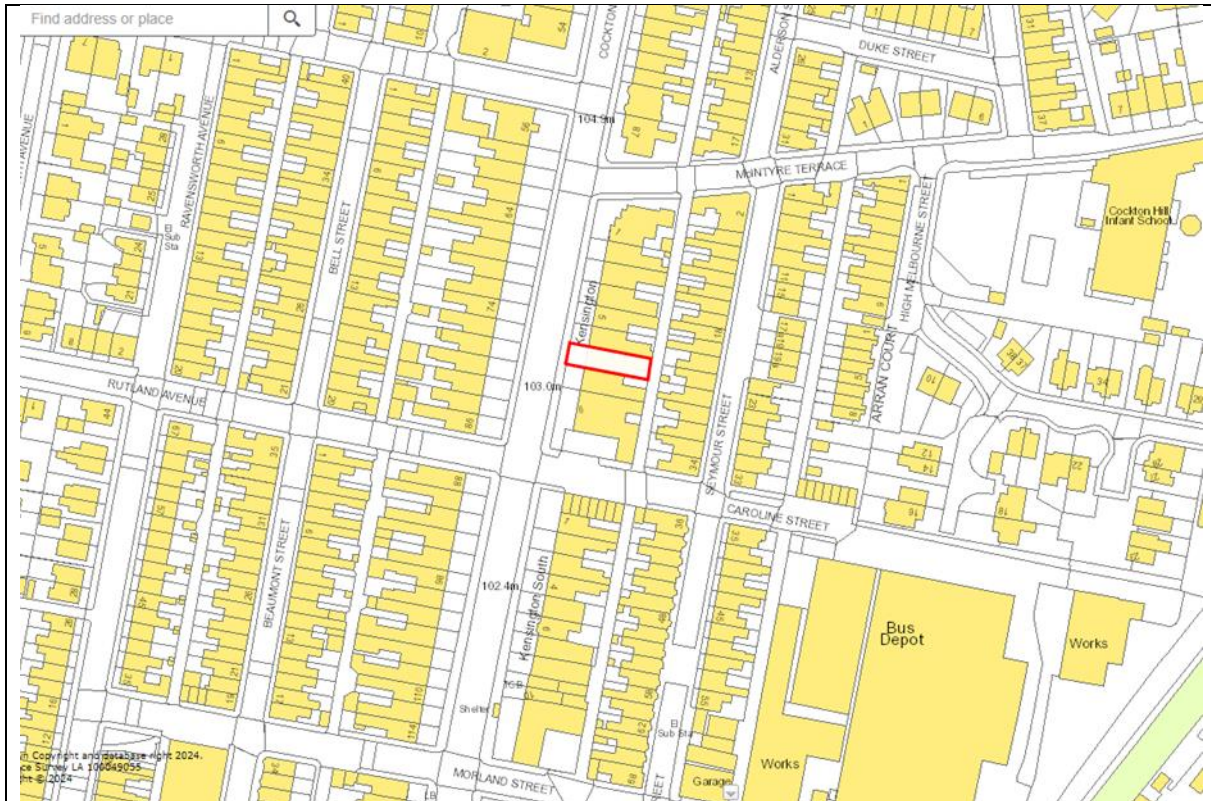
*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Parking and Accessibility SPD 2023  
Residential Amenity Standards Supplementary Planning Document 2023  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



**Planning Services**

7 Kensington,  
Bishop Auckland  
DL14 6HX

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**Comments**

Date:

February 2024

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/23/02268/FPA
Full Application Description:	Conversion of ground floor to a commercial space (Class E) and conversion of first, second and third floors into 10no. apartments (C3) with associated works
Name of Applicant:	Mr G Thomas
Address:	Masonic Hall, 25-26 Victoria Avenue, Bishop Auckland, DL14 7JH
Electoral Division:	Bishop Auckland Town
Case Officer:	Gemma Heron (Senior Planning Officer) 03000 263 944 <a href="mailto:gemma.heron@durham.gov.uk">gemma.heron@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site relates to a large two storey detached building of stone construction located within the town centre of Bishop Auckland. The site is located on the corner of Victoria Avenue and Kingsway, to the east of the retail area of Newgate Street. To the north of the application site, beyond the highway Victoria Avenue, lies an open private parking area and commercial properties. Beyond the highway Kingsway, to the east of the site, the predominantly residential terrace of Victoria Avenue is located. To south of the site (rear elevation of the building) a service yard, along with vehicle access to the site is present. Beyond lies a car park and public square which is currently under construction. To the west of the site the linked property of 47 Newgate Street is located, which is currently being converted into holiday lets and residential units.
2. The building historically was used as a Masonic Hall but has more recently been used as a function space for private events. The building is now vacant and is in poor condition, both internally, and externally where a number of windows are boarded up on the ground floor or broken on upper floors.

3. The site is located within the Bishop Auckland Conservation Area and is identified as a non-designated heritage asset. The site sits within the setting of Listed Buildings, in particular the Grade II Listed 'The Lightfoot Institute', Grade II Listed '13-23 Victoria Avenue' and Grade II Listed '5-12 Victoria Avenue'.

#### The Proposal

4. Full planning permission is sought for the conversion of the ground floor into a commercial space (Class E), which would be used as an artist workshop/studio area. The first, second and third floors are proposed to be converted into 10no. 1-bedroom and 2- bedroom apartments.
5. In order to facilitate the conversion works it is proposed to re-instate windows and doors in existing openings on the north elevation, alongside the installation of roof lights. To the south elevation, the installation of several windows, bi-fold doors is proposed, along with and four balconies at a 1<sup>st</sup> and 2<sup>nd</sup> floor level. The building would be re-roofed in Welsh Natural Slate.
6. The service yard to the rear would be retained, to provide a small amenity area and bin storage. While the vehicular access would be retained, no in curtilage carparking is proposed.
7. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a major residential development in excess of 10 dwellings.

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## **PLANNING HISTORY**

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8. There are no planning applications which are relevant to this proposal.

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## **PLANNING POLICY**

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### **National Policy**

9. A revised National Planning Policy Framework (NPPF) was published in December 2023. 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 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
17. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change.* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

<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; design process and tools; determining a planning application; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; planning obligations; use of planning conditions.

<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)* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.
23. *Policy 15 (Addressing Housing Need)* establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
24. *Policy 19 (Type and Mix of Housing)* advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes,

taking account of existing imbalances in the housing stock, site characteristics, viability, economic and market considerations and the opportunity to facilitate self build or custom build schemes.

25. *Policy 21 (Delivering Sustainable Transport)* requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
26. *Policy 25 (Developer Contributions)* advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
27. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
28. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
29. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.

30. *Policy 31 (Amenity and Pollution)* sets out that 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 and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
31. *Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land)* requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
32. *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.
33. *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 wastewater 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.
34. *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.
35. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

36. *Policy 44 (Historic Environment)* seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.
37. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.
38. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) 2023 provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
39. The Council's Parking and Accessibility Supplementary Planning Document (SPD) 2023 provides guidance on parking and access for new development.

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

#### **Neighbourhood Plan:**

40. There are no neighbourhood plans which apply to this application site.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **Statutory Consultee Responses:**

41. *Bishop Auckland Town Council* – No response received.
42. *Highways Authority* – Advise that the site is in a highly sustainable location within the centre of Bishop Auckland. It is accessible by sustainable travel modes within walking distance to the town's bus and train station and has regular bus routes. For car users, the location benefits from nearby public car parking site. The site is in a well-established commercial area with good links for pedestrians and cyclists to access the site. Therefore, subject to the provision of adequate cycle and bin storage and a Construction Management Plan, the development would be acceptable from a highways perspective.
43. *Historic England* – Advise that the proposal would enhance the significance of the Bishop Auckland Conservation Area to a noticeable degree. This supported

by the National Planning Policy Framework which asks that proposals that enhance conservation areas are treated favourably in the planning process.

44. *Lead Local Flood Authority* – No objection advising that there does not appear to be any alteration to the existing surface water drainage system with no additional impermeable contributing areas.

#### **Non-Statutory Responses:**

45. *Spatial Policy* – Advise on the relevant planning policies to assess the proposal. The proposal is not required to provide affordable housing as the conversion will qualify for Vacant Building Credit (VBC). A financial contribution of £17,390 should be sought for open space provision, unless it can be demonstrated that the scheme would be unviable with this contribution.
46. *Viability Team* – Advise that the submitted Financial Viability Appraisal (FVA) has been reviewed. It is advised that the values presented are sound and the scheme would be unviable if the open space contribution of £17,390 is sought.
47. *Affordable Housing Team* – Advise that the proposal is not required to provide affordable housing as the conversion will qualify for Vacant Building Credit.
48. *Archaeology* – Advise that subject to the undertaking of a building recording exercise prior to the commencement of the works, no objections are raised.
49. *Ecology* – Advise that bat surveys identify 5-day roosts within the building and as such, a Natural England Licence must be obtained prior to works commencing. Works must be undertaken in line with the mitigation set out within the Natural England Licence. To enhance the site for bat species, the inclusion of four integrated bat boxes is required to be secured via condition. The building is also suitable for bird species and nesting bird checks will be required during the nesting bird season (March to August inclusive) for any activities that have the potential to impact on nests.
50. *Education* – No response received.
51. *Environmental Health Nuisance* – Advise that the development may result in a statutory nuisance being created from noise from the workshop. However, this could be mitigated through planning conditions securing the opening times of the workshop/art gallery, the provision of acoustic glazing and ventilation and details of the separation floor between the workshop/art gallery and residential units above.
52. *Environmental Health Land Contamination* – Advise that there is no requirement for a contaminated land condition.
53. *Design and Conservation* – Advise that the Masonic Hall is a prominent unlisted building in the core of the conservation area representing the commitment of the town to philanthropy and betterment at a period in time. It is a non-designated heritage asset, a candidate for inclusion on the local list and sits in the setting of other designated and non-designated heritage assets. It currently has a negative impact on the local environment as a result of the condition of the building.

54. Securing the improvement of the building fabric and identifying a new use for the building have been long term aims of the recent Heritage Action Zone. This proposal positively addresses this aim. The principal stone elevations are restored and historic features reinstated. The rear brick elevation is transformed by the inclusion of new windows and balcony structures which cleverly also provide structural stability to the building. This elevation will be a clear distinctive intervention which does not follow the character of the building or surrounding area. That said, it is well detailed and facilitates the wider positive scheme. Overall, this proposal is welcomed for the positive impact on the building and the surrounding conservation area. Further details of materials, rooflights, doors and windows, and construction details of the balconies should be secured by condition if the application is approved.

### **External Consultees**

55. NHS – No response received.
56. Northumbrian Water Ltd – No response received.

### **Public Responses:**

57. The application has been advertised by way of a site notice, press notice and individual notification letters. No letters of representation have been received.

*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/>*

### **Applicants Statement**

58. This is a very prominent historic building in the centre of Bishop Auckland and the property's last chance of survival due to its poor repair and current grant funding that is available. While Bishop Auckland is on the rise, the cost of house sales in comparison to the large refurbishment works for historic buildings like this, are not reflected. The grant funding available from Historic England and DCC will help fill this void. An additional hole in the roof has appeared after the Christmas break, if the building does not have a new purpose fit for modern times, it will be lost.
59. The impact of residential and a commercial on the ground floor will be minimal compared to its current use class. Having more residents living in the town centre will also help to enable more footfall into the centre itself.
60. Openings hours will be standard openings; Monday to Sunday 9am to 5pm with occasional evening events and shows.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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61. 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, Locational Sustainability, Scale/Design and Impact upon the Historic Environment, Highway Safety, Residential Amenity, Infrastructure and Open space provision, Affordable Accessible and Adaptable Housing, Ecology, Flooding/Drainage, Ground Conditions, Sustainability and other matters.

## Principle of Development

62. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) constitutes the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
63. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
64. Accordingly, the proposal will need to be assessed against the most up to date development plan for the area, the County Durham Plan 2020 and the National Planning Policy Framework as well as relevant SPDs and guidance.
65. CDP Policy 6 states that the development (including change of use) which are not allocated in the plan or a Neighbourhood Plan (i) within a built-up area; or (ii) outside the built-up area but well-related to a settlement will be permitted where they accord with all relevant development plan policies, and which:
  - a. *are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;*
  - b. *do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;*
  - c. *do 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. *are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;*
  - e. *would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;*
  - f. *have 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. do 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. minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;*
  - i. where relevant, make as much use as possible of previously developed (brownfield) land; and*
  - j. where appropriate, reflect priorities for urban regeneration.*
66. In the considering the criteria of CDP Policy 6, the site lies within the settlement and town centre of Bishop Auckland which complies with the requirement to be within the built-up area. The criteria of CDP Policy 6 likely to be most relevant to the proposal would be criterion 'a', 'd', 'e', 'f', 'i' and 'j'.
67. Turning to criterion (a), the surrounding land uses are a mix of commercial and residential within a town centre location. The introduction of an additional Class E use to the ground floor with residential above would be consist with the wider land uses which surround the site to meet (a).
68. In regard to criterion (d), compliance with this will be assessed in detail under 'Scale/Design and Impact upon the Historic Environment' section of this committee report. In relation to criterion (e), this will be fully assessed under 'Highway Safety' section of this report and criterion (f) will be assessed under 'Locational Sustainability' of the report. The proposal will make use of previously developed land which would comply with criterion (i). As the proposal will bring a building back into use, which is a key building of interest within the Heritage Action Zone, this reflects criterion (j) of CDP Policy 6.
69. In addition to the above policy, CDP Policy 9 seeks to protect and enhance sub-regional centres (which includes Bishop Auckland) by supporting new town centre development where this will improve choice and bring about regeneration and environmental improvements. This approach is reflected in the National Planning Policy Framework under Part 7 which advises that planning policies and decision should support the role that town centres play at the heart of local communities.
70. In this respect, the latest town centre survey highlights that Bishop Auckland has a vacancy level of 27.7% (105 vacant commercial units) within the town centre. The vacancy rate remains one of the highest in County Durham is almost double above the national vacancy rate.
71. It is considered that the use of the ground floor as an Artist's Studio/Workshop would fall under the Class E Use class and would be considered as a 'Main Town Centre Use' as defined by the National Planning Policy Framework. Although no end user has been identified it is considered that there is a realistic prospect of the refurbishment of the unit would facilitate the occupation of a currently vacant building. Therefore, the principle of providing an artist's studio/workshop within a town centre location would be supported under Policy 9 of the County Durham Plan and Part 7 of the NPPF.

72. Overall, in principle the development is considered to comply with Policies 6 and 9 of the County Durham Plan subject to consideration of the details of criterion (d), (e) and (f) of Policy 6 as undertaken below.

#### Locational Sustainability of the Site

73. CDP Policy 6 criterion (f) requires that developments on unallocated sites have 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. CDP Policy 21 requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. CDP Policy 29 requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
74. The NPPF sets out at Paragraph 109 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 114 of the NPPF summaries that appropriate opportunities should be taken to promote sustainable transport modes.
75. In considering this the development against the above policy context, Bishop Auckland is identified as a 'Sub Regional Centre' within the County Durham Plan. These settlements are considered to have significant levels of floor space within their defined centre boundaries and have several major national multiplier retailer represented. They are the largest centres in the County and their influence extends over a wider area. Bishop Auckland served Spennymoor, Crook and much of the rural west.
76. In considering the services within Bishop Auckland as a Sub Regional Centre, it has a range of shops, schools, services and healthcare facilities within the settlement which serve the settlement itself, alongside Spennymoor, Crook and the rural west. It is considered there are facilities and services within the settlement to serve the development proposed.
77. In relation to access to public transport, the Chartered Institute of Highways and Transportation 'Proving for Journeys on Foot' document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of 400 metres falls within the 'desirable' range.
78. In this respect, the site is within the town centre and there are a wide range of public bus stops within 400 metres. This includes the Bishop Auckland Bus Station which is approximately 300 metres from the site which has a range of regular bus services to settlements within the County including to Durham city, Spennymoor and Crook. The proposal complies with the Chartered Institute of Highways and Transportation 'Proving for Journeys on Foot' document.

79. Overall, the site is within the town centre of Bishop Auckland which is identified as a Sub-Regional Centre in the County Durham Plan. The site has access to facilities, services, and public transport. Established bus services, walking, and cycling routes would give future residents alternative options to the private motor car to access services and facilities. Therefore, the application site is within a sustainable location in accordance with Policies 6, 21 and 29 of the County Durham Plan, and the National Planning Policy Framework.

#### Scale/Design and Impact upon the Historic Environment

80. CDP Policy 6 criterion (d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
81. CDP Policy 29 outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In total, CDP Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals.
82. CDP Policy 44 sets out that in relation to Conservation Areas, there shall be respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing). It continues to outline that a balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets.
83. Part 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
84. Part 16 of the NPPF states: *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).'*
85. Paragraph 209 in Part 16 of the NPPF states: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
86. In respect of the Bishop Auckland Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The Act also sets out at Section 66 that special regard should be had to preserving the setting of listed buildings.

87. As outlined above, the Council's Design and Conservation Officer advises that the site is a prominent unlisted building within the core of the Bishop Auckland Conservation Area and is identified as a non-designated heritage asset. The building is a candidate for inclusion on the local list and sits in the setting of other designated (Grade II Listed 'The Lightfoot Institute', Grade II Listed '13-23 Victoria Avenue' and Grade II Listed '5-12 Victoria Avenue') and non-designated heritage assets. It was constructed around 1877 as a Temperance Hall. Architecturally it derives its features from the High Gothic revival style and the influence of John Ruskin. Whilst the building makes a positive contribution to the historic and architectural interest of the Conservation Area, its dilapidated condition is a concern that has a negative impact on the local environment and therefore on the character and appearance of the Conservation Area.
88. The work of the recent Heritage Action Zone within Bishop Auckland, aimed to secure the improvement of the building fabric and identify a new use for the building. This proposal is considered to address these aims.
89. In reviewing the overall design and impact upon non-designated and designated heritage assets, Historic England and the Council's Design and Conservation Team have been consulted.
90. The Design and Conservation Team comments that the proposal restores the principal stone elevation with the reinstatement of the building's historic features. It is recognised that the rear brick elevation is transformed by the inclusion of new windows and balcony structure which also provide structural stability to the building. This elevation will be a clear distinctive intervention to the building in the wider Conservation Area which does not follow the character of the building or surrounding area. However, this elevation is well detailed, and it would facilitate the wider positive scheme. It is considered that the proposal will have a positive impact on the building as a non-designated heritage asset and the surrounding conservation area.
91. Historic England comment that the repair and alterations to the decorative stone main elevations are sensitive and will do much to enhance the building and its townscape value. The blank brick elevation is a contrast to the stone elevations and modern in character. The balconies are an untypical feature for the conservation area but their dual use as a structural support is a clever way to deal with the underlying structural issue.
92. Based on the significance of the building within the Conservation Area, it is reasonable and necessary for further details of the materials, rooflights, doors, windows, and balconies to be secured via planning conditions.
93. Overall, based on the support from Historic England and the Design and Conservation Team, the proposal would enhance the significance of the Bishop Auckland Conservation Area and would bring a non-designated heritage asset back into a viable use, enhancing the setting of nearby listed buildings. Therefore, the proposal would comply with Policies 6 (d), 29 and 44 of the County Durham Plan, Parts 12 and 16 of the National Planning Policy Framework and the aims of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Highway Safety/Access

94. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 6 criterion (e) require development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
95. The Council's recently adopted Parking and Accessibility SPD sets out parking standards for new developments but recognises that applicable standards may be reduced on a case by case basis, particularly where a development is in an accessible location.
96. The NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all users. In addition, Paragraph 115 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
97. The site is accessed via Kingsway to the direct east and Victoria Avenue to the north. The proposal does not include the provision of any on-site car parking with residents being reliant upon sustainable modes of transport and surrounding car parking facilities.
98. The Highways Authority advised that while no car parking provision is proposed, the site is within a highly sustainable location with access to sustainable travel modes. The lack of in curtilage car parking is therefore accepted and the Highways Authority do not raise an objection to the application, subject to conditions to secure a Construction Management Plan, bin collection details and details of cycle parking.
99. Overall, the proposals comply with the Councils Parking and Accessibility SPD (2023), Policies 6, 21 and 29 of the County Durham Plan, and Part 9 of the National Planning Policy Framework in relation to highway safety and access.

## Residential Amenity

100. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
101. 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.
102. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long.

103. The Residential Amenity Standards SPD also sets out separation distances for new development to comply with. It states that a minimum distance of 21.0 metres between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0 metres between habitable room windows and both dwellings are single storey should be achieved. Where a main facing elevation containing a habitable room window is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0 metres shall be provided where either dwelling exceeds single storey or 10.0 metres where both dwellings are single storey.
104. In considering the development, the scheme is the conversion of an existing building with established openings to the north and east elevation. As the building is existing and its position remains the same, there will be no adverse issues regarding overshadowing or an overbearing impact.
105. Regarding overlooking, the openings in the north and east are existing and the proposal will re-instate these. There will be the introduction of new openings, including balconies to the south elevation which new to this elevation. The openings to the north and east elevation are existing openings which will have an outlook over the highway, followed by existing residential development to the east and an existing car park and mixed-use building to the north. The new openings to the south will have an outlook over an existing area of land which is in a state of disrepair which has recently received planning permission to be a public square and car park. Given these arrangements, whilst there would be the installation of new openings to the south elevation, there would be no adverse issues regarding overlooking.
106. In regard to the requirements for garden space for residents as set out under the Residential Amenity Standards SPD it is recognised that there would be no private amenity space for the future occupiers of the development. In considering this, it would be preferable for the scheme to include a space for residents, however, as the scheme is the conversion of a building, it would not be possible to be facilitated in this case. Whilst this is a deficiency in the application, this needs to be considered in the planning balance against the positives of bringing a building in a state of disrepair back into viable use as a recognised NDHA and within its prominent position in the Bishop Auckland Conservation Area. It is also recognised that it is common for town centre developments to have limited amenity space, relying on a variety of provision in such locations. For example, there is recent planning approval for a public square and car park to the immediate south of the site.
107. The site is within a mixed-use area which includes both commercial and residential settings. In this context, the Council's Nuisance Action Team have been consulted on the application. They advise that the development may result in a statutory nuisance being created from potential noise from the workshop to the ground floor. However, they advise that this can be mitigated through planning conditions to control the opening times of the workshop/art gallery, the provision of acoustic glazing and ventilation and details of the insulation to be installed between the workshop/art gallery and residential units above.
108. Overall, subject to conditions, the proposals are considered to provide an acceptable standard of amenity for existing and future residents, according with

### Infrastructure and open space provision

109. CDP Policy 25 supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities.
110. CDP Policy 26 outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA) 2018. Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
111. In relation to open space provision, the Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
112. In this respect, the proposal would need to make a financial contribution of £17,390.00 in relation to off-site open space, to mitigate its impacts. However, the applicant has submitted a Financial Viability Appraisal (FVA) to demonstrate that providing this financial contribution would result in an unviable scheme.
113. Paragraph 58 of the NPPF sets out that '*It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into use.*' This approach is also reflected in CDP Policy 25 which states that Planning applications which do not propose policy compliant levels of affordable housing and/or obligations necessary to mitigate the impact of development will need to be supported by a robust viability assessment.
114. In this respect the Council's Viability Team have assessed the Financial Viability Assessment, following due scrutiny and challenging some of the assumptions based in the appraisal, they advise that the findings and conclusions are sound. Based on the FVA, the scheme would be unviable and undeliverable if a contribution towards open space was sought
115. Whilst the lack of an offsite contribution is regrettable, the viability position has been robustly tested and subsequently accepted, consequently, the proposal is considered to comply with Policies 25 and 26 of the County Durham Plan in relation to infrastructure and open space provision.

## Affordable, Accessible and Adaptable Homes

116. CDP Policy 15 requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, adaptable and meets the needs of those residents unable to access the open housing market. The application site is located within a low value area where 10% of the approved units must be provided for affordable home ownership. Since the CDP was adopted, the Government's First Homes policy has come into force and requires a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF.
117. The Council's Spatial Policy Team advise that as the development involves the conversion of a building, the proposal would be eligible for vacant building credit. Considering this, no affordable housing is required to be secured via Section 106 for the application.
118. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Furthermore, on sites of 10 or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that would increase housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- Level access flats;
  - Level access bungalows; or
  - Housing products that can be shown to meet the specific needs of multi-generational family.
119. CDP Policy 15 continues to state: *'Where it can be demonstrated that site specific factors such as vulnerability to flooding, site topography, other circumstances which may make a site less suitable for older persons house types or properties built to M4(2) (accessible and adaptable standard) or where step free access cannot be achieved or is not viable, then the requirements will not be applied on all or part of the site as appropriate.'*
120. In this regard, the proposal utilises an existing building which is a non-designated heritage asset that causes harm to the Bishop Auckland Conservation Area in its current state. The application does not propose to build any of the units to meet the M4(2) standards. The existing access to the building is via existing steps from the footway and to achieve step free access would result in the significant alteration to the existing openings on the north elevation which are worthy of retention in the context of the Conservation Area. Therefore, in this case, it is considered that there are valid site specific circumstances which allow deviation from the policy, while also recognising the positives of the scheme in bringing a derelict building back into use.



121. Overall, the proposal would benefit from vacant building credit and would not require any affordable housing to be secured via a Section 106 agreement. The scheme would not deliver M4(2) compliant dwellings, however there are site specific circumstances in this case to allow deviation from the policy.

## Ecology

122. Paragraph 180 d) of the NPPF advises that decisions should minimise impacts on and provide net gains for biodiversity. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
123. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on Local Planning Authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
124. The proposal has been accompanied by a Bat and Bird Report and identified that a Natural England Bat Licence will be required for the work as in total five-day roosts with a maximum count of five common pipistrelles bats were found.
125. The Council's Ecology Team advise that the methodologies and conclusions of the submitted report are sound and agree that a Natural England Bat Licence will be required to facilitate the development. It is further advised that four integrated bat boxes would be required to enhance the site for bat species which would also deliver a biodiversity net gain for the development. This could be secured via a planning condition requiring these details to be submitted and agreed in writing.
126. In respect of the three derogation tests contained in the Habitat Regulations, the refurbishment and replacement of the roof would be critical to deliver the conversion of the non-designated heritage asset. The building is currently in a state of disrepair and causes harm to the Bishop Auckland Conservation Area and the development would represent a positive enhancement in respect of the historic environment and would bring back the building into a viable use. The development is therefore considered of overriding public interest, while there are no viable alternatives in lieu of the required works. It is also considered that subject appropriate working method and habitat creation the conservation status of the species will be maintained and secured.

127. The building is also suitable for bird species and nesting bird check will be required during the nesting bird season for any activities which have the potential to impact upon nests. An informative will be included on the planning consent to inform the applicant of this.
128. Subject to adherence to the mitigation statement outlined in the Bat and Bird Report, the proposal will be acceptable in accordance with Policies 41 and 43 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework.

#### Flooding/Drainage

129. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 of the NPPF advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 175 of the NPPF goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
130. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. CDP Policy 6 criterion f) states development should '*minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding*'.
131. The Lead Local Flood Authority have been consulted as part of the application and they advise they have no objections to the development. The scheme is the conversion of an existing building which does not result in any additional impermeable surfaces because of this application. The development will utilise the existing surface and foul drainage for the building.
132. Overall, the surface water and foul drainage for the site is acceptable and complies with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

#### Ground Conditions

133. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.

134. The Council's Contaminated Land Team have been consulted on the proposal and have confirmed there is no requirement for a contaminated land condition to be imposed on the consent. The site is an existing building, and the development would not include any ground works. Based on this, the proposal is acceptable from ground conditions perspective and would comply with Policy 32 of the County Durham Plan in this regard.
135. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with Policy 56 of the County Durham Plan.

## Sustainability

136. CDP Policy 29 criterion (c) requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
137. In addition, CDP Policy 29 criterion (o) requires all major residential development to achieve reductions in CO<sub>2</sub> emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
138. CDP Policy 29 criterion (d) requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
139. No energy assessment has been provided to demonstrate compliance with CDP Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO<sub>2</sub> emissions than what was previously acceptable in the Part L regulations and there have been changes to Part F in respect of ventilation with new regulations in respect of overheating and electric vehicle charging. In light of the changes to Building Regulations, the development would now need to meet this new requirement and as this is covered under separate legislation there is no need for a condition to reflect this.
140. By virtue of the recent changes to Building Regulation requirement, the proposal is considered to exceed the requirements of Policy 29 of the County Durham Plan and accords with Part 2 of the National Planning Policy Framework.

## Other Matters

### *Broadband*

141. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
142. In considering this policy requirement, due the location of the development, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. A condition is recommended requiring the precise broadband details to be submitted and the proposal therefore accords with Policy 27 of the County Durham Plan.

#### Public Sector Equality Duty

143. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
144. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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145. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.
146. Regarding the principle of the development, the proposal is considered to comply with Policies 6 and 9 of the County Durham Plan as an unallocated site within the Bishop Auckland town centre.
147. The site has access to facilities, services, and public transport, established bus services, walking, and cycling routes would give future residents alternative options to the private motor car to access services and facilities. Therefore, the application site is within a sustainable location in accordance with Policies 6, 21 and 29 of the County Durham Plan, and the National Planning Policy Framework.
148. The development would enhance the significance of the Bishop Auckland Conservation Area and would bring a non-designated heritage asset back into a viable use. Therefore, the proposal would comply with Policies 6 (d), 29 and 44 of the County Durham Plan, Parts 12 and 16 of the National Planning Policy Framework and the aims of Planning (Listed Buildings and Conservation Areas) Act 1990.

149. In terms of highway safety, based on the locational sustainability of the site, there is no need to provide on-site parking for residents. The proposal would comply with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework in relation to highway safety and access.
150. In terms of the residential amenity, the proposal, subject to conditions, is considered to provide an acceptable standard of amenity for existing and future residents, according with Policies 29(e) and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.
151. Regarding affordable housing and developer contributions, the proposal would benefit from vacant building credit and would not require any affordable housing to be secured. The scheme would not deliver M4(2) compliant dwellings, however there are site specific circumstances to justify deviation from the policy in this respect. Regarding open space, it is concluded that the scheme would be unviable and undeliverable if a contribution towards open space was sought. Consequently, the proposal complies with Policies 25 and 26 of the County Durham Plan in relation to infrastructure and open space provision.
152. In relation to ecology, subject to adherence to the mitigation statement outlined in the Bat and Bird Report, the proposal will be acceptable in accordance with Policy 41 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework.
153. The proposed development has generated little public interest, with no letters of objection having been received.
154. The development is considered to accord with the development plan as a whole and there are no material considerations which indicate otherwise. The application is therefore recommended for approval.

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## **RECOMMENDATION**

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

1. The development 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 accordance with the following plans and documents:

Proposed ground floor plan	XX-DR-A-01000 Rev 4	13/09/23
Location plan	XX-DR-A-00001 R2	28/07/23
Proposed block plan	XX-00-DR-A-00003 - R2	28/07/23
Proposed east elevations	XX-00-DR-A-02001 - R2	28/07/23
Proposed north elevations	XX-00-DR-A-02000 - R2	28/07/23
Proposed south elevations	XX-00-DR-A-02002 - R4	28/07/23

Proposed Section DD	XX-00-DR-A-03003 4	04/08/23
Proposed section AA	XX-00-DR-A-03000 3	04/08/23
Proposed first floor plan	XX-00-DR-A-01001 4	04/08/23
Proposed second floor plan	XX-00-DR-A-01002 4	04/08/23
Proposed section CC	XX-00-DR-A-03002 3	04/08/23
Proposed section BB	XX-00-DR-A-03001 3	04/08/23
Proposed third floor plan	XX-00-DR-A-01003 3	04/08/23

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 9, 15, 19, 21, 26, 27, 29, 31, 32, 35, 36, 41, 43, 44, 56 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 12, 15, 16 of the National Planning Policy Framework.*

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
  1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
  2. Details of methods and means of noise reduction/suppression.
  3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
  5. Designation, layout and design of construction access and egress points.
  6. Details for the provision of directional signage (on and off site).
  7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
  8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
  9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
  10. Routing agreements for construction traffic.
  11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
  12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

13. Management measures for the control of pest species as a result of demolition and/or construction works.

14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.*

4. No development shall commence until a Level 2 Building Record in accordance with 'Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice 2016' has been undertaken. This shall be submitted to and approved in writing by the applicant and approved by the Local Planning Authority prior to the commencement of the works.

*Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

5. No external windows, doors, or rooflights shall be installed unless full details including plans at a scale of 1:20, including cross sections and details of colour finish, of the proposed windows, doors, or rooflights have first been submitted to and approved in writing by the Local Planning Authority. The windows, doors, or rooflights shall thereafter be installed in accordance with the approved details.

*Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.*

6. Notwithstanding any details of the materials submitted with the application, prior to any works being undertaken to the roof, samples of the roofing materials shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

*Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.*

7. Prior to their first installation on the site, construction details of the balconies including materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

*Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.*

8. Prior to the first occupation of any of the residential units, a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

*Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan.*

9. Prior to the first occupation of the any of the residential units hereby approved, details of bin stores and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevation plans and details of the materials. The bin stores and cycle storage shall be constructed in accordance with the approved details and be made available prior to the occupation of the development to which they relate.

*Reason: In the interests of visual amenity and highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.*

10. Prior to the first occupation of any of the residential units hereby approved, details of the sound proofing measures between the ground floor and first floor shall be submitted to and approved in writing. The development shall be carried out in accordance with these details and the sound proofing measures maintained for the life time of the development.

*Reason: In order to protect the residential amenity of the site and surrounding area in accordance with Policy 31 of the County Durham Plan.*

11. Prior to the first use of the ground floor 'Class E' unit, details of the units opening hours shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the agreed opening hours.

*Reason: In order to protect the residential amenity of the site and surrounding area in accordance with Policy 31 of the County Durham Plan.*

12. The development hereby approved shall be carried out in accordance with mitigation detailed within the 'Noise Assessment' Report Reference: 10842.1 Rev A by Apex Acoustics. Any mitigation installed shall be maintained for the lifetime of the development.

*Reason: In order to protect the amenity of future occupants from noise in accordance with Policy 31 of the County Durham Plan.*



13. The development shall be carried out in accordance with the mitigation and working practices contained within 'Bat and Bird Report' Version 2 dated July 2023 by RH Ecological Services.

*Reason: To conserve protected species and their habitat in accordance with Policy 41 and 43 of the County Durham Plan.*

14. Prior to the first occupation of any of the residential units, details of 4no. bat boxes to include their location and their type shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In order for the development to meet biodiversity net gains as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

15. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

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

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

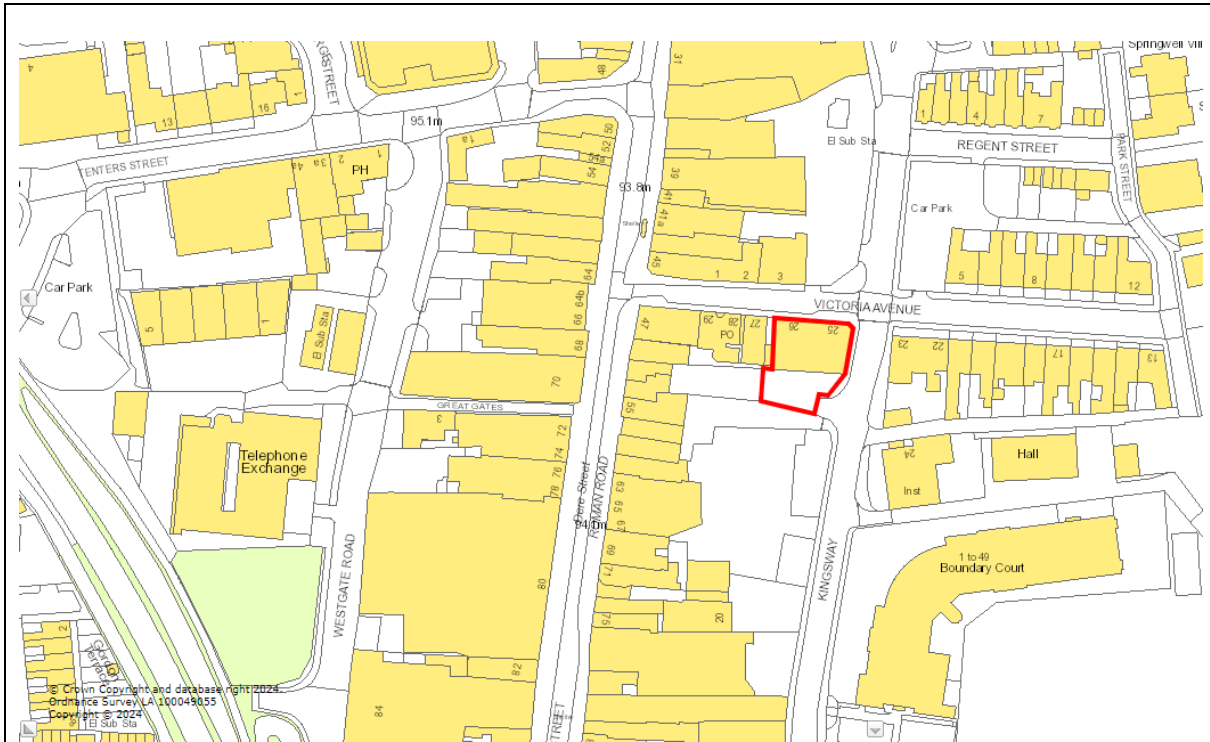
*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP) 2020  
Parking and Accessibility SPD 2023  
Residential Amenity Standards Supplementary Planning Document 2023  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>Conversion of ground floor to a commercial space (Class E) and conversion of first, second and third floors into 10no. apartments (C3) with associated works</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of His Majesty's Stationary Office © Crown copyright.          Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.          Durham County Council Licence No. 100022202 2023</p>	<p><b>Comments</b></p>	
	<p><b>Date:</b></p>	<p>22<sup>nd</sup> February 2024</p>



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/23/02935/FPA
Full Application Description:	Conversion and alteration of existing garages to form 4no. bungalows including bin collection hardstanding
Name of Applicant:	Livin Housing Association
Address:	Garage 2 Garage Block Bewick Crescent Newton Aycliffe
Electoral Division:	Great Aycliffe
Case Officer:	Mark Sandford Planning Officer 03000 261156 <a href="mailto:mark.sandford@durham.gov.uk">mark.sandford@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site consists of three garage blocks within an established residential estate centrally located within Newton Aycliffe. The site totals 29 garages and occupies a site area of approximately 942 square metres. One garage in a block is excluded from the proposed site and would remain in situ (privately owned). The site is surrounded by the rear gardens of residential properties, all terraced in nature and the site has a vehicular access to the north-east corner (onto Bewick Crescent) and a pedestrian only access to the south-east corner (onto Emerson Way).
2. The garage blocks were designed to serve the surrounding housing association dwellings and are rectangular in appearance, flat roofed buildings, organised in one straight block of 17 (inclusive of the private garage) to the south of the site, one straight block of 5 and a further dog-leg shaped block of 8, both to the north of the site, facing each other at a distance of 7.7-10 metres across a central hardstanding area that allows access to each unit.
3. The wider estate consists of a mix of private owned and housing association, with fenced rear gardens and a mix of fenced and open plan front gardens. The built

residential environment is high density, but separated by large areas of grassed open space and small areas of tree planting, typical of this kind of New Town development.

## The Proposal

4. The application seeks full planning permission to convert all garages (save the privately owned unit) into 4no. residential bungalows and associated parking spaces for older residents on affordable rent basis. The roof would be altered to provide a mono pitched sloped roof finish along the length of the building, raised at one end to allow high level windows to provide additional light into the rooms. The properties would be finished in a mix of render and composite cladding weatherboard providing a contemporary appearance.
5. Each proposed unit would contain two bedrooms, a combined living and cooking area, bathroom and storage, served by fenestration facing across the central hardstanding area that is to provide small garden areas for each unit as well as a shared outdoor space, with bin store, bike store, rotary drier area and two car parking spaces per bungalow (8no.). A visitor parking space would be provided adjacent to the remaining private garage in the southern block.
6. The scheme is intended as an innovative re-use of brownfield sites that are considered underutilised, accrue maintenance costs and can become a blight in the area, attracting in some cases anti-social behaviour. Their redevelopment would provide an opportunity to provide affordable housing in the area.
7. The application is being reported to Planning Committee at the request of Cllr Eddie Adam, due to concerns over access, lack of parking restrictions, lack of EV charging points and internal/external spatial requirements.

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## **PLANNING HISTORY**

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8. None

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## **PLANNING POLICIES**

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9. A revised National Planning Policy Framework (NPPF) was published in December 2023. 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 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
13. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
14. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
15. *NPPF Part 10 Supporting High Quality Communications* - The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services. Local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse

of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

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

<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; design process and tools; determining a planning application; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; planning obligations; use of planning conditions.

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

#### **Local Plan Policy:**

The County Durham Plan (CDP)

21. Policy 01 - Quantity of Development outlines the levels of employment land and housing delivery considered to be required across the plan period.
22. Policy 06 - Development on Unallocated Sites supports 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.
23. Policy 15 – Addressing housing need establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.

24. Policy 21 - Delivering Sustainable Transport requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
25. Policy 27 - Utilities, Telecommunications and Other Broadcast Infrastructure supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing sites must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable the proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest.
26. Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
27. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards.
28. Policy 31 - Amenity and Pollution sets out that 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 and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
29. Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
30. Policy 33 - Renewable and Low Carbon Energy states that renewable and low carbon development energy development in appropriate locations will be supported.

In determining planning applications for such projects significant weight will be given to the achievement of wider social, environmental and economic benefits. Proposals should include details of associated developments including access roads, transmission lines, pylons and other ancillary buildings. Where relevant, planning applications will also need to include a satisfactory scheme to restore the site to a quality of at least its original condition once operations have ceased. Where necessary, this will be secured by bond, legal agreement or condition.

31. 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.
32. 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. Proposals for additional flood defences will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
33. *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.
34. Policy 42 - Internationally Designated Sites states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017.
35. Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.
36. *Policy 43 (Protected Species and Nationally and Locally Protected Sites)* development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst



adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.

39. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

#### **Neighbourhood Plan:**

40. The application site is within the area of the Great Aycliffe Neighbourhood Plan (GANP) the relevant policies are:
41. *Policy GANP H1 In-Fill Developments and Small Sites* requires proposals for new development will be granted for suitable in-fill development and small sites of less than 30 houses where the development is proportionate to the scale of the settlement; it is within the built-up areas; should be well contained; should respect the character and form of the settlement and should clearly relate to part of an established settlement.
42. *Policy GANP H3 Parking Standards for New Residential Development* sets out the parking requirements for new residential development in regard to off-road provision.
43. *Policy GANP H5 Provision of In-Curtilage Parking and Storage* states that on properties where no garage provision has been made there must be a parking area, in curtilage and suitable provision for bicycle parking and/or storage will be encouraged.
44. *Policy GANP H6 Securing Energy Efficient Homes* states developments should be designed to achieve the highest possible energy efficiency standards and this must be shown in a Design and Access Statement where this is required.
45. *Policy GANP H9 Provision of Facilities and Services* states where appropriate, proposals for new housing should demonstrate provision of necessary new facilities on-site and/or provision of, or contribution to, necessary off-site facilities as required to make the development acceptable in planning terms. New development must contribute towards sustainable development.
46. *Policy GANP T1 Parking Impacts on Existing Infrastructure* sets out that development which includes reliance on existing streets shall not impact upon the safety of road users or have an adverse impact the character of the area, and that adequate provision be made in site to cater for parking and access, including visitors, deliveries service vehicles etc.

<https://www.great-aycliffe.gov.uk/neighbourhood-plan/>

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## CONSULTATION AND PUBLICITY RESPONSES

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### Statutory Consultee Responses:

47. *Great Aycliffe Town Council* - No objections. However, access and egress ease and safety for emergency vehicles, motorists and pedestrians remains a concern due to the narrow access road with limited visibility onto an already congested street. In addition, it was queried whether the bungalows would comply with fire regulations since there is only one entrance door and the rear windows are too small to be used as an emergency exit. There does not appear to be any provision of EV charge points. The Town Council does, however, acknowledge the need for bungalows for the elderly and welcomes this provision.
48. Highway Authority – The poor use of the garage blocks is noted. Parking provision acceptable for proposed dwellings, but an addition space is required for a Visitor bay to comply with new DCC SPD and spacing to be looked into. The site will be accessed by the unadopted narrow road leading to former garage block which would not be used by the refuse vehicles. Whilst a bin store has been shown, the refuse collection will be taken from the adopted highway of Bewick Crescent which would require the bins to be placed at the end of the access. A bin collection point of sufficient size for the number of bins and with a hardened surface will need to be provided at the entrance to the site. Provision for EV charging points should be made.
49. Following submission of an amended Site Layout Plan and other details - The proposed bin collection point (within the site) would be considered unacceptable and will require amendment. The applicants information with regard EV charging points is noted and may be acceptable Following further revision of the Site Layout and Site Location Plans – The new plan shows a bin collection point to be located on Emerson Way which would be acceptable. It is reiterated that the access from Bewick Crescent is unadopted highway and would remain the responsibility of the landowner. On this basis, no objection.

### Non-Statutory Responses:

50. *Environmental Health (Contaminated Land)* - Due to the fact that this development constitutes a change of use to a more sensitive receptor, conditions relating to Phase 1-3 risk assessments and a Phase 4 remediation strategy.
51. *Environmental Health (Nuisance Action)* – No objection, however hours of construction should be controlled by condition.
52. *Ecology* – The Nutrient Neutrality (NN) certificate matches the NN calculator stage 4 result and all data appears to be correct. A condition for the submission of the full NN certificate to be submitted prior to commencement is required. The Biodiversity Net Gain (BNG) data concludes a post development gain of 0.0301 habitat units from the four vegetated gardens created. This is sufficient and no further information is required for BNG.
53. *Spatial Policy* – Primarily Policy 6 site with Great Aycliffe Neighbourhood Plan policies also relevant.

54. *Affordable Housing* – The affordable housing scheme is happily supported.

### **External Consultees**

55. Northumbrian Water – No response received
56. Natural England – Please refer to Nutrient Neutrality advice to all LPAs
57. Public Responses – direct letters where sent to all adjoining properties and site notices erected adjacent to the site. No responses were received from members of the public. One response was received from a local ward Member.
58. Cllr Eddie Adam – Expressed concerns regarding the narrow site access for residents, waste collection and deliveries etc, the desire to have parking restrictions applied to the access road, lack of EV charging points and questioned whether the proposed dwellings would meet internal and external space requirements, lack of EV charging points, as well as the proximity of the properties with one another.

### **Applicants Statement**

59. Durham has an increasing ageing population with associated health and social care needs. However, getting older and living with a disability or a mental health condition should not be a barrier to living a full, independent life with a choice of appropriately designed, well located accommodation.
60. The innovative HUSK design converts the existing garages into residential bungalows providing much needed accessible housing on brownfield garage sites that currently do not contribute to the quality of the area and are often under-occupied. The construction method is not only sustainable but can be delivered over a shorter time period than traditional methods.
61. The proposed 4 bungalows will all have 2 bedrooms, and the development has been designed throughout to suit residents that require easily accessible, energy efficient accommodation with features including, high levels of insulation, excellent airtightness, level access wet rooms, wide doorways, Air Source Heat pumps, solar PV panels and EV car charging points.
62. Following advice from consultees, the scheme has been amended to address parking numbers, EV charging points, the bin collection location and access. And there are now no objections from any of the consultees including highways. We have also been working closely with Councillor Eddy Adam and we have included the following to respond to his queries:
- The inclusion of 1 EV charger per property
  - We would be happy to place no parking signage on the access road to prevent unlikely event that a car should block the road.
  - We have worked closely with Livin and the highways authority to provide the most suitable location for the bin collection. A refuse vehicle would not be accessing the development as bins will be picked up from Emmerson way to the South.

- We have confirmed that the bungalows meet Nationally described space standards for a 2B/3P bungalow and a site visit and discussion with a resident of a similar development has proved that the arrangement is successful.
63. The bungalows fully conform with the Nationally described space standards at 61sqm, and they are compliant with Approved Document M Category 2 for ambulant disabled residents. The ceilings are high, and the interior of the properties are light and airy. Whilst we acknowledge that the overlooking distances fall below the requirements, The intended residents are to be over 55 and it has been proven that the spaces provided in this configuration offer a good balance between having a private garden and being manageable to maintain for an elderly resident, the bungalows are oriented so that living rooms and bedrooms are not directly across from each other, a planted semi permeable privacy fence has also been provided to further increase privacy levels without being oppressive.
64. We have consulted with highways and Livin to develop the most appropriate Refuse collection location and strategy. Should a resident have specific access difficulties preventing them from taking their bins out, Livin would provide an assistance.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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65. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that regard is to be given to the development plan and decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include the Great Aycliffe Neighbourhood Plan and representations received. The main planning issues for determining the acceptability of the proposal relate to; the principle of the development, impact on the character and appearance of the area, residential amenity, highway safety and parking, and ecology issues.

### **Principle of Development**

66. Policy 6 (Development on Unallocated Sites) of the CDP states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. *are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;*
  - b. *do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;*
  - c. *do 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. *are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;*
  - e. *would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;*
  - f. *have 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. *do 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. *minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;*
  - i. *where relevant, make as much use as possible of previously developed (brownfield) land; and*
  - j. *where appropriate, reflect priorities for urban regeneration.*
67. Policy GANP H1 (In-Fill Developments and Small Sites) requires proposals for new development will be granted for suitable in-fill development and small sites of less than 30 houses where the development is proportionate to the scale of the settlement; it is within the built-up areas; should be well contained; should respect the character and form of the settlement and should clearly relate to part of an established settlement.
68. The site is located within the built-up area of Newton Aycliffe. Policy 6 of the CDP 'Development on Unallocated Sites' is supportive of development proposals providing they satisfy criteria 'a' to 'j' where relevant.
69. Planning Permission is sought for the conversion of three existing garage blocks to create 4no. affordable housing units consisting of two-bedroomed bungalows intended for occupation by residents 55 years old and upwards provided by Livin Housing Association. The outer walls of the garages form the boundary treatments with the majority of the adjoining residential properties and these would be carried through with the development. The existing vehicular access from Bewick Crescent to the north would be utilised as well as a pedestrian only access from Emerson Way to the south.
70. The application site is within a locality regarded as semi-urban with primarily residential properties nearby. The site composes of a larger garage block to the south of the site, two smaller blocks to the northern boundary with a tarmac hardstanding between and is surrounded on all sides by the rear gardens of other residential properties. It is noted that currently only 5 of the 29 garages are rented and it is highly unlikely that they are used for the storage of a vehicle given their dimensions are now incompatible with most modern vehicles. A further garage, in the south-east corner is privately owned, is to be retained and is excluded from the development site on the Site Location Plan. No comments or objections to the proposal have been received from local residents.

71. The erection of four additional dwellings would be compatible with the surrounding area in accordance with criterion a of Policy 6 of the CDP and H1 of the GANP.
72. In terms of criterion b of policy 6, although the site is located within an enclosed area of land to the rear of a number of properties on three sides, the site has its own independent access to the site and would not be considered backland development requiring inappropriate access through residential gardens etc. In other respects the development does not represent ribbon development and there is not considered to be conflict with policy 6b in this regard.
73. The land is of limited visual merit and largely hidden from view in the wider townscape. The proposal seeks to upgrade the buildings and create an improved environment and as such the proposals would not be considered to conflict with policy 6c.
74. Criterion d, e and f are discussed in relevant sections below.
75. Although the provision of garages may be considered to provide a beneficial facility for surrounding properties, it is noted that there is little demand for them in the area. It is further noted that there have been no objections from surrounding residents with regards their loss. As such no conflict arises with part g of the policy 6
76. Policy 6h is discussed below. In terms of criterion i) and j), the proposed would be considered to reflect this element of the policy.

#### Locational Sustainability and Affordable Housing

77. Paragraph 104c of the NPPF advises that opportunities to promote walking, cycling and public transport use be identified and pursued, in turn, paragraph 105 states 'the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'
78. Criterion f) of Policy 6 requires development to have good access by sustainable modes of transport to relevant services and facilities and reflect the size of the settlement and the level of service provision within that settlement which is in line with the aims of the NPPF.
79. The application site is located within close distance to shops, services and public facilities within Newton Aycliffe with a small parade of shops as well as pubs being within 250m, the larger Aycliffe Shopping Centre being slightly further, and several regular bus routes being within 150-300m of the site.
80. Taking the above into consideration, officers consider that the location of the site is within a sustainable location capable of the development proposed, and therefore accords with Policy 6 f) of the CDP.

81. Objective 5 of the GANP seeks to ensure that future developments meet objectively assessed need, including the needs of residents and of good design, including; a) Providing affordable housing, b) Having sufficient suitable older persons' accommodation provided, c) Supporting the development of more two bedroomed accommodations, d) Avoiding small one bedroomed accommodation. (through the use of a multifunctional room), e) Ensuring adequate parking and storage is provided, f) Ensuring the green and open feel is maintained, all new development should include sufficient green space to retain the garden city framework of the 'Beveridge vision' and g) Ensuring all new developments are built to the highest possible energy efficiency standard, incorporating renewable energy measures, such as solar panels, where appropriate.
82. The current social and economic climate has led to an increase in demand for smaller/affordable and social housing. Although elements of this can be incorporated into larger developments, smaller sites such as this can still supply such demand. At the same time, now poorly utilised former garage block sites such as this are no longer in high demand due to their inappropriate size for modern vehicles and can often become the site of, or target of, anti-social behaviour. The development seeks to address both issues by reusing such a site to address the required housing demand.
83. Policy 15 (Addressing Housing Need) of the CDP seeks to ensure an adequate supply of affordable housing. The policy only applies to development sites of 10 dwellings or more and as such this proposal would not have to comply with this requirement. It is further noted that Policy 15 requires sites of 6 or more properties to provide accommodation which meets the Building Regulations Requirement M4(2) for accessibility and adaptable housing standards.
84. The proposed bungalows are specifically designed for older persons, would be constructed to Part M2 specification for accessibility, be able to achieve an 'A' EPC rating and provide compact, yet manageable garden spaces. The bungalows would be fitted with solar voltaic panels to supply the properties and heating would be via Air Source Heat Pump (ASHP). Whilst it is acknowledged that the spacing around the bungalows does not strictly comply with the requirements of the RAS SPD, in such a development as this, this could in fact be considered a positive. This will be addressed further in the relevant section, however it is considered the proposal entirely reflects to priorities of urban regeneration in criteria j of CDP Policies 6, 15, 29, policy H6 of the GANP and Part 14 of the NPPF.

#### Impact on character and appearance of the area

85. Paragraph 124 of the NPPF advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating better places in which to live and work.
86. Policy 6 d) of the CDP states that development should be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 29 relates to sustainable design, and states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents 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; and create buildings

and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.

87. The area is predominately made up of red/brown brick, terraced, two storey dwellings and single storey bungalows, however there are many exceptions to the material palette within the immediate locale including rendered and clad properties. The application proposes conversion of garages, making use of the existing structures on site. Apart from a relatively minor increase in roof height to create a sloped roof finish, the scale of the buildings would remain the same and would not be perceived as an increased concentration of development in the area. The proposal is for 4no. two-bedroomed bungalows, three set out in a terrace formation to the south of the site and the remainder on the north side of the site. The bungalows are virtually identical to one another in terms of dimensions and appearance, with a mono pitched sloped roof along the length of the building, and finished in a mix of render and composite cladding weatherboard providing a contemporary appearance.
88. Each property would have its own small front garden and a privacy fence with planting would run along the centre of the gardens of the facing bungalows. A communal washing drier area, bike storage and bin storage area would be between the dwellings and the parking area, which would be to the east of the site, and would provide 8no. parking spaces as well as a visitor bay. The development would be an obvious modern addition to the estate, and it is considered that the introduction of this variation in materials palette would provide an element of interest in the area, and highlight the new residential use, as opposed to the previous utilitarian appearance of the garages. The overall development would not be readily visible to public view outside of the site itself.
89. Taking the above into consideration, it is considered that the proposed development would accord with Policies 6 and 29 of the CDP and Parts 12 and 15 of the NPPF.

#### Impact upon Residential Amenity

90. Paragraph 130 of the NPPF requires that planning decisions create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policy 31 (Amenity and Pollution) of the CDP displays broad accord with the aims of paragraph 130 in this regard and sets out that 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 and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
91. The proposals are a conversion of existing garage blocks, and apart from minor remodelling of the roof, (raising one end of each of the structures by 1.5 metres and the other by 0.4m), the impact on nearest residents east of the site would be limited,



as the basic relationship is already established. Any antisocial behaviour due to lack of surveillance would be expected to diminish or eliminated with the conversion to residential and provide some level of improvement of public safety to nearest residents. In this regard the reuse of the buildings for residential purposes would be considered acceptable against policy requirements.

92. The application site is located in a predominantly residential area and is not adjacent to a major road or source of significant noise. Whilst it is noted that there would be some disruption during the construction phase of the development, this would be for a short period of time and conditions would be attached to any approval granted regarding a construction management plan and working hours. The Environmental Health (Nuisance Action) team have offered no objection to the proposal, but given the surroundings, have, naturally requested a condition to be added in relation to controlling construction works/hours. This phase is expected to be fairly short given the level of development and as much of the buildings are constructed off-site.
93. In terms of living conditions for new residents, Cllr Adam raised some concerns in regard to the internal dimensions of the bungalows, as well as their spatial relationship with one another.
94. The site is naturally constrained by its relationship with the surrounding properties and their curtilages and as such is a fixed parameter. The bungalows are designed to specifically cater for a demographic where management of a larger garden and household is not desirable. The Nationally Described Space Standard (NDSS) provides guidance for the internal spatial requirements for new dwellings including overall floor area, storage space and bedroom space. In all aspects the proposed bungalows would meet the requirements of the NDSS.
95. Externally, two of the four proposed dwellings would face each other at close distance. However, they are 'handed' in internal layout/window arrangement rather than mirrored so the living rooms do not face each other and a timber/planted privacy screen is proposed which would prevent any direct overlooking. The direct separation distance would be 7 metres, which is a significant shortfall from the RAS SPD requirements of 18 metres between facing windows in bungalows. The individual circumstances in this case, however, provide an opportunity to make good use of low quality building blocks, by improving the appearance and maximising their use for bungalows, where there is an identified shortage through the county.
96. The likely occupancy of older persons, also usefully takes advantage of what would normally be regarded as a substandard residential relationship and allow passive security at the site to the benefit of future residents. It would be for future occupiers to decide whether the benefits of a close neighbour, mutual support and good passive security outweigh the closeness of a separate dwelling. It is considered that the proposal represents another alternative for personal preference, there being traditional semi-detached bungalows and an apartment block for older residents both close at hand on the estate, with the proposals adding to variety and choice. There would be no privacy/overlooking issues in relation to the existing surrounding properties as all of the fenestration for the bungalows is inward facing to the site, with the exception of 1no. high-level window in the east facing elevation of Plot 4. This would not allow views out due to its height above ground level, and in any case

would face onto the remaining private garage, substantial hedgerow and blank gable wall of no. 36 Emerson Way.

97. It is acknowledged there would be some Policy conflict in terms of separation distances, however overall it is considered the to comply with Policies 6, 29 and 31 of the CDP and Parts 12 and 15 of the NPPF.

#### Impact upon Highway Safety

98. Policy 21 (Delivering Sustainable Transport) of the CDP requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
99. Criteria f) of Policy 6 of the CDP states that development will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
100. Policy GANP H5 Provision of In-Curtilage Parking and Storage states that on properties where no garage provision has been made there must be a parking area, in curtilage and suitable provision for bicycle parking and/or storage will be encouraged.
101. Policy GANP T1 Parking Impacts on Existing Infrastructure sets out that development which includes reliance on existing streets shall not impact upon the safety of road users or have an adverse impact the character of the area, and that adequate provision be made in site to cater for parking and access, including visitors, deliveries service vehicles etc.
102. Concerns have been raised by Cllr Adam regarding narrow access to the site and the implications this could have on the future residents themselves, as well as for waste collection, delivery and service vehicles etc. Cllr Adam also considered it appropriate that the access road have parking restrictions applied to it and questioned the lack of EV charging points.
103. The proposal would utilise the existing vehicular access which connects the site to Bewick Crescent to the north. The road is approx. 3 metres in width and as such cannot accommodate two way traffic. The road is bordered by no.'s 97 and 99 Bewick Crescent and their curtilages and as such there is no opportunity to increase the width of the road.
104. Notwithstanding the Cllrs concerns, it is an indisputable fact that the road has served as an access for several decades for 30 garages, seemingly without significant incident. Approach speeds to the access would be minimal given the 90 degree turn required to access the road, which should provide sufficient time for drivers to react to one another, should a 'head to head' meeting present itself. Further it is considered that while the garages were in peak use, (i.e. when they were still fit for purpose), car journeys into and out of the site would have been greater for the number of garages sited there, than for the four proposed dwellings.

105. The Highways team have offered no objection to the proposal in this regard and consider the access road to be acceptable for its intended usage. Standard delivery vehicles e.g. Amazon vans as well as ambulances etc, should be able to manoeuvre in the proposed car park/hardstanding area, whereas larger delivery vehicles would be expected to make their drop offs on foot. In such a scenario this would offer the choice of access from either Bewick Crescent or Emerson Way.
106. With regard to the suggested parking restrictions, the agent for the application is amenable to such measures and it is suggested that some 'No Parking' signage would be added to the entrance of the site, however as of this time the details have not been supplied, and as such would be conditioned.
107. The garages are currently under used with only 5 of the 29 housing association garages being rented. Given the age of the garages and the size of vehicle they were intended to accommodate, it is highly unlikely that those few which are used are being so for the storage of a motor vehicle, and therefore it is not anticipated that the loss of the garages would have an impact on the nearby road network in terms of displacement of cars.
108. The DCC Parking and Accessibility SPD requires EV charging facilities to be provided with residential developments in order to help futureproof such sites. Initially the scheme was not supported by EV charging points as the site does not easily lend itself to such an arrangement with the parking spaces separated from the dwellings. Following discussions with the Highways team, case officer and Cllr Adam, the proposal has been updated to include 4no. chargers and as such is compliant with the SPD, while recognising this is also a requirement under The Building Regulations.
109. The parking SPD requires developers to provide an adequate amount of safe parking appropriate to the scale and location of the development. Two bedroomed dwellings are expected to provide 2no. off-street parking spaces and 1no. visitor parking space per 4 dwellings. Additionally, provision must be made for cycle/mobility scooter parking. As the proposal includes 8no. parking spaces, 1no. visitor space and an allocated bike storage area, the proposal meets the full requirements of the SPD.
110. In light of the above, it is considered that the development would be in accordance with the aims of Policies 6 and 21 of the CDP and Part 9 of the NPPF.

#### Ecology/Nutrient Neutrality

111. Policy 41 (Biodiversity and Geodiversity) restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
112. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration

of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

113. Policy 42 (Internationally Designated Sites) states that development that has the potential to have an effect on internationally designated sites, either individually or in combination with other plans or projects, will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment.
114. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017.
115. Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered. Land identified and/or managed as part of any mitigation or compensation measures should be maintained in perpetuity.
116. Regarding Biodiversity Net Gain, a net gain in biodiversity will need to be achieved by the proposal. No tree/shrub/grass removal would be required to facilitate the development and the proposed landscaping arrangement would result in a BNG of 0.0301 habitat units from the four gardens to be created.
117. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regs), the Local Planning Authority must consider the nutrient impacts of any development proposals on habitat sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality. In this respect Natural England have identified that the designated sites of the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is in unfavourable status due to excess Nitrogen levels within the River Tees.
118. In this instance the development proposes the formation of 4no.dwellings, which would ultimately give rise to additional loading of nitrogen into the Tees catchment. Given the advice provided by Natural England, it is likely that in combination with other developments, the scheme would have a significant effect on the designated SPA/RAMSAR sites downstream both alone and in-combination. The Habitat regulations therefore require the Authority to make an 'Appropriate Assessment' of the implications of the development on the designated sites in view of the sites conservation objectives. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest (IROPI) and the necessary compensatory measures can be secured.
119. Nutrient Neutrality advice is provided by Natural England, including the provision of a Neutrality Methodology. This requires a nutrient budget to be calculated for all types of development that would result in a net increase in population served by a

wastewater system including residential development that would give rise to new overnight accommodation. In utilising the nutrient budget calculator produced by Natural England mitigation is identified as being required in order to achieve Nutrient Neutrality as the total annual nitrogen load to mitigate is 5.29kg TN/year. The application has been successful in reserving 5.29 credits from Natural England and has supplied its provisional certificate as part of the planning application. The Nutrient Neutrality Budget Calculator has been reviewed by the Ecology Team who are satisfied that the correct number of credits have been reserved by the development via Natural England in order to mitigate the proposals impact upon the Teesmouth and Cleveland Coast Special Protection Area/Ramsar to an acceptable level.

120. Subject to a condition to secure the submission of the completed Nutrient Neutrality Certificate from Natural England prior to the commencement of the development, the proposal would be in accordance with Policies 41 and 42 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework. The Authority can also satisfy itself under its obligations under the Conservation of Habitats and Species Regulations 2017 (as amended) and ensure that protected sites would not be adversely affected by the development.

#### Contaminated Land

121. Paragraph 178 of the NPPF advises that planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) of the CDP requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
122. The Environmental Health (Contaminated Land) officer confirmed that due to the site changing to a more sensitive use that a Phase 1-3 land contamination scheme is required to be conditioned, as well as Phase 4 remediation strategy. These conditions would be pre-commencement in nature and would require the submission of a Discharge of Condition application(s).
123. It is considered with the inclusion of the appropriate conditions that the proposed development would accord with Policy 32 of the CDP and Part 15 of the NPPF.

#### Drainage

124. 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.
125. 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.

126. The proposed development would be connected to the mains sewer for the disposal of foul sewage and surface water would be connected to a soak away if the ground is suitable, alternatively surface water would also be connected to the main sewer. The car parking area would be laid with tarmac and there are areas of paving proposed around the perimeter of the dwellings. Although briefly mentioned in the Design and Access Statement, details of any permeable paving or attenuation systems are not provided and therefore a condition will be attached to any approval granted requesting specific details of the proposed hardstanding areas. It is therefore considered taking into consideration the proposed condition that the development would accord with Policies 35 and 36 of the CDP.

#### Broadband

127. Policy 27 requires all new residential and commercial development to be served by a high-speed broadband connection. This would need to be directly accessed from the nearest exchange and threaded through resistant tubing to enable easy access to the cable for future repair, replacement and upgrading. Where it can be demonstrated that this is not appropriate, practical or economically viable, developers would be encouraged to provide appropriate infrastructure to enable future installation.
128. The development would be located in a residential area. Similar requirement in terms of broadband connectivity and broadband connectivity would be delivered in this wider context. Details have been provided regarding the proposed broadband installation for the site which are considered acceptable. As such it is considered there would not be any significant constraints to delivering the connectivity in accordance with the requirements of Policy 27 of the CDP.

#### Additional matters

##### Fire safety

129. The proposed properties would be fully compliant with Part B of the Building Regulations in relation to fire safety requirements, with the inclusion of the appropriate smoke alarms, however it is further proposed that they would be fitted with sprinkler system fire suppression equipment (Automist) which would enhance the safety of the future occupiers in the event of a fire.

##### Public Sector Equality Duty

130. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.

131. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## CONCLUSION

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132. It is considered that the benefits associated with the creation of four bungalows, where there is an countywide demand for such dwellings, in a highly sustainable location of innovative design, improving the visual amenities of the area are deemed to weigh significantly in favour of the proposal.
133. The adverse impact of the proposal relating to substandard levels of amenity for future residents provide weight against the proposal. The amenity standards however cannot be improved given the site characteristics and nature of the proposals to convert existing builds. Given that the overall aim is to bring existing buildings back into a beneficial use, meeting with national and local planning aspirations for affordable housing in sustainable locations, the adverse impacts identified would not significantly or demonstrably outweigh the benefits.
134. The proposal has not generated public interest with no letters of comment or objection received, save for that by Cllr Adam. The concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions.
135. Overall, it is considered that the proposal is acceptable and complies with Policies 1, 6, 15 21, 27, 29, 31, 32, 35, 36, 41 and 42 of the County Durham Plan, Policies H1, H3, H5, H6 and T1 of the Great Aycliffe Neighbourhood Plan and Parts 2, 4, 5, 8, 9, 10, 11, 12, 14 and 15.

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## RECOMMENDATION AND CONDITIONS

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That the application be **APPROVED** subject to the 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 accordance with the following approved plans.

Location Plan	ST-01-A-0005 P03	22/11/23
Boundary Plan	ST-01-A-0510 P05	06/10/23
Existing and Proposed Elevations	EL-01-A-0300 P05	06/10/23
Proposed Roof Plan	ST-01-A-0600 P01	06/10/23
Compliance Diagram	YY-A-0012 P01	06/10/23
Proposed Site Plan	ST-01-A-0500 P08	30/01/24

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 6, 21, 27, 29, 31, 32, 35, 36, 41 and 42 of the County Durham Plan and Parts 2, 4, 5, 8, 9, 10, 11, 12, 14 and 15 of the National Planning Policy Framework.*

3. Prior to the commencement of works a full Nutrient Neutrality certificate shall be submitted to the Local Planning Authority.

*Reason: In order to ensure proper nutrient control of the site and to comply with the NPPF and Policy 43 of the County Durham Plan.*

4. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

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

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

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

6. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- A Dust Action Plan including measures to control the emission of dust and dirt during construction and demolition.
- Details of methods and means of noise reduction/suppression.
- Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
- Designation, layout and design of construction access and egress points.
- Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.



- Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
- Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
- Details of the erection and maintenance of security fencing.
- Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- Management measures for the control of pest species as a result of demolition and/or construction works.
- Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies 6, 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

7. Before the dwellings hereby approved are occupied the domestic highway access crossing and parking spaces shall be constructed to highways standards in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

*Reason: In the interests of highway safety in accordance with Policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

8. Prior to the first occupation of the development hereby approved the bin collection point on Emerson Way as shown on the Proposed Site Layout Plan drg no. ST-01-A-0500 P08 (received 30/01/24) shall be constructed and completed and be made available for use.

*Reason: In the interests of visual amenity and highway safety in accordance with Policies 6, 21 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.*

9. Prior to the first occupation of the development hereby approved the EV charging units shown on the Proposed Site Layout Plan drg no. ST-01-A-0500 P08 (received 30/01/24) shall be installed and be made available for use.

*Reason: In the interests of development futureproofing and highway safety in accordance with Policies 6 and 21 of the County Durham Plan and Parts 9 and 15 of the National Planning Policy Framework.*

10. Prior to the first occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

11. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

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

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

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

12. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

13. No development shall commence until full drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme will include details of how surface water will be dealt within in site including any attenuation pipe, attenuation crates and porous/permeable paving.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies 35 and 36 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

14. Before the dwellings hereby approved are occupied a means of notification of parking restriction along the access road shall be submitted to, and agreed in writing with the Local Planning Authority.

*Reason: In the interests of highway safety in accordance with Policies 6 and 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.*

15. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouse(s) shall be submitted to and approved in writing by the Local planning authority.

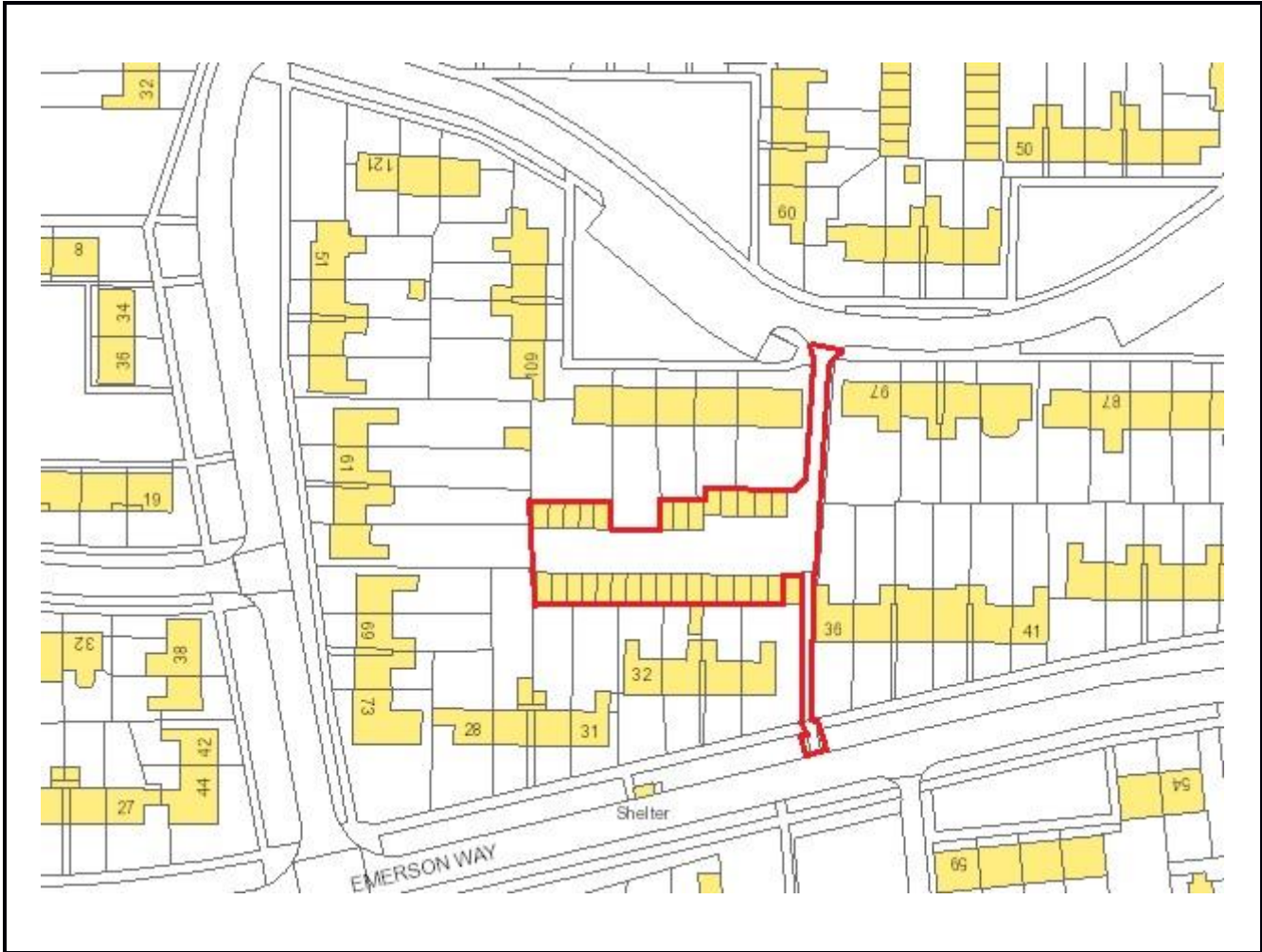
*Reason: In order that the Local planning authority may exercise further control in this locality in the interests of the visual amenity of the area and to comply with Policy 29 of the County Durham Plan.*

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## **BACKGROUND PAPERS**

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- Submitted application form, plans, supporting documents and subsequent information provided by the applicant
- Statutory, internal and public consultation responses
- The National Planning Policy Framework
- National Planning Practice Guidance Notes
- County Durham Plan (2020)
- Residential Amenity Standards SPD (2023)
- Parking and Accessibility SPD (2023)
- Great Aycliffe Neighbourhood Plan



**Planning Services**

Conversion and alteration of existing garages to form 4no. bungalows including bin collection hardstanding  
 Garage Block, Bewick Crescent, Newton Aycliffe  
 Ref: DM/23/02935/FPA

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<b>Comments</b>		
<b>Date</b> 22 February 2024	<b>Scale</b> Not to Scale	