



## Area Planning Committee (South and West)

**Date** Thursday 17 March 2016  
**Time** 2.00 pm  
**Venue** Council Chamber, Council Offices, Spennymoor

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 18 February 2016 (Pages 1 - 2)
5. Applications to be determined
  - a) DM/15/03900/FPA and DM/15/03901/LB - Auckland Castle, Market Place, Bishop Auckland (Pages 3 - 26)  
Erection of restaurant and new greenhouses within walled garden
  - b) DM/16/00117/FPA - Land to the south of St John's Presbytery, Sedgefield (Pages 27 - 44)  
2 storey dwelling
  - c) DM/15/03923/FPA - Nursery Garage, Stangarth Lane, Staindrop (Pages 45 - 58)  
Demolition of garage building and erection of dwelling with car port and garage (amended plans received 22/02/16)
  - d) DM/16/00020/FPA - Gorst Hall Gardens, Stangarth Lane, Staindrop (Pages 59 - 72)  
Demolition of existing buildings and erection of 2no. detached dwellings with garages
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham  
9 March 2016

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

Councillor M Dixon (Chairman)  
Councillor H Nicholson (Vice-Chairman)

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson,  
E Huntington, C Kay, S Morrison, A Patterson, G Richardson,  
L Taylor, C Wilson and S Zair

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**Contact: Jill Errington**

**Tel: 03000 269703**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 18 February 2016 at 2.00 pm**

**Present:**

**Councillor M Dixon (Chairman)**

**Members of the Committee:**

Councillors H Nicholson (Vice-Chairman), B Armstrong, D Bell, J Clare, K Davidson, E Huntington, S Morrison, A Patterson, G Richardson, L Taylor and C Wilson

**Also Present:**

S Pilkington – Senior Planning Officer  
C Cuskin – Solicitor – Planning and Development

**1 Apologies for Absence**

Apologies for absence were received from Councillors C Kay and S Zair.

**2 Substitute Members**

There were no substitute Members.

**3 Declarations of Interest**

Councillor C Wilson declared an interest in Agenda item 5(a). The Member advised that she wished to address the Committee in support of the proposals and would withdraw from the meeting during consideration of the application.

**4 Minutes**

The Minutes of the meeting held on 21 January 2016 were agreed as a correct record, subject to Councillor E Huntington being added to the list of apologies for absence. The Minutes were signed by the Chairman.

**5 Applications to be determined**

**a DM/15/02958/FPA - Land to Rear of East Green Care Home, 3 East Green, West Auckland**

Consideration was given to the report of the Senior Planning Officer regarding an application for the erection of 10 no. dwellings on land to the rear of East Green Care Home, 3 East Green, West Auckland (for copy see file of Minutes).

S Pilkington, Senior Planning Officer gave a detailed presentation on the application which included photographs of the site and the proposed layout.

The Officer advised of an amendment to paragraph 27 of the report which should read that the County Durham Plan had been withdrawn from examination.

Councillor C Wilson, local Member addressed the Committee in support of the application. The Member advised that a number of complaints had been received by the Police and herself regarding anti-social behaviour in the surrounding area. The proposed development would be welcomed by residents and visitors to West Auckland, and would enhance the area. The Member had only received positive comments from local residents who were pleased that the site would be improved.

Councillor Wilson left the meeting.

The Officer was asked by the Chairman to comment on flood risk mitigation. The Committee was informed that the majority of West Auckland was within flood zone 3a, and there were flood defences in the form of a floodwall on the bank of the River Gaunless which would protect the site and surrounding properties. The Environment Agency had raised no objection to the application on flood risk grounds subject to mitigation measures, and the proposed increased finished floor levels would be sufficient to meet a 1:200 year flood event. The Council's Drainage Section and Northumbrian Water had offered no objections subject to conditions to resolve final surface and foul water disposal.

Councillor Richardson advised that on a visit to the site he had observed that the land in its current state was unsightly. The proposed development would improve the site and he moved approval of the application.

Councillor Huntington referred to the lane to the rear of the properties which she was concerned may attract anti-social behaviour. The Senior Planning Officer advised that the proposed footpath was not a through route and was a private footway which would give residents access to the gardens to the rear of their properties.

In agreeing with Councillors Wilson and Richardson, Councillor Armstrong considered that this was a blight site which would be improved by the development of 10 houses, would secure £10,000 towards the maintenance and provision of public open space in the proximity of the site, and would create employment. The Member seconded approval of the application.

**Resolved:**

That the application be approved subject to the completion of a Section 106 Legal Agreement to secure the provision of one affordable housing unit and a contribution of £10,000 towards the maintenance and provision of public open space in the proximity of the site.



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/03900/FPA and DM/15/03901/LB
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of restaurant and new greenhouses within walled garden.
<b>NAME OF APPLICANT:</b>	Auckland Castle Trust
<b>ADDRESS:</b>	Auckland Castle, Market Place, Bishop Auckland, DL14 7NR
<b>ELECTORAL DIVISION:</b>	Bishop Auckland Town
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located within the grounds of Auckland Castle, a Grade I Listed Building set within a Grade II\* Registered Park and Garden. The site is located directly to the south of the Castle, adjacent to the main entrance and the Broadwalk which provides vehicular access to the castle and public access to the parkland. The site consists of walled gardens, which are Grade II listed and measuring 1.63ha in area. To lies within the Bishop Auckland Conservation area, while the town centre lies to the north east. Commercial and residential properties are located within close proximity of the application site, a number of which are Listed.
2. There is currently no general access to the walled garden, which does not form part of the publically accessible Castle grounds. A pronounced level change across the application site is evident with the land falling 17m in a southern direction towards the river Gaunless. The site is visible from Durham Road to the west, through a tree lined embankment.

#### The Proposal

3. This application seeks planning permission and listed building consent for the erection of a restaurant building and glasshouse, together with the formation of new productive winter gardens. The restaurant would primarily used by visitors of

the Castle, Museum and Parkland and is likely to be open 9am until 4pm 7 days a week. It is also intended to hold events and functions at the site. Repair works to elements of the existing walled garden are also proposed as part of the scheme along with the introduction of a new access, formation of terraces and the removal of some historic structures, including a disused pinery/vinery.

4. The combined restaurant and greenhouse building would be enclosed within a glazed 'bubble' structure. This would consist of 13 interconnecting bubbles shapes, constructed from glass fixed over a lightweight web of steel measuring approximately 20m in length by 16.8 in width with a maximum height of 11.5m. The partially underground restaurant element would measure a maximum of 33m in length by 13.6m in width with an internal ceiling height of 3m. The restaurant would measure a total of 180sqm in area with 160sqm of kitchen and ancillary space. The greenhouse would measure 150sqm and there would be a multi-function mezzanine level (70sqm). A lift link would be provided from the adjacent elevated Broadwalk, to provide service and disabled access. The principal access would be provided via a refurbished stone stair case known as the Bishop's Stair. A secondary free standing bubble structure is proposed measuring 40m<sup>2</sup> in area to the east of the principal structure.
5. The existing Broadwalk would be cleared of vegetation and adjusted in level. It is also proposed to resurface the Boardwalk and re-introduce a camber that had been lost though previous resurfacing and repairs. The existing cobbled setts along the western edge of the Boardwalk in the proximity of the Robinson Arch would also be lifted and re-laid.
6. The development proposals form part of a number of significant schemes being developed by the Auckland Castle Trust at the present time in and around Bishop Auckland that are intended to increase the visitor attraction offer in the town. Some of the developments at the Castle are at an advanced stage having received planning permission and are intended to initiate wider heritage led Town Centre regeneration as part of the vision to make Bishop Auckland Castle a key visitor destination and sustain its long term future. This development also provides an opportunity to remove the catering facilities from the main castle itself which do not meet the current need and compromise the layout and function of the building.
7. This application is being reported to Planning Committee as it falls within the definition of a major development involving a site area exceeding 1 ha.

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## **PLANNING HISTORY**

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8. There is an extensive planning history to the site, and most recently planning permission and listed building consent has been granted for an extension and refurbishment of the castle. Planning permission has also been granted for the erection of a welcome building and viewing tower off the market place. Listed building consent has been granted for the refurbishment of elements of the existing walled garden including the repair of the perimeter brick walls.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
12. *NPPF Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
13. *NPPF Part 7 – Requiring Good Design.* 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.
14. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
15. *NPPF Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
16. *NPPF Part 11 – 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 and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible,

contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

17. *NPPF Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

18. 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; conserving and enhancing the historic environment; design; determining a planning application; flood risk; health and well-being; land stability; light pollution; natural environment; noise, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<http://planningguidance.planningportal.gov.uk/>

#### **LOCAL PLAN POLICY:**

##### Wear Valley District Local Plan 1997 (WVDLP)

19. *Policy GD1 - General Development Criteria* - Identifies that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
20. *Policy ENV4 - Historic Parkland Landscapes* – Identifies that within the areas of landscape value the council will protect and enhance the historic parkland landscapes at Auckland Castle Park. Development will not be allowed which will detract from the special historic character, landscape qualities and nature conservation interests of the parks.
21. *Policy BE1 - Protection of Historic Heritage* - Seeks to conserve the historic heritage of the area by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
22. *Policy BE4 - Setting of a Listed Building* - Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.



23. *Policy BE5 - Conservation Areas* – Sets out that the character of Conservation Areas will be protected from inappropriate development.
24. *Policy BE6 - New Development and Alterations* – Sets out that the Council will permit new development and alterations within Conservation Areas provided it preserves or enhances the character of the area in terms of scale, bulk, height, materials, colour, vertical and horizontal emphasis and design; and the proposal will use external building materials which are appropriate to the conservation area.
25. *Policy BE17 - Areas of Archaeological Interest* - Requires a pre-determination archaeological assessment where development affects areas of archaeological interest. Where possible the remains will be preserved in-situ.
26. *Policy TM1 - Criteria for Tourist Proposals* – Sets out that the Council will encourage schemes which provide tourism facilities provided that are of a scale and intensity compatible with their surroundings, can be absorbed into the landscape, safeguard nature conservation interests, can be accessed safely, adequate parking facilities are provided and the scale of the development does not affect the amenities of local residents.
27. *Policy T1 - General Policy, Highways* - All developments which generate additional traffic will be required to fulfil Policy GD1 and : provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>*

#### **EMERGING PLAN:**

28. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

29. *Historic England* – Has no objections, advising that the walled garden is an important element in the significance of the grade II\* registered park and garden of Auckland Park. It is advised that the proposal introduces a contemporary take on walled gardens that reflects and is sympathetic to its historic character. In doing so its contribution to the significance of the registered parkland and the public

appreciation of Auckland Castle is greatly enhanced in line with NPPF aims. Conditions are recommended to control the quality of the finished scheme.

30. *Highway Authority* – Has no objection, advising that the location is sustainable being in close proximity to the Market Place and walking distance to car parks and public transport.
31. *Northumbrian Water* - Offer no comments on the planning application.
32. *Coal Authority* – Has no objections but recommend a condition requiring further site investigation work and mitigation measures where appropriate.
33. *Bishop Auckland Town Council* – No comments received.
34. *The Garden History Society* – No comments received.

#### **INTERNAL CONSULTEE RESPONSES:**

35. *Design and Conservation Section* – Has no objections, advising that the walled garden of Auckland Castle is an intrinsic part of the significance of the wider estate and plays a considerable role in linking together a series of spaces and in the setting of nationally significant listed buildings. Whilst the loss of rare and significant fabric in the form of the former pinery/vinery structures is regrettable, mitigation is proposed in the form of recording which will also advance the understanding of such structures and wider garden history. A clear argument of the public benefits associated with this scheme has been presented which considerably outweigh the less than substantial harm caused by the proposal ensuring conformity with NPPF guidance. The proposed design solution is a contemporary take on walled gardens and their form and evolution. It is highly ambitious and in places slightly experimental but is firmly rooted in the history of engineered garden structures which is so much a part of the history of Britain. This bold approach is to be welcomed, although the immediate impact should not be underestimated. Robust conditions are required should the application be approved to ensure that the promise of the development is delivered in reality.
36. *Landscape Section* – Has no objection advising that the development would be consistent with the character of walled gardens of this type. While the form of the new building doesn't reflect the language of the built form around it, or the rectilinear grain of the walled garden itself, it would have an organic quality that would visually associate with the tree canopies of the surrounding parkland landscape. The existing vegetation along the Broadwalk is the result of sporadic and unplanned planting which creates visual clutter and obscures the Wyatt screen, but also gives an organic foil to the surrounding architectural order. It is advised that while not part of an original design, the trees have been planted as a response to the space in the past and their loss may be strongly felt by those who have an attachment to the castle and park. It is recommended that adopting a phased approach to re-structuring the planting.
37. *Archaeology Section* – Advise that although the proposed scheme would result in substantial harm to some heritage elements of the Walled Garden, including the demolition of the pinery/vinery structures there are substantial public benefits

arising from the proposed scheme in accordance with NPPF. Conditions are recommended in relation to archaeological recording of the site,

38. *Environmental Health (Pollution Control)* – Raise concerns about the potential for noise generation from the building due to its proposed use for events and functions in addition to the intended restaurant use. It is recommended that a conditional approach be adopted requiring a noise mitigation/management plan to be submitted informed by a noise impact assessment. Conditions to control the impacts of the construction phase of the development are also recommended.
39. *Ecology Section* – Advise that the development is unlikely to impact on protected species, however the mitigation detailed in the submitted in the bat survey report should be secured by condition.
40. *Environmental Health (Land Contamination)* – Advise a conditional approach to deal with potential land contamination.
41. *Drainage and Costal Protection Section* – Advise that full details of the means of surface water drainage from the site should be controlled by condition ensuring the use of sustainable drainage techniques and limiting run off rates.

#### **PUBLIC RESPONSES:**

42. The application has been publicised by way of press and site notices, and individual letters to neighbouring businesses and residents. Two letters have been received one raising objections and one offering support for the scheme.
43. The letter of objection relates to the lack of car parking within the vicinity of the site which leads to parking on the public highway and neighbouring residential streets. It is suggested that increased traffic would make this situation worse. It is recommended that residents parking permits should be introduced.
44. The letter of support identifies that the development will retain the historic elements of the gardens but bring their use into the 21<sup>st</sup> century, attracting visitors to the town and the enjoyment of town residents.

*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: <http://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan> and <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NZJNMQGDFR500>*

#### **APPLICANTS STATEMENT:**

45. Auckland Castle Trust envisage that The Walled Garden redevelopment will be one of the key elements that will drive visitor numbers for the Castle. Not only will the planted garden area be an attraction but the new greenhouse structures and dining opportunity will considerably add to the overall castle offer.
46. The Walled garden will also need to deliver a significant contribution to the overall running costs of the Castle estate and assist in making the Castle sustainable in the long term.
47. The Walled Garden is being brought back into use through a number of key steps

- a. The refurbishment of the walls, the majority of which has now been completed.
- b. The construction of a stunning modern interpretation of a greenhouse designed by the Japanese architects Sanaa along with a new restaurant.
- c. The re planting of the garden with plants, fruit trees and vegetables. The produce from the gardens will be utilised within the catering facilities across the castle estate.

48. Auckland Castle Trust are confident that The Walled Garden will add to the attractiveness of the castle to a wider audience and with the changing of the seasons and appropriate planting add to the chances of repeat visits.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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49. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the principal planning issues relate to the principle of development, visual impact and impact on heritage assets, the amenity of adjacent land uses, highway safety, ecology and other issues.

### The Principle of Development

50. Saved Policy TM1 of the Wear Valley District Local Plan (WVDLP) sets out that schemes which provide tourism facilities will be considered acceptable in principle, subject to a scrutiny of their potential impacts. These detailed impacts are assessed below, but the expansion of the existing tourism attractions in this location is considered acceptable in principle and supported by Local Plan TM1.
51. Paragraph 215 of the NPPF sets out that local planning authorities are only to afford existing local plan policies weight insofar as they accord with the NPPF (the greater consistency, the greater the weight that may be given). In this respect it is considered that policy TM1 is consistent with the NPPF which also seeks to promote tourism development in appropriate locations. Significant weight can therefore be afforded to policy TM1 in the decision making process.
52. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. In assessing the development in this context, it is recognised that the proposal has the opportunity to significantly contribute to the economic, social and environmental roles of sustainable development.
53. The proposal is one of a number of significant schemes being developed by the Auckland Castle Trust at the present time in and around Bishop Auckland that are intended to increase the visitor attraction offer in the town. The proposed development forms an integral part of this wider package of proposals and is considered likely to have a positive impact on the vitality and viability of the town centre in line with the aims of the Local Plan and the NPPF.

54. In addition to this a key component of the Auckland Castle project is the intention to develop a sustainable strategy to contribute to the overall financial viability of the Trust's attractions going forward. The revenue generated from the proposal would be reinvested into the wider site managed by Auckland Castle Trust helping to safeguard key heritage assets, and contributing significantly to the environmental dimension of sustainable development.
55. The development of a tourist facility in this location is therefore considered acceptable in principle when assessing against Local Plan policy TM1 and has the potential to significantly contribute to the economic, social and environmental dimensions of sustainable development set out in the NPPF subject to a detailed analysis of the impacts of the development.

#### Visual Impact and Impact on Heritage Assets

56. WVDLP policies BE1, BE4 and BE5 seek to preserve the historic environment, particularly the character and appearance of Conservation Areas, the setting of Listed Buildings and the protection of historic parklands. These policies reflect the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S66 requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. S72 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. These policies are considered broadly consistent with the NPPF which seeks to conserve or enhance heritage assets in a manner appropriate to their significance and putting them to viable uses consistent with their conservation, while recognising some level of harm can be considered acceptable in the planning balance. Policies BE1, BE4 and BE5 of the WVDLP can therefore be afforded significant weight in the decision making process.
57. The Auckland Castle complex, archaeology and surrounding parkland all combine to make the site of regional and national significance. It contains numerous heritage designations including the grade I listed principal palace buildings, as well as a range of other grade I and II listed structures, the impact on which needs to be considered. The site also lies within the recently reviewed Bishop Auckland Conservation Area which is covered by an adopted conservation area appraisal. The entire site along with the associated buildings lie within the grade II\*Auckland Castle historic park and garden.
58. The walled garden itself is grade II listed that has evolved over time as gardening practices and fashions have changed. This is closely associated to the national horticulture practices of previous Prince Bishops and their growth of exotic fruits. The vinary/pinery arrangement is an example of technical innovation of its time and although this has been largely lost the remaining structures have considerable evidential value. The aesthetic value of the walled garden, in particular its contribution to wider designed views is of high value, because of the prominent location of the garden in relation to the main building.
59. In assessing the impact of the development the Council's Design and Conservation Section note that the walled garden is an intrinsic part of the significance of the wider estate. It is accepted that there will be loss of rare and

significant fabric in the form of the former pinery/vinery structures. As part of the scheme although the intended recording of the site will provide some compensation and advance the understanding of such structures and wider garden history. It is considered that a clear and convincing argument of the public benefits associated with this scheme, including the increased public access and securing heritages assets of greater significance, has been presented which considerably outweighs the less than substantial harm caused by the proposal.

60. From a design perspective the proposed building would be bold and innovative but it is considered to provide an appropriate contemporary take on walled gardens and their form and evolution. The Design and Conservation Section advise that this approach is welcomed in the context of the site although the detailing will be important and conditions are recommended to ensure that the quality of development is delivered.
61. Historic England, the statutory consultee for applications of this nature also support the scheme noting that the retention of the pinery/vinary remains was not possible in part due to the need to site the glass house away from the line of the main entrance of the Castle. It nevertheless advises that the overall impact upon heritage assets is viewed as overwhelmingly positive as the restaurant would be a key component of the new use of the site and its design is innovative and engaging. It is advised that the proposals accord with sections 58 and 131 of the NPPF, which recognises the benefits that conservation and new design can make to local communities and the economy.
62. In respect of the impact on landscape character, including the registered parkland, the Councils' Landscape Section advise that the development would be consistent with the character of walled gardens of this type. While the form of the new building doesn't reflect the language of the built form around it, or the rectilinear grain of the walled garden itself, it would have an organic quality that would visually associate with the tree canopies of the surrounding parkland landscape. On balance the effect of adding an iconic greenhouse structure to the walled garden is considered to have a beneficial impact on its character and appearance and would not be out of keeping with the character of the extended registered park. The tree clearance and reinstatement works on the Broadwalk would introduce a noticeable change to the public approach around the Castle. However the existing trees and shrubs have largely arisen out of unplanned and sporadic planting which has not had due regard to the historic setting and pattern of the Castle. The move towards earlier known lines and spaces is therefore welcomed although it is accepted that the loss of the familiar may not be universally well received by those using the Park. It is recommended that a phased approach to removal, re-structuring and planting along the Broadwalk is adopted.
63. In terms of Archaeology, Local Plan Policy BE17 and part 11 of the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. In this respect it is highlighted that the site is considered likely to yield significant archaeological evidence of past activity. Accordingly the applicant has submitted an Archaeological Evaluation, which has been informed by trial trenching and ground works. In appraising the submitted reports the Councils Archaeology Officer advises that the Auckland Castle Trust's approach to below ground archaeology and the recording of the pinery/vinary

structures is appropriate. A condition requiring further investigation and recording is recommended.

64. In appraising the scheme against the above policy context taking into account the advice of statutory and internal consultees received, it is considered that the applicant has robustly set out why the development proposals have been pursued in this form. The driving force has been the reduction of pressure on the most significant elements of the estate and the careful balancing of the need for commercial and support activities required for such a business and attraction. It is recognised that less than substantial harm would arise through elements of the development proposals, including the loss of the pinary/vinary structures and changes to the historic setting of the site. However the overall balance is considered positive and the design represents an appropriate addition to the historic environment. Through a programme of repair and restoration supplemented by the construction of new facilities, the Walled Garden would be brought back into use and opened up to the public. This would give it a long term viable use, yield an income stream for its maintenance and provide facilities that would be difficult to accommodate elsewhere in the Castle complex without causing greater harm to heritage assets of higher significance. The proposal is therefore considered to conform to policies GDP1, BE1, BE4, BE5, BE6 and BE17 of the WVDLP and part 11 of the NPPF in this respect.

#### Residential Amenity

65. Policy GDP1 of the WVDLP requires that consideration be given to the potential impacts of development on the amenity experienced by surrounding land users, particularly residential dwellings. While policy TM1 sets out that the scale and intensity of tourism facilities should be compatible with their surroundings. These policies are considered NPPF compliant with a core planning principle at paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 11 of the NPPF requires developments to avoid noise giving rise to significant adverse impact on health and quality of life.
66. In this respect the proposed building would be located approximately 100m from the nearest non-involved residential property. Concerns have been raised by the Council's Environmental Health Section in relation to the potential for noise generation from the building given its proposed use for events and functions in addition to the restaurant use. In this respect the applicant has advised that there may be instances when functions extend until midnight and that it is anticipated that there would be at least one function per week over and above the restaurant use. The proposed floor layout identifies that the majority of the function space would be set under a mezzanine floor in an underground element, enclosed by a glass screen. This would help in controlling noise escape although it is recognised that the more open elements of the building could propagate noise. Responsible management of the building will be a key factor in preventing the creation of nuisance. As such it is recommended that a condition be imposed requiring the implementation of a noise management plan that aligns with the required premises licence, informed by a noise impact assessment. It is advised by the Council's Environmental Health Section that appropriate mitigation would be achievable, which may include restricting certain activities at specific locations within the building.

67. Although the proposed developments would facilitate an increase in visitor numbers to the castle complex it considered that there would be unlikely to be any significant increase in noise and disturbance given the current visitor attractions on the site, including and within the publically accessible historic park land. Visitors to the facilities would also arrive mainly on foot as now. The site is also situated within the town centre market place where there is an active night time economy with an established level of noise and disturbance.
68. It is recognised that the Environmental Health Section has additional controls outside of planning that deal with noise nuisance and other construction related disturbances. However, given the proximity of neighbouring residential properties and the extensive ground works required in association with the proposal it is considered that some form of planning control is necessary. It is therefore recommended that a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties is submitted.
69. Overall subject to the above conditions it is considered that the development would not give rise significant adverse impact on neighbouring land users and therefore would comply with policies GDP1 and TM1 of the WVDLP and part 11 of the NPPF in this respect.

#### Highway Safety

70. WVDLP Policies GD1 and TM1 require that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. These policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application.
71. The site is accessed from the public highway via the Robinson Archway and Broadwalk, this existing internal highways layout would serve the proposed development without modification. The Council's Highways Authority offer no objections to the scheme in this respect and there a significant number of public car parks across the town centre that can be utilised to access the site and there are also traffic regulation orders to restrict on street car parking nearby.
72. Whilst local residents concerns are noted in relation to potential overspill of parking onto residential streets, given the lack of objection from the Highway Authority this matter is not considered sufficient to resist the application. Car parking within the town centre is available and a car park is being adapted and extended to serve Auckland Castle developments.
73. It is recommended that further consideration is given to construction access arrangements, to prevent the blocking of the highway and secondly to protect the integrity of Listed structures in proximity of the access. It is proposed to deal with this matter by condition, recognising that consideration of a separate application for a temporary access through the Historic Parkland is currently being considered.



74. Overall the development is considered to be served by an appropriate level of car parking within the Town Centre and conforms to policies GD1 and T1 of the WVDLP and NPPF in this respect.

#### Flooding and Drainage

75. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where.
76. The application site is located within flood zone 1 with the lowest probability of flooding. A drainage strategy has been submitted along site the application highlighting that surface water will be stored in an attenuation tank and utilised in the irrigation of the garden. The remained will be discharged to the river Gaunless at a greenfield run off rate. The Council's Drainage and Coastal Protection Section offer no objections to this approach subject to a condition requiring the full detailing of the final system. Waste water would connect to the existing main sewerage network, Northumbrian Water offer no comments on the application.

#### Ecology

77. Paragraph 11 of the NPPF requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the Councils Ecology Section offers no objection to the scheme advising that application has adequately assessed the risk of protected species, which considered acceptable subject to the mitigation detailed the Ecology report. The proposed mitigation includes the implementation of a method statement restricting works to the existing wall between May to August and November to March. Therefore, it is considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010. A licence from Natural England would not be required in relation to the proposed works.
78. The application site lies within the Coal Authorities High Risk Area in relation to previous coal mining activity. The Coal Authority recommends that further investigative works should be undertaken to identify whether any mitigation is required to stabilise the land. A condition requiring further site investigation work and mitigation measures where appropriate is recommended.
79. The application has been screened by the Council's Contaminated Land Officer, who advises that given the nature of the proposal and historical uses a conditional approach to deal with potential land contamination would be appropriate.

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## CONCLUSION

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80. The scheme is one of a number of heritage led proposals by the Auckland Castle Trust intended to facilitate the development of the Castle and wider regeneration of the Market Place to increase its cultural economic and social performance. The proposal has been considered against relevant policies of the development plan and the NPPF and is considered to provide a development of high architectural quality that can be successfully integrated within the surrounding Historic Environment in design terms.
81. While the proposed development would have some negative impacts on the historic environment, including the removal of existing pinary/vinary structures these are considered to represent less than substantial harm when tested against NPPF guidance. When considered in the context of the substantial public benefits which result from these proposals including sustaining it in beneficial use and affording access to internationally important cultural facilities then the degree of harm is considered to be justified.
82. The proposal safeguards nature conservation interests and is acceptable in highway safety terms subject to the recommended conditions. Subject to a scheme of further archaeological recording and monitoring any potential harm in this respect could also be satisfactorily mitigated. The scheme would also deal with any potential unstable land subject to further site investigation work and mitigation measures secured by condition. The works are essentially contained within the existing castle complex and subject to developing a noise mitigation/management plan the development would safeguard residential amenity.

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## RECOMMENDATION

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That the application is **Approved** subject to the following conditions:-

That the application DM/15/03900/FPA is **Approved** subject to the following conditions:-

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

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

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

Walled Garden Master Plan, Drwg no. 400 rev D, dated 26<sup>th</sup> August 2015  
Walled Garden Master Plan, Drwg no. 401 rev D, dated 26<sup>th</sup> August 2015  
Irrigation layout, Drwg 404 rev A, dated 11<sup>th</sup> December 2015  
Auckland Castle Walled Garden Mezzanine Level Plan, Ref 201  
Auckland Castle Walled Garden Restaurant Level Plan, Ref 202  
Auckland Castle Walled Garden General Section, Ref 210  
Auckland Castle Walled Garden General Section, Ref 211

Auckland Castle Walled Garden Restaurant Level Plan, Ventilation, Ref 250  
 Auckland Castle Walled Garden Restaurant Floor Finishes, Ref 255  
 Auckland Castle Walled Garden Handrail Detail, Ref 301  
 Auckland Castle Walled Garden Bubble Envelope Detail, Ref 350  
 Auckland Castle Walled Garden Bubble Envelope Ventilation Detail, Ref 351  
 Auckland Castle Walled Garden Bubble Envelope Ventilation, Ref 352  
 Auckland Castle Walled Garden Bubble Garden Plan – Gate description, Ref 701  
 Auckland Castle Walled Garden, Garden Plan: Type 2, acrylic doors Type 2 A, Ref 702  
 Proposed Bishop's Steps, Drawing no. 203  
 Proposed BroadWalk Landscape Plan, Dated November 2015  
 Broadwalk Landscape Sections, Ref 451, Dated November 2015  
 Broadwalk Landscape Sections, Ref 452, Dated November 2015  
 Broadwalk Landscape Sections, Ref 453, Dated November 2015  
 Broadwalk Landscape Sections, Ref 454, Dated November 2015  
 Broadwalk Landscape Sections, Ref 455, Dated November 2015  
 Broadwalk Landscape Sections, Ref 456, Dated November 2015  
 Broadwalk Landscape Sections, Ref 457, Dated November 2015  
 Broadwalk Landscape Sections, Ref 458, Dated November 2015  
 Broadwalk Landscape Sections, Ref 459, Dated November 2015  
 Broadwalk Landscape Sections, Ref 460, Dated November 2015  
 Broadwalk Landscape Sections, Ref 461, Dated November 2015  
 Broadwalk Landscape Sections, Ref 462, Dated November 2015  
 Broadwalk Landscape Sections, Ref 463, Dated November 2015  
 Broadwalk Landscape Sections, Ref 464, Dated November 2015  
 Lodge Wall Section 201, DRWG 421 Rev A, Dated 11<sup>th</sup> December 2015  
 Lodge Wall Section 202, DRWG 422 Rev A, Dated 11<sup>th</sup> December 2015  
 Lodge Wall Section 203 & 204, DRWG 423 Rev A, Dated 11<sup>th</sup> December 2015  
 Lodge Wall Section 205, DRWG 424 Rev A, Dated 11<sup>th</sup> December 2015  
 Lodge Wall Section 206 & 207, DRWG 425 Rev A, Dated 11<sup>th</sup> December 2015  
 Lodge Wall Section 208, DRWG 426 Rev A, Dated 11<sup>th</sup> December 2015  
 Lodge Wall Section 209, DRWG 427 Rev A, Dated 11<sup>th</sup> December 2015  
 Lodge Wall Section 210, DRWG 428 Rev A, Dated 11<sup>th</sup> December 2015  
 Site Section 101 North Wall, DRWG 101 Rev B, Dated 28 August 2015  
 Site Section 102 East Wall, DRWG 102 Rev A, Dated 28 August 2015  
 Site Section 103 West Wall, DRWG 103 Rev A, Dated 28 August 2015  
 Site Section 104 South Wall, DRWG 104 Rev A, Dated 28 August 2015  
 Site Sections Cross Wall, DRWG 105 Rev B, Dated 28 August 2015  
 Site Section 106 Central East, DRWG 108 Rev A, Dated 28 August 2015  
 Site Section 107 Central West, DRWG 107 Rev B, Dated 28 August 2015  
 Sloping Steps Detail, DRWG 310 Rev B, Dated 17<sup>th</sup> March 2015  
 Typical Doorway Brick Detail, DRWG 311 Rev C, Dated 5<sup>th</sup> March 2015  
 Typical Doorway Rubble Faced Wall, DRWG 312 Rev C, Dated 5<sup>th</sup> March 2015  
 MEP Services Note for Planning, issue 1 dated 9<sup>th</sup> December 2015  
 Structural Design, Ref 238883-PlanSun-S, Issue 1 December 10<sup>th</sup> 2015

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies GD1, EN4, BE1, BE3, BE5, BE6, TM1 and T1 of the Wear Valley District Local Plan.*

3. Notwithstanding any description of the materials in the application, no development other than preliminary site excavation, remediation and

archaeological mitigation works shall commence until samples or precise details of the materials to be used in the construction of any external surface and hard standing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the visual amenity of the Conservation Area in accordance with policies GD1, EN4, BE1, BE3, BE5, BE6 and TM1 of the Wear Valley District Local Plan and part 11 of the NPPF.*

4. No development shall take place unless in strict accordance with the Mitigation detailed in Section 6 of the updated Bat Survey Report (DWS Ecology, dated 11<sup>th</sup> October 2015)

*Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.*

5. No development other than other than preliminary site excavation, remediation and archaeological mitigation works shall commence until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority. The aim of the assessment shall be to identify the potential noise breakout from the structure hereby approved and its impact on noise sensitive receptors. Should the assessment find that the noise level from amplified music be above a Noise rating curve of 20 Leq (BS 8233:2014) at noise sensitive receptors, a scheme of noise mitigation/management measures shall be submitted to and approved in writing by the local planning authority. The development thereafter shall be carried out in accordance with the approved mitigation measures.

*Reason: To safeguard the amenity of neighbouring land users in accordance with policy GDP1 and TM1 of the Wear Valley District Local Plan and part 11 of the NPPF.*

6. Notwithstanding the submitted information, details of the height, type, position and angle of any external or architectural lighting shall be first submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be implemented and maintained in accordance with the approved details.

*Reason: In order to protect the Character and appearance of the Conservation Area, setting of the listed building in accordance with policies TM1, BE1 and BE5 of the Wear Valley District Local Plan.*

7. Notwithstanding the submitted information, no development other than preliminary site excavation, remediation and archaeological mitigation works shall commence until full details of the means of fume extraction from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the abatement of odour and noise from the commercial kitchen. The approved scheme shall be installed prior to the use commencing and retained thereafter.

*Reason: To safeguard the amenity of neighbouring land users in accordance with policy GDP1 and TM1 of the Wear Valley District Local Plan and part 11 of the NPPF.*

8. Notwithstanding the submitted information, no development other than preliminary site excavation, remediation and archaeological mitigation works shall commence until, a detailed site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The report shall consider the risk of unstable land in relation to historic coal mining activity and make provision for mitigation measures in line with the findings of the investigation report. The development shall be carried out in accordance with the approved report and mitigation measures.

*Reason: In order to ensure the future stability of the site in accordance aims of the National Planning Policy Framework.*

9. Notwithstanding the submitted information, prior to ground and/or construction works commencing a Construction Management Plan shall be submitted to and approved in writing with the Local Planning Authority. The scheme shall include:-
- i. The timing of construction works
  - ii. Parking of vehicles of site operatives and visitors
  - iii. Loading and unloading of plant and materials
  - iv. Storage of plant and materials used in constructing the development
  - v. Measures to control the emission of dust and dirt during construction Details of the delivery arrangements of construction materials.
  - vi. The storage location of construction materials on site.
  - vii. Measures for the protection of existing buildings and structures on site from delivery vehicles and construction works.

The development shall be carried out in accordance with the approved Construction Management Plan thereafter.

*Reason: - In the interests of highway safety and to the protection of the historic environment, in accordance with policies BE1, BE5, T1 and GD1 of the Wear Valley District Local Plan and Part 11 of the National Planning Policy Framework.*

10. Notwithstanding the submitted information, no development other than other than preliminary site excavation, remediation and archaeological mitigation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan detailing of the following:
- Details of planting species, sizes, layout, densities, numbers.
  - Details of seeded or turf areas.
  - The formation of any new boundary treatment also including access gates and pedestrian handrails.
  - Details of any new hard standing area, including materials to be used.
  - A time frame for the implementation of the landscaping scheme.

The landscaping scheme shall be implemented in accordance with the approved details thereafter.

*Reason: In the interests of the visual amenity of the Conservation Area and setting of the Listed Building in accordance with policies GD1, EN4, BE1, BE3, BE5, BE6 and TM1 of the Wear Valley District Local Plan.*

11. Notwithstanding the requirements of condition no.10, no tree shall be removed from the Broadwalk until a phasing approach to the removal and re-structuring of planting along the Broadwalk has been submitted to and approved in writing by the Local Planning Authority. The vegetation removal and re-structuring shall thereafter be carried out in accordance with the approved phasing details.

*Reason:- In the interests of the visual amenity of the Conservation Area and setting of the Listed Building in accordance with policies GD1, EN4, BE1, BE3, BE5 and BE6 the Wear Valley District Local Plan.*

12. The development hereby approved shall be carried out in accordance with the archaeological mitigation written scheme of investigation compiled by Durham University Archaeological Services (Ref PC15.497) Dated November 2015. Prior to the development being occupied, a copy of the report on any analysis, and/or publication shall be submitted to The Local Planning Authority as part of the mitigation strategy. This may include full analysis and final publication.

*Reason:- To comply with para. 141 of the NPPF: to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost.*

13. Notwithstanding the submitted information, no development other than other than preliminary site excavation, remediation and archaeological mitigation works shall commence until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be based on the principles of the Drainage Strategy ref 0-01-08, Dated 11<sup>th</sup> December 2015. The development shall be carried out and implemented in accordance with the approved scheme and timings thereafter.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance parts 10 and 11 of the NPPF.*

14. Prior to the relaying of the cobbles adjacent to the Robinson Arch, a sample of the relayed cobbles, to include the bedding and grouting materials shall be prepared and then subsequently approved in writing by the Local Planning Authority. The cobbles shall be relayed in accordance with the approved details thereafter.

*Reason: In order to protect the Character and appearance of the Conservation Area, setting of the listed building in accordance with policies BE1 and BE5 of the Wear Valley District Local Plan and part 11 of the NPPF.*

15. Notwithstanding the submitted information, full details of the material and design of the proposed handrail to be erected on the bishops stair based on the principles set out in Drawing no. 203, Proposed Bishop Steps shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

*Reason: In order to protect the Character and appearance of the Conservation Area, setting of the listed building in accordance with policies BE1 and BE5 of the Wear Valley District Local Plan and part 11 of the NPPF.*

- 16 No development other than other than preliminary site excavation, remediation and archaeological mitigation works shall commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

### **Pre-Commencement**

- (a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

### **Completion**

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

And that the application DM/15/03901/LB is **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 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

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

Walled Garden Master Plan, Drwg no. 400 rev D, dated 26<sup>th</sup> August 2015  
Walled Garden Master Plan, Drwg no. 401 rev D, dated 26<sup>th</sup> August 2015  
Irrigation layout, Drwg 404 rev A, dated 11<sup>th</sup> December 2015  
Auckland Castle Walled Garden Mezzanine Level Plan, Ref 201  
Auckland Castle Walled Garden Restaurant Level Plan, Ref 202  
Auckland Castle Walled Garden General Section, Ref 210  
Auckland Castle Walled Garden General Section, Ref 211  
Auckland Castle Walled Garden Restaurant Level Plan, Ventilation, Ref 250  
Auckland Castle Walled Garden Restaurant Floor Finishes, Ref 255  
Auckland Castle Walled Garden Handrail Detail, Ref 301  
Auckland Castle Walled Garden Bubble Envelope Detail, Ref 350  
Auckland Castle Walled Garden Bubble Envelope Ventilation Detail, Ref 351  
Auckland Castle Walled Garden Bubble Envelope Ventilation, Ref 352  
Auckland Castle Walled Garden Bubble Garden Plan – Gate description, Ref 701  
Auckland Castle Walled Garden, Garden Plan: Type 2, acrylic doors Type 2 A, Ref 702  
Proposed Bishop's Steps, Drawing no. 203  
Proposed BroadWalk Landscape Plan, Dated November 2015  
Broadwalk Landscape Sections, Ref 451, Dated November 2015  
Broadwalk Landscape Sections, Ref 452, Dated November 2015  
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Broadwalk Landscape Sections, Ref 461, Dated November 2015  
Broadwalk Landscape Sections, Ref 462, Dated November 2015  
Broadwalk Landscape Sections, Ref 463, Dated November 2015  
Broadwalk Landscape Sections, Ref 464, Dated November 2015  
Lodge Wall Section 201, DRWG 421 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 202, DRWG 422 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 203 & 204, DRWG 423 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 205, DRWG 424 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 206 & 207, DRWG 425 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 208, DRWG 426 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 209, DRWG 427 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 210, DRWG 428 Rev A, Dated 11<sup>th</sup> December 2015  
Site Section 101 North Wall, DRWG 101 Rev B, Dated 28 August 2015  
Site Section 102 East Wall, DRWG 102 Rev A, Dated 28 August 2015  
Site Section 103 West Wall, DRWG 103 Rev A, Dated 28 August 2015  
Site Section 104 South Wall, DRWG 104 Rev A, Dated 28 August 2015



Site Sections Cross Wall, DRWG 105 Rev B, Dated 28 August 2015  
Site Section 106 Central East, DRWG 108 Rev A, Dated 28 August 2015  
Site Section 107 Central West, DRWG 107 Rev B, Dated 28 August 2015  
Sloping Steps Detail, DRWG 310 Rev B, Dated 17<sup>th</sup> March 2015  
Typical Doorway Brick Detail, DRWG 311 Rev C, Dated 5<sup>th</sup> March 2015  
Typical Doorway Rubble Faced Wall, DRWG 312 Rev C, Dated 5<sup>th</sup> March 2015  
MEP Services Note for Planning, issue 1 dated 9<sup>th</sup> December 2015  
Structural Design, Ref 238883-PlanSun-S, Issue 1 December 10<sup>th</sup> 2015

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies GD1, EN4, BE1, BE3, BE5, BE6, TM1 and T1 of the Wear Valley District Local Plan.*

2. Notwithstanding any description of the materials in the application, no development other than preliminary site excavation, remediation and archaeological mitigation works shall commence until samples or precise details of the materials to be used in the construction of any external surface and hard standing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the visual amenity of the Conservation Area in accordance with policies GD1, EN4, BE1, BE3, BE5, BE6 and TM1 of the Wear Valley District Local Plan and part 11 of the NPPF.*

3. No development shall take place unless in strict accordance with the Mitigation detailed in Section 6 of the updated Bat Survey Report (DWS Ecology, dated 11<sup>th</sup> October 2015)

*Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.*

4. Notwithstanding the submitted information, no development other than preliminary site excavation, remediation and archaeological mitigation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan detailing of the following:

- Details of planting species, sizes, layout, densities, numbers.
- Details of seeded or turf areas.
- The formation of any new boundary treatment also including access gates and pedestrian handrails.
- Details of any new hard standing area, including materials to be used.
- A time frame for the implementation of the landscaping scheme.

The landscaping scheme shall be implemented in accordance with the approved details thereafter.

*Reason: In the interests of the visual amenity of the Conservation Area and setting of the Listed Building in accordance with policies GD1, EN4, BE1, BE3, BE5, BE6 and TM1 of the Wear Valley District Local Plan.*

5. Notwithstanding the submitted information, details of the height, type, position and angle of any external or architectural lighting shall be first submitted to any approved in writing by the Local Planning Authority. The approved lighting shall be implemented and maintained in accordance with the approved details.

*Reason: In order to protect the Character and appearance of the Conservation Area, setting of the listed building in accordance with policies TM1, BE1 and BE5 of the Wear Valley District Local Plan.*

6. Prior to the relaying of the cobbles adjacent to the Robinson Arch, a sample of the relayed cobbles, to include the bedding and grouting materials shall be prepared and then subsequently approved in writing by the Local Planning Authority. The cobbles shall be relayed in accordance with the approved details thereafter.

*Reason: In order to protect the Character and appearance of the Conservation Area, setting of the listed building in accordance with policies BE1 and BE5 of the Wear Valley District Local Plan and part 11 of the NPPF.*

7. Notwithstanding the submitted information, full details of the material and design of the proposed handrail to be erected on the on the bishops stair based on the principles of set out in drawing, Drawing no. 203, Proposed Bishop Steps shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

*Reason: In order to protect the Character and appearance of the Conservation Area, setting of the listed building in accordance with policies BE1 and BE5 of the Wear Valley District Local Plan and part 11 of the NPPF.*

8. The development hereby approved shall be carried out in accordance with the archaeological mitigation written scheme of investigation compiled by Durham University Archaeological Services (Ref PC15.497) Dated November 2015. Prior to the development being occupied, a copy of the report on any analysis, and/or publication shall be submitted to The Local Planning Authority as part of the mitigation strategy. This may include full analysis and final publication.

Reason:- To comply with para. 141 of the NPPF: to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the

NPPF. (*Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.*)

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- Wear Valley District Local Plan 1997
- Statutory, internal and public consultation responses.



Application Site



**Planning Services**

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**Comments**

**Date** March 2016

**Scale** 1:2500

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/16/00117/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	2 storey dwelling
<b>NAME OF APPLICANT:</b>	Mr Peter Sullivan
<b>ADDRESS:</b>	Land to the south of St Johns Presbytery, Sedgefield, Co Durham
<b>ELECTORAL DIVISION:</b>	Sedgefield
<b>CASE OFFICER:</b>	Mark O'Sullivan, Planning Officer, 03000 261056, mark.o'sullivan@durham.gov.uk

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to an enclosed private garden in West Park Lane, Sedgefield, located within the Sedgefield Conservation Area. This garden is located to the south of St Johns Presbytery serving St Johns Church to the north east and is currently occupied by a single storey, prefabricated structure which is attached to and serves as an annex of the Presbytery building. No.2 Church View (a residential property) is located to the east of the site beyond a boundary fence. The application site is enclosed by tall stone boundary walling to the north, south and west.
2. To the west of the site (beyond West Park Lane) is the Grade II\* Hardwick Park Historic parkland, with the Grade II\* Listed Manor House located some 25m to the south east of the application site beyond the intervening private curtilage of no.1 Church View.
3. The proposal involves the demolition of the existing single storey prefabricated structure and the erection of a 2.5 storey, 5 bed detached dwelling with integral garage space. The dwelling would occupy a footprint measuring 9.2m x 18m and would be 8m in height to ridge level (5m to eaves).
4. The proposed dwelling would face west onto West Park Lane and be accessed from here, with off-street parking secured to the front within the enclosed private curtilage. The existing stone and brick boundary wall fronting onto West Park Lane would be demolished to facilitate this access and achieve appropriate visibility splays to the north and south. A replacement low level boundary wall is proposed along this western boundary, utilising reclaimed material sourced from the original wall.
5. Existing stone walls and boundary fencing dividing the site from neighbouring property to the immediate north, south and east are to remain largely unaffected although the existing wall to the northern boundary would be extended to enclose the plot from the adjacent Presbytery.
6. This application is being reported to the Planning Committee at the request of Cllr John Robinson on behalf of neighbours because of concerns over the size of the proposed dwelling, the impact on the Conservation Area, the loss of long garden (contrary to a

long garden policy), and the significance of the boundary wall to be demolished. Concerns are also expressed over the demolition of the Catholic Church Wall and the effect on this church.

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## **PLANNING HISTORY**

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7. There is no relevant formal planning history relating to this particular parcel of land, although the proposed development has been the subject of informal pre-application discussion with the Local Planning Authority.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
10. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
11. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
12. *Part 7 – Requiring good design.* 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.
13. *Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
14. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

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

#### **LOCAL PLAN POLICY:**

16. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

17. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site’s relationship to the adjacent land uses and activities.

18. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.

19. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.

20. *Policy E18 – Preservation and enhancement of Conservation Areas* – seeks to preserve or enhance the character or appearance of Conservation Areas

21. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.

22. *SPG Note 1 – Conservation Areas* – Sets out the characteristics of Conservation Areas including Sedgefield Conservation Area and Hardwick Park Historic parkland.

23. *SPG Note 3 - The layout of new housing* - sets amenity/privacy standards for new residential development.

#### **RELEVANT EMERGING POLICY:**

The County Durham Plan

24. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

25. *Sedgefield Town Council* – object to the application, raising concern over the impact of development on the Sedgefield Town Wall and existing long gardens in the area, over development within the Sedgefield Conservation Area, ecological impact, the scale and appearance of the proposed dwelling and its resulting visual impact upon surrounding property including a Grade II Listed building.
26. *Sedgefield Civic Trust* – Raise objections to the loss of the existing site boundary wall which is claimed to be part of the original Sedgefield Town Wall, the size of the proposed dwelling in relation to the size of the plot and scale of surrounding property including the grade II\* Listed Manor House, and the proposed use of materials which are deemed to be unacceptable within a Conservation Area.
27. *Highway Authority* – No objections.
28. *Historic England* – The application should be determined in accordance with national and local policy guidance, and on the basis of the Local Planning Authority specialist conservation advice.

### **INTERNAL CONSULTEE RESPONSES:**

29. *Design and Historic Environment Section* – The size and detailed design of the proposed dwelling has evolved and improved significantly through pre-application discussions and is considered to reflect the local context and would preserve the special character of the Sedgefield Conservation Area. No adverse impact on the setting the Manor House would result, and the opportunity to open views to the listed building by removal of the wall would enhance public appreciation of the asset. No adverse impact on the setting of the registered historic park and Conservation Area has been identified.
30. *Ecology Section* – Has no objections.
31. *Landscape and Arboricultural Sections* – Offer no comment.
32. *Archaeology* – No objections, subject to conditions ensuring all ground disturbance works are monitored by an archaeologist with a copy of any analysis/publication to be deposited at the County Durham Historic Environment Record prior to the development being beneficially occupied.

### **PUBLIC RESPONSES:**

33. The application has been publicised by way of site notice, individual notification letters to neighbouring residents and Press Notice.
34. 1no. letter has been received from a local resident (at no.4 Church View) which does not object to the construction of a dwelling in this location as such, but does object to the loss of the existing village wall to facilitate development.
35. An objection was also received on behalf of the residents of no.2 Church View to the immediate rear (east) of the application site who have independently sought the views of a Historic Environment consultant and an ecology consultant. Concerns are expressed over the validity of the submitted Heritage Statement, the loss of the original boundary



wall abutting West Park Lane which once formed the original village boundary, the loss of historic garth/Burgage Plot to the rear of no. 2 Church View, the impact on nearby Listed buildings, scale, mass and design of the proposed dwelling, the acceptability of retaining a front boundary wall whilst satisfying highway access and maneuverability requirements, ecological implications, the setting of a planning precedent, and the suitability of the proposed means of access.

36. The applicant sought to address these issues within a further statement. Having viewed this statement, the aforementioned objectors wish to reiterate their original arguments concerning the impact on the Conservation Area, loss of the original village boundary wall, loss of burgage plots, scale of the proposed dwelling and impact on nearby heritage assets.
37. 1no. letter of support has also been received from the residents of Ryedale (the nearest neighbour to the south of the application site) who considers the proposed development would enhance the existing street scene and improve the existing unmaintained boundary wall onto West Park Lane.

#### **APPLICANTS STATEMENT:**

38. The proposal aims to demolish the existing annex linked to Presby Church House presently occupying the site and erect a new dwelling in an existing residential area. The prospective owners and their family who presently reside locally will live in the property when complete.
39. A limited number of objections have been received (2no.) whose main concern seems to be the loss of the wall fronting West Park Lane together with the loss of the burgage plot. However, support has also been forthcoming from the site's neighbour Ryedale House to the south.
40. The wall will not be lost, but retained, albeit realigned to facilitate a vehicular visibility splay in accordance with County Highway requirements. A reduction in height is also being sought to open up the view from the site towards Hardwick Park. New works will be sympathetically undertaken utilising reclaimed materials to accord with Conservation Area requirements. It should be noted that whilst a number of properties built on burgage plots in the recent past have sought to remove the said wall fronting West Park Lane it will be my client's intention to retain as much as possible of the wall, thus still retaining a visual presence on the street scene. The walls to the north and south of the plot will also be repaired and reinstated.
41. Concern has been raised from No.2 Church View to the rear (east) of the site re the loss of the elevated historic space, but such loss occurred many years prior to today, when the church erected a structure on the site. This structure (community hall/meeting room) is linked to Presby Church House, a dwelling also built on a burgage plot. The client is merely demolishing this structure to make way for the new dwelling.
42. It has been demonstrated within this application that the building to which the application relates will not negatively affect the site and surrounding area by its presence and will have no impact upon the village Conservation Area, which would therefore be preserved. My client has reasonable aspirations to construct the building up to modern standards in terms of appearance, not too dissimilar to other recently constructed dwelling local to the site off West Park Lane. The proposed works have been given considerable thought via an extensive planning pre-app process to ensure that the impact on the original features of the surrounding buildings are minimised and what is proposed is a scheme that we believe complies with the Council's adopted policies. The proposals are therefore considered to meet the objectives of the NPPF concerning

development in an historic context and meets the requirements of relevant local planning policies.

43. Conceptually, the scheme proposed has been considered in terms of limiting the effect on the historic buildings located in the area and it is believed that all the relevant issues have been considered, and that the proposal preserves the special architectural and historical interest of the listed buildings, which are somewhat divorced from the site and will not impinge on their setting or character. In view of the information supplied, it is respectfully requested that the application is supported by the Council.

*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*

*<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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44. 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 in this instance relate to the principle of development, scale and design/impact on Heritage Assets, Archaeological impact, impact on residential amenity, highway safety, ecological impact and flood risk/drainage.

The principle of the development:

45. The overarching principles of the NPPF seek to secure sustainable development in sustainable locations. Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependant. Paragraph 17 goes on to identify 12 core land use principles. These include identifying that planning should be plan led, take account of the character of different areas, recognise and protect the intrinsic character and beauty of the countryside and encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities. To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. The key matter in applying the NPPF relates to directing development to sustainable locations; although the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development.
46. Saved Policy H8 of the Sedgefield Borough Local Plan offers no weight to the current application insofar that it is now out of date. However H8 does specify Sedgefield Village as a settlement where housing development would normally be approved providing no conflict with the provisions of the development plans open space or design policies. Although no weight is to be given to this policy, it is noted that the application site falls within the Sedgefield settlement, between existing residential development to the north, east and south, in therefore a sustainable and accessible location close to the town centre and surrounding public transportation linkages.
47. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site.

48. No objections are raised over the principle of infill residential development in this location in accordance with the sustainability principles of the NPPF, subject to adherence to other material planning considerations.

#### Scale and Design/Impact on Heritage Assets:

49. The application site is located within the Sedgefield Conservation Area, in close proximity to the Grade II\* registered Hardwick Park and Conservation Area to the west. The Grade II\* Manor House is located some 25m to the south east of the application site with intervening curtilage of adjacent property to the south separating these sites.

50. Part 7 of the NPPF and saved policies H17(C) and D1 of the Sedgefield Borough Local Plan together seek to ensure good design in new developments, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent dwellings and the local setting of the site.

51. Part 12 of the NPPF seeks to ensure that local planning authorities identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

52. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

53. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission in respect of any building or other land within a conservation area, the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

54. Saved policy E18 of the SBLP seeks to ensure that Local Planning Authority's preserve or enhance the character or appearance of Conservation Areas, resisting proposals which would otherwise detract from such an area whilst accompanying SPGNote1 sets out a description of the Sedgefield Conservation Area.

55. A number of design/heritage related concerns have been expressed by local objectors including those relating to the loss of the original boundary wall abutting West Park Lane which is believed to have once formed the original village boundary; the loss of historic garth/burage plot to the rear of no. 2 Church View; the impact on nearby Listed buildings; the scale, mass and design of the proposed dwelling and the validity of the submitted Heritage Statement.

56. The views of Historic England have been sought with regard to the proposed works, who advise that the application be determined in accordance with national and local policy guidance, and on the basis of the Local Planning Authority specialist conservation advice. The Council's Design and Historic Environment section consider the special significance of the Sedgefield Conservation Area to be derived primarily from its high quality collection of historic buildings including key listed landmark buildings, the

attractive tree lined routes through the Conservation Area, and the legibility of the historic core of the settlement despite later expansion. The variety of architectural styles and materials has created an eclectic mix of buildings, many of which have individual merit as well as contributing to the overall group character and significance. The majority of the buildings date from the 18<sup>th</sup> century in the Georgian style interspersed with Victorian, Edwardian and more modern infills. Most of the buildings are two storey, with some three storey and single storey examples. Traditional materials dominate with examples of brick, stone and rendered walls with slate and tiled roofs.

57. The proposed dwelling would be two storey, with additional accommodation within the roof space, with a central rectangular core and two storey projections to the front and rear elevation. The ridge height of the proposed dwelling would match that of the adjacent Presbytery building to the north, with a dip in ground level of approx 600mm between the two sites. The building is orientated east to west to take advantage of views over the historic parkland to the west, with a limited number of openings to the first floor to protect the amenity of Ryedale to the south and also to ensure that any future redevelopment of the Presbytery building is not compromised by overlooking.
58. The footprint of the building is significantly larger than the existing extension to the presbytery, but of similar size to the Presbytery itself and the other 20<sup>th</sup> century developments on adjacent sites.
59. The proposed architectural style is traditional with contextual references to historic properties in the area evident in the design details. The palette of materials consisting of red brick and pantile reflects the traditional mix within the Conservation Area is considered appropriate and the exact material selection could be controlled by planning condition. The use of wood effect PVC windows as originally shown was not supported by the Planning Authority and amended plans now confirm the use of natural timber windows, and this detail can be controlled by condition.
60. There is no established building line along West Park Lane, but the siting of the proposed dwelling has been positioned to best align with the presbytery to the north and Ryedale to the south whilst addressing highway safety concerns which resulted in the dwelling being set slightly back from these neighbours in order to achieve sufficient parking/manoeuvring space to the front, within the property curtilage. Despite this set back, the sweeping curve created by the front west facing elevations of properties in this section of the street is to be retained and respected.
61. Consideration has also been given to the street scene view and the siting is intended to partially screen the bulk of the side elevation behind Ryedale to the south. The existing trees also to the south of the application site further reduce the dominance of this proposed dwelling in views looking north along West Park Lane.
62. The application site is bordered to the west by a high rubble stone wall. It is argued by objectors that the Local Planning Authority should be protecting this wall as it represents one of the few sections of original village boundary wall to remain, with the rest having been lost by other development over the years. This argument has some merit, although the existing boundary wall in question is considered to be unusual for West Park Lane (in terms of height), and it is in quite poor condition with layers of cement patches and repointing (presumably an attempt to address the stability of the structure) and previous brick infills. The internal face of the wall is exposed rubble and showing signs of movement, erosion and extensive mortar loss. In isolation, and regardless of the development proposals, this structure will require significant repairs and partial rebuilding to stabilise. The quality, appearance and condition of this structure is considered to be inferior to other historic boundary walls along the lane. Nevertheless,

the provision of a boundary structure is considered important to continue the strong sense of enclosure on either side of the lane.

63. The applicant has agreed to retain what can be reused of the historic stone to recreate a new 1m high wall defining the edge of the site. Precise details of the new wall can be controlled by planning condition to ensure the style is appropriate to the Conservation Area. This solution would retain a proportion of the historic fabric and reinforce the role boundary walls play along West Park Lane, but in a more stable form. It would also be more subservient to the historic stone walls enclosing Hardwick Park which are of greater significance and allow improved views through to the rear of the historic properties on Church View from the Parkland to the west.
64. With regard to other boundary walls, the submitted plans identify that the existing masonry walls to the north and south of the site will be retained with some repairs where necessary. The existing 1.8m high close boarded fence to the rear (east) would remain unaffected and these details are considered satisfactory. Details of minor repairs to the existing enclosures can be controlled by condition.
65. Local objectors also consider that the development would result in the loss of a historic garth/burgage plot which represents an important element within the historic fabric of Sedgefield Village that helps to determine its character. It is felt that the loss of this garth would have a clear detrimental effect on the overall character and appearance of the village with no justification for this loss provided by the applicant. SPG Note 1 does refer specifically to these long rear gardens which contribute to the historic character of the village core contrasting with the denser, built-up frontage.
66. It is accepted that the proposed development site is located within one of the historic garths (a linear garden space once part of no.2 Church View to the east). However, this has already been divided, with a large section of this garden now under the ownership of the Presbytery to the north, and separated from adjacent property to the east by existing boundary enclosures. Moreover, a large flat roofed extension to the Presbytery building is present on the site which is in poor and deteriorating condition and arguably detracts from the wider setting of the site and Conservation Area. It is therefore considered that the relationship to Church View to the east has already been compromised. This situation differs to the plot to the immediate south where the long rear garden (or garth) remains intact which the objector highlights as a previous application site for residential development which was refused permission and dismissed at appeal.
67. With regard to the perceived adverse impact on the setting of the Grade II\* listed Manor House, this heritage asset is located two plots to the southeast of the development site fronting West End, some 25m away beyond the intervening private curtilage of no.2 Church View. The existing 7ft high boundary wall to the development site effectively prohibits any views towards the Manor House from the site boundary. Only glimpsed views of the roof of the listed building are possible over the existing garage to the Presbytery, and over the gate to the rear of the wall to the adjacent Barclays Bank site.
68. The removal of the front boundary wall would improve highway visibility requirements for vehicles leaving the site, but also improve appreciation of the aforementioned listed building by allowing additional public views towards it from West Park Lane and the Historic Parkland beyond, better revealing this heritage asset. In this newly opened viewpoint, the proposed dwelling would sit approximately 30m northwest of the listed building (corner to corner) and would not appear directly in the foreground of views across to the rear of the Manor House. The Manor House is substantially larger in scale in any case and likely to dominate this view, reinforcing its landmark role.

69. The proposed development site would not impinge upon the landmark status of the listed building, its prominence in views across the historic parkland, or its visual contribution to the group significance of the wider historic Conservation Area. It is also noted that the historic grounds of the Manor House now contain two dwellings which have had a more obvious impact on the immediate setting of the Manor House than the proposed dwelling, and a number of dwellings already appear in the foreground of views across to the historic parkland to the east.
70. Brief reference is also made within the objections to the Grade II Listed Hardwick Hotel to the north east. This also fronts east into the main village and is located some 75m to the north east of the application site with numerous intervening features, buildings, curtilage and boundary walls effectively screening the Listed site from the application site. It is therefore considered that no adverse impacts will arise on this listed structure.
71. The proposed development site is located close to the boundary of East Park, which is part of the Grade II\* registered historic parkland and a designated Conservation Area. From the entrance gates to Hardwick Park views are possible across East Park to West Park Lane and Station Road and the impact on the group view and any potential concealment of historic buildings can be estimated with some accuracy from here. The Grade I listed Church of St Edmund and the Grade II\* Manor House are highlighted in these views, and the proposed development site would form part of an existing group of properties within the foreground but not directly in front of these. The properties on West Park Lane have a variety of roof heights and roof pitches, with some appearing more visually dominant in these distant views. The proposed dwelling would however sit comfortably in this group because of the matching height to the presbytery, and set back from the edge of the lane which aids integration into the roofscape. No adverse impact on the setting of the registered Hardwick Park or the Conservation Area has therefore been identified.
72. Objections have also been raised over the validity of the submitted heritage statement which is considered to not have been prepared by a heritage consultant or other professional; with appropriate qualifications and experience. Whilst the Durham County Guidance on the 'preparation of heritage statements' (November 2015) does recommend that a qualified heritage professional prepare the heritage statement, this is not a compulsory requirement. Furthermore, irrespective of who prepared the document, the application has been scrutinized by the authority's conservation and historic environment section who have provided a detailed analysis of the proposals. The assessment, made by this team in relation to design considerations raised carry significant weight in the recommendation of this application.
73. In view of the forgoing, the size and detailed design of the proposed dwelling has evolved and improved significantly through pre-application discussions between the applicant and the Local Planning Authority prior to the submission of the current application. The proposed dwelling is considered to reflect the local context and would preserve the special character of the Sedgfield Conservation Area. No adverse impact on the setting the Manor House would occur and the opportunity to open views to the listed building by removal of the existing, poor quality boundary wall would help to enhance public appreciation of the asset. No adverse impact on the setting of the registered historic park and Conservation Area has been identified. Furthermore, the removal of the existing flat roof structure which currently detracts from the character and appearance of this Conservation Area setting is welcomed.
74. For these reasons, this application is considered to satisfy the principles of Parts 7 and 12 of the NPPF and saved policies D1, E18, H17 of the Sedgfield Borough Local Plan, and SPGNotes 1 and 3. It is however recommended that any approval be granted

subject to conditions controlling details of landscaping, materials to be used, details of surface treatment, fenestration details and details of enclosures.

#### Archaeology:

75. Part 12 of the NPPF seeks to ensure that consideration be given to areas of archaeological interest. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
76. The Councils' Archaeology section identify that several phases of archaeological investigation have previously taken place in the fields immediately to the west of West Park Lane, and have demonstrated that a large and significant Roman period town is located in this area. Looking at the geophysics from this area known as East Park through its relationship to Hardwick Hall, it appears that whilst features associated with the Roman settlement do extend right up to the rear of the application site, the intensity of activity dwindles as it meets the edge of the modern town. However Roman features such as cemeteries are located outside of the town. In addition, the modern town is of medieval origin, with potential for previously unrecorded back-plot activity of this date to also be present on the site. The archaeological potential is therefore still considered medium to high
77. As the new build aligns closely with the existing building, the main area of new ground disturbance would be the garage area and any other footprint overlap including the landscaping works for the drive, parking and access, and any service connections required. It should also be noted that the foundations for the existing structure are likely to be shallow and therefore archaeological features may survive beneath them.
78. During pre-application discussions, Archaeology officers advised that whilst clarification of the archaeological potential through evaluation trenching would not be required in support of any formal application, a condition of planning permission should be applied stipulating that all ground disturbing work (specifically new ground disturbance, but also new foundations if they will go below the depth of the foundations for the existing building) should be monitored by an archaeologist.
79. Subject to conditions controlling archaeological monitoring of the site during works and the submission of a written record of works for public access, this application is considered to satisfy Part 12 of the NPPF with no objections raised.

#### Privacy/Amenity:

80. Saved policies H17 (B), D1 and D5 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide for satisfactory amenity and privacy for new and existing adjacent dwellings. Supplementary Planning Guidance Note 3 sets minimum separation criteria between dwellings, requiring a minimum 21m separation between opposing windows of primary elevations and 14m between primary and gable elevations of neighbouring property.
81. The proposed dwelling would infill an area of private garden land sandwiched between neighbouring property to the north, east and south. The proposed side elevations would face north and south opposing the side facing elevations of adjacent properties in these directions. Ground floor windows in these elevations would be sufficiently screened by existing stone boundary walls to be retained, with first floor window openings serving only a landing and bathroom areas. No side facing windows would directly overlook

windows in adjacent properties to the north and south with bathroom windows to be obscured in the interests of privacy.

82. The proposed front (west facing) elevation would look across to West Park Lane and Hardwick Park beyond with no resulting privacy implications in this direction.
83. The proposed rear (east facing) elevation would face the rear (west facing) elevation of no.2 Church View which is sited 29m away, thereby satisfying the minimum 21m separation guidelines set out within SPGNote3.
84. Given the slight change in ground levels between the application site and property to the east (which is set lower), the proposed dwelling would appear taller than that to the east whilst tying in with the ridgeline of property to the immediate north. As a result the proposed first floor rear facing (master suite) window would overlook the rear garden of the application site and the rear garden space of the property to the east. However this is not an uncommon arrangement in the existing street scene with a number of existing properties on West Park Lane already overlooking the rear garden spaces of properties on Church View to the east. The existing Presbytery to the north contains a first floor conservatory which provides unobscured views over much of the private land to the east. Given that the minimum separation guidelines set out within SPG Note 3 are more than satisfactorily achieved here; these relationships are considered acceptable. Furthermore, given the aforementioned change in ground levels between the application site and neighbouring property to the east, there would be no directly overlooking windows of opposing property at the same height, thereby further minimizing any resulting privacy concerns.
85. With regard to private amenity space, the proposed dwelling would benefit from a modest but sufficient level of front and rear garden space of approximately 120m<sup>2</sup> to the front and 90m<sup>2</sup> to the rear, whilst also maintaining sufficient private amenity space for the Presbytery to the north.
86. Subject to conditions ensuring obscured glazing in side facing bathroom/en-suite windows and the removal of permitted development rights for extensions and outbuildings to the proposed dwelling, (which could otherwise allow for the unacceptable encroachment into the aforementioned separation distances and further loss of limited private amenity space), the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5. The proposed site layout provides for adequate private amenity space for the future occupiers, retaining sufficient separation distance to the rear windows of 2 Church View, and also providing sufficient space for parking in front.

#### Highway safety:

87. Saved policies H17 (A) and D3 of the Sedgefield Borough Local Plan together seek to ensure that new developments provide for a satisfactory means of access and parking provision having regard to the number and type of vehicles using the development. Part 4 of the NPPF highlights a need for new developments which may generate a significant increase in vehicle movements to achieve a safe and suitable access. New developments should minimise conflicts between traffic and cyclists or pedestrians.
88. The application site would be accessed from West Park Lane to the immediate west of the site via a newly created access point. The existing front boundary wall of the site where adjacent to this highway would be removed and rebuilt (at no more than 1m in height) to facilitate this new access and account for the necessary visibility to the north and south. Some planting of hedging behind the rebuilt wall is intended which the



highway authority confirm should not exceed 1m in height at any time in the interests of maintaining an acceptable junction visibility splay.

89. Off street parking and manoeuvring space is shown to the front of the site. The provision of 2no. off street parking spaces in addition to an integral garage space would comply with Durham County Councils Residential Parking Standards 17.7.13 for a 5no. bed dwelling.
90. Subject to future control over the height of the aforementioned boundary wall and front hedgerow (to no more than 1m in height), this application is considered to satisfy the provisions of saved policies H17 and D3 of the Sedgefield Borough local Plans and Part 4 of the NPPF, with no highway objections raised.

#### Ecology:

91. Part 11 of the NPPF seeks to ensure that when determining planning applications, local planning authorities seek to conserve and enhance biodiversity.
92. Concerns have been received over the impact of the proposed development on bats in the area and one objector has sought the views of an ecological consultant who suggests that the Local Planning Authority request baseline ecological information on the site including a bat risk assessment. The Councils Ecology section note this view but maintain no objections to the proposed works on the basis that no harm to protected species or habitats would result.
93. The current application has been submitted following extensive pre-application discussion and views of the Councils Ecology section were sought at this time. No objections were raised given the existing nature and type of development already on the site.
94. Ecology officers agree with the ecology consultant that there is a record of bats being present in the area. However, it is not considered that a disused pre-fabricated building with a flat roof would have a high potential for bats. An empty building of this nature is likely to suffer from extremes of temperature and there are many more buildings nearby which would be more suitable for bats. Furthermore, no trees are to be felled as part of this application and whilst there are some garden shrubs available which provide commuting and feeding opportunities for bats, in the context of other gardens, this loss is highly unlikely to prove significant to the bat population in the area. The application is therefore considered to satisfy the provisions of Part 11 of the NPPF with respect to impact on protected species and local ecology.

#### Flooding/Drainage:

95. Part 10 of the NPPF seeks to ensure that new developments take account of flood risk. Inappropriate development in areas of high flood risk should be avoided, but where development is necessary; it should be made safe without increasing flood risk elsewhere. The application site is not located within any identified flood zone area with no perceived flooding threat to result from the proposed development if approved. Drainage issues can be addressed at the Building Regulations stage.

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## **CONCLUSION**

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96. The principle of developing this site for residential use is considered acceptable given its sustainable location within the Sedgefield residential settlement and previously developed nature. Consideration has been given to the scale and design of the

proposed development, its relationship to surrounding development including heritage assets, the impact on amenity/privacy standards and the impact on the character and appearance of the wider Conservation Area. Highway safety, ecology and drainage implications have also been carefully assessed with the views of objectors and supporters to the scheme addressed where relevant. The proposed development is considered to accord with relevant national and local plan policies detailed within this report. Subject to the imposition of appropriate planning conditions, 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. Time limit

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

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

2. Approved plans

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

- 15\_010\_100 rev C (Planning draft 7), received 08 February 2016
- 15\_010\_101 rev A (Planning site section), received 08 February 2016
- 15\_010\_200 rev A (Centre line setting out, foundation and drainage plans), received 09 February 2016
- 15\_010\_002 rev A (Proposed OS Plan), received 09 February 2016

*Reason: To define the consent and for the avoidance of doubt in the interests of proper planning.*

3. Sample materials to be agreed

Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling and roofing materials including rainwater goods have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies E18 and D1 of the Sedgefield Borough Local Plan.*

4. Timber windows/Joinery details

Notwithstanding the details shown on approved plans, windows shall be of timber construction. Full joinery details drawn to a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies E18 and D1 of the Sedgefield Borough Local Plan.*

5. Surfacing/hardstand areas

Prior to the commencement of the development details of the surface treatment and construction of all hard surfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies E18 and D1 of the Sedgefield Borough Local Plan.*

6. Fenestration, heads and cills

Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies E18 and D1 of the Sedgefield Borough Local Plan.*

7. Boundary wall/hedgerow height limitation

The proposed front boundary wall facing onto West Park Lane shall not exceed 1metre in height above ground level at any part. Any boundary hedgerow along this west facing boundary shall also not exceed 1 metre in maximum height at any time.

*Reason: In the interests of highway safety in accordance with saved policies H17 and D3 of the Sedgefield Borough Local Plan.*

8. Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping (plan ref: 15\_010\_100 rev C (Planning draft 7), received 08 February 2016, shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

9. PD rights (extensions)

Notwithstanding the provisions of Class A, B, C, D, E, F and G of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling(s) hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwelling house(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 Policies H17 and D5 of the Sedgefield Borough Local Plan.*

10. Obscure Glazing

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the north and south facing bathroom and ensuite window openings shall be frosted/opaque and shall remain so.

*Reason: In the interests of the privacy of the neighbouring occupier and to comply with policies H17 and D5 of the Sedgefield Borough Local Plan.*

11. Archaeology works

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted approved in writing by the Local Planning Authority. The Scheme shall provide for:

i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.

ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.

- iii; Post-fieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
- iv; Report content and arrangements for dissemination.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii; Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The written scheme of investigation must be submitted by the developer, and approved in writing by, the local planning authority. The written scheme of investigation shall be carried out in accordance with the approved details and timings.

*Reason: To comply with paragraphs 128, 135 and 141 of the NPPF.*

#### 12. Public record

Prior to the development being beneficially occupied, a copy of any analysis and/or publication shall be deposited at the County Durham Historic Environment Record, and archiving required as part of the mitigation strategy shall be deposited at an agreed repository.

*Reason: To comply with paragraph 141 of NPPF to ensure that the information generated becomes publicly accessible.*

#### 13. Enclosure/gate details

Notwithstanding details shown on the approved plans, details of any gates and/or new means of enclosure shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies E18 and D1 of the Sedgefield Borough Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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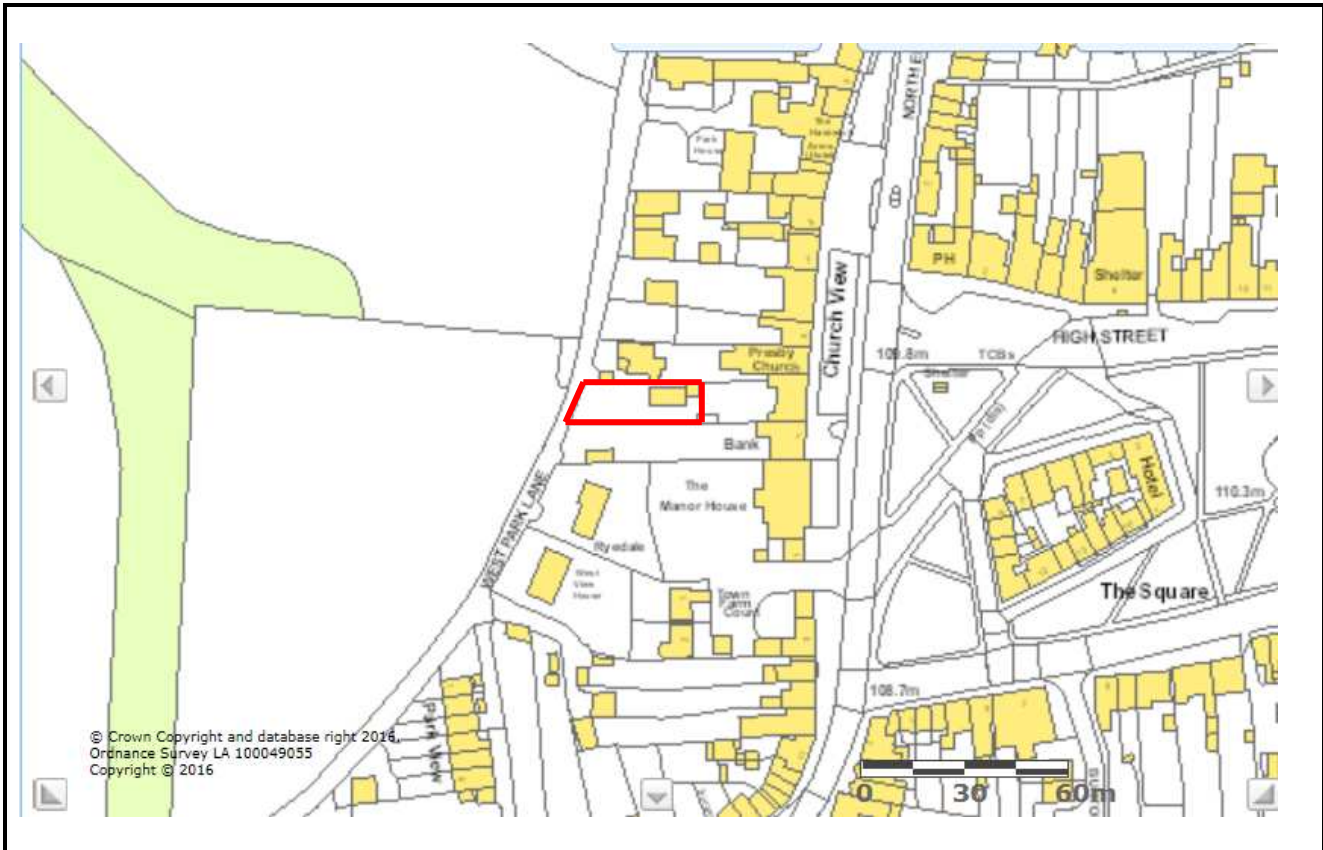
The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner. All concerns raised during the consultation and publicity period were forward to the applicant and satisfactorily resolved during the statutory determination period. An extension of time has been agreed with the applicant to allow this application to be heard before the March 2016 planning committee which fell just outside of the statutory determination period.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
Sedgefield Borough Local Plan  
Statutory responses from the Highway Authority and Historic England  
Internal responses from Drainage, Design and Historic Environment, Ecology, Highways, and Archaeology



**Planning Services**

2 storey dwelling

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**Comments**

**Date** 17 March 2016

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION No:** DM/15/03923/FPA

**FULL APPLICATION DESCRIPTION:** Demolition of garage building and erection of dwelling with car port and garage (amended plans received 22/02/2016)

**NAME OF APPLICANT:** Mr G Mills

**ADDRESS:** Nursery Garage  
Stangarth Lane  
Staindrop  
Darlington  
DL2 3LR

**ELECTORAL DIVISION:** Barnard Castle East

**CASE OFFICER:** Tim Burnham Senior Planning Officer 03000 263963  
[tim.burnham@durham.gov.uk](mailto:tim.burnham@durham.gov.uk)

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site relates to an existing vehicle repair garage and its associated curtilage which sits at the southern end of Stangarth Lane, Staindrop. The site sits to the south of the Conservation Area and settlement boundary.
2. The application proposes demolition of the existing building on the site which hosts a vehicle repair garage. It is a large and long building which measures approximately 36mtrs in length, 5 mtrs in width and 4.7 mtrs in overall height. The garage is built in painted blockwork with fibre cement sheet roof.
3. In place of the garage it is proposed to construct a stone building with slate roof, which would be used as a mixed use residential dwelling/bed and breakfast business with residential accommodation on the upper floor and 3no. guest bedrooms, dining and kitchen space provided to the ground floor. The building would be approximately 26mtrs in length with a maximum width of 11mtrs and a maximum height of 8.5mtrs. A detached double garage built of stone walls with a slate roof would be located towards the north of the site.
4. The application is reported to the Planning Committee at the request of Staindrop Parish Council due to concerns relating to the justification for tourist accommodation, landscape and conservation area impacts, concern over the principle of housing development within the countryside, and design concerns. Cllr Rowlandson has also requested the application be referred to the planning committee due to highways issues.

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## PLANNING HISTORY

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5. Planning approval was granted in 1983 for the change of use of a horticultural storage building to commercial garage for car repairs. In 2010 planning approval was granted for external alterations and extension to the garage, although it appears these works were never implemented. Planning approval was granted to construct Nursery Bungalow in 1990. A section 52 agreement which tied the bungalow to the garage so that it could not be sold or let as a separate unit, as well as limiting the occupancy of the bungalow to a person whose sole, main or last employment was at the garage business was discharged in 2012.

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## PLANNING POLICY

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### NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
7. *NPPF Part 3 - Supporting a prosperous rural economy.* This part of the NPPF states that planning policy should support the sustainable growth and expansion of all types of business and enterprise in rural areas.
8. *NPPF Part 4 – Promoting sustainable Transport.* The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
9. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.



11. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
12. *NPPF Part 11 – 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.
13. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* States that heritage need to be recognised as an irreplaceable resource and to be conserved in a manner appropriate to their significance.

*The above represents a summary of those policies considered most relevant in the Development Plan*

#### **LOCAL PLAN POLICY:**

14. The following policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
15. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
16. *Policy ENV1: Protection of the Countryside.* This policy restricts the type of development that would be permitted in the Countryside. Tourism and recreation developments would be considered acceptable where compliant with other policy and where they do not unreasonably harm the landscape and wildlife resources of the area.
17. *Policy ENV3: Development Within Or Adjacent To An Area Of High Landscape Value* The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
18. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.

19. *Policy BENV4: Development within and / or adjoining Conservation Areas* Development within conservation areas will only be permitted provided that among other things the proposal respects the character of the area and does not generate excessive environmental problems which would be detrimental to the character and appearance of the conservation area.
20. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.
21. *Policy TR2: New Visitor Accommodation.* Within the countryside, planning permission will be granted for new visitor accommodation within conversions of existing buildings or where new buildings can be added to an existing farmstead or existing traditional group of buildings, provided that the proposal does not detract from the character of the area; and the scale, design and materials of the proposal are appropriate to the existing group of buildings; and the proposal is not detrimental to road safety.

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

## **RELEVANT EMERGING POLICY:**

### **The County Durham Plan -**

22. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

23. *Staindrop Parish Council:* Object to the application. It is suggested that the development will detract from the special character of the area and pays little attention to the landscape qualities of the area. It is noted that the Development site lies outside of the Staindrop settlement limit. It is stated that the application would be contrary to Policy BENV4 as it would not make a positive contribution to local character and distinctiveness and it is suggested that a building of such style, massing and profile would be conspicuous in the location proposed. The design quality of the building is not considered to be appropriate as it would be at contrast with those in the area and would be suburban in character, with the large window in the southern elevation being particularly inappropriate. It is stated that the size of the building is excessive. Concern is expressed that the village would be deprived

of a useful business should the garage building be demolished. It is suggested that the new building could easily be subdivided into two residential properties at some point in the future. There is concern that the building would reduce views of the southerly aspect of the village from existing properties. Concern is expressed that black upvc windows would not be suitable at the site.

24. *Highway Authority*: No objection. It is acknowledged that Stangarth Lane is not constructed to an adoptable standard and is unsuitable in many respects to serve additional development that would give rise to further vehicle movements. However, as the current proposal is on the site of an existing garage business which will be removed as part of the proposal; this must be considered acceptable in highway terms.

25. *Northumbrian Water*: No comments to make.

#### **INTERNAL CONSULTEE RESPONSES:**

26. *Landscape Section*: No objection: The site is within an Area of High landscape Value. While the proposed building is likely to have an imposing presence in the landscape it is also likely to be an improvement compared to the present garage. It is requested that the existing sections of wall are retained and the gap caused by removal of the garage to be filled by a similar wall rather than a fence. Landscaping details should be conditioned.

27. *Design and Conservation*: No objection. The site is located outside the conservation area but within its setting and is occupied by a utilitarian structure which can be considered to harm the setting of the conservation area and other assets within. The redevelopment of the current garage in an appropriate manner could be considered to be a benefit to the setting of the conservation area and other assets. The design of the dwelling seeks to reflect a series of converted agricultural buildings which could be considered appropriate in this location. The scale of the building is challenging, however, on balance it is considered acceptable as the mass is broken up by the use of elements of varying sizes. Amendments to the design of the porch, removal of a car port and clarification of window details has addressed initial concerns in these respects. However, in order to ensure that the final window details are acceptable it is still considered appropriate to secure section and manufacturer details by condition.

28. *Environmental Health (Contaminated Land)*: No objection, but recommend a conditional approach requiring a scheme to deal with potential contamination from the current use.

29. *Ecology*: No objection, but all mitigation measures in the bat report should be adhered to.

30. *Public Rights of Way*: The main access to the site along Stangarth Lane contains footpath 20 and would be subject to construction vehicle movements. It may be beneficial for notices to be displayed for the benefit of drivers and pedestrians. You may prefer to include these comments as an advisory.

#### **PUBLIC RESPONSES:**

31. The application has been publicised by way of site notice and neighbour letters. There has been one letter of objection and one letter of support.

32. The objection considers that the scale and height of the proposal is not acceptable. The proposed building will dominate the view from the village and footpaths and is not in keeping with the rural aspect.
33. The letter of support considers the removal of the garage would be a benefit to the appearance of the area. It is suggested that the new building would not be excessively visually disruptive. It is also suggested that bed and breakfast would bring visitors to the village which would be of benefit to the local economy and that other garages are available within the village.

*The above is not intended to repeat every point made and 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:**

34. The proposed development of the Nursery Garage site to the south of Staindrop seeks to replace the current building which has a distinct commercial appearance, with a large single dwelling which will offer bed and breakfast facilities for tourists.
35. The existing building has been used for a number of purposes including caravan storage and in more recent times, a garage carrying out motor vehicle repairs and MOT's. Current traffic flows are considerable due to the nature of the site's current use. The proposed development will greatly reduce this and consequentially, reduce the impact on vehicle movements within the village itself.
36. The proposed dwelling will be constructed from natural stone with a slate roof. The windows and doors proposed will be grey in colour and will blend sympathetically with the stonework. Traditional features such as water tabling, granary steps and ventilation slits are to be used to further reduce the impact on the setting. It is also worth noting that the owners have gone through the proper channels and obtained pre-application advice which was generally supportive of the scheme. The subsequent full planning application was made with this advice in mind.
37. The proposed dwelling will also provide the owners with a regular source of income from the bed and breakfast services to be offered. It is anticipated that this service will be of high quality befitting of the area and will attract visitors to Staindrop and the wider dale.
38. The site itself is outside the Staindrop Conservation area and is linear in appearance. The existing building currently sits on the eastern boundary of the site and offers no opportunity for planting that could screen the structure. It is worth noting that a public footpath runs along the eastern site boundary. It could be argued that the existing building is something of an eyesore for anyone approaching Staindrop from the south. The proposed development is set back off this boundary and as such, a carefully chosen planting scheme can be implemented to help the dwelling to blend into its surroundings and be less obtrusive to those using the footpath.
39. The owners seek only to improve the site and create a structure that will not only provide a family home but will provide a service to Staindrop and the surrounding area by offering high quality accommodation for visitors to Teesdale, an area that relies heavily on tourism.
40. It is with this in mind, we would urge the committee to view this application favourably and approve the proposal.

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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41. 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 in this instance relate to principle of development, Impact on character and appearance of area, highways and other issues.

### Principle of development

42. The application site sits to the south of the main body of Staindrop on land outside of the settlement boundary. Residential accommodation in this location would therefore represent a departure to Teesdale Local Plan Policy ENV1 in respect of development in the countryside. Consideration must therefore be given to whether there are any other material considerations and benefits to outweigh this conflict.
43. The NPPF is an important material consideration. Section 6 of the NPPF seeks to significantly boost the supply of housing. Local planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised.
44. The Parish Council has objected to development outside the development limits of Staindrop, however, in accordance with paragraph 215 of the NPPF, the weight to be attached to relevant Teesdale Local Plan policies depends upon the degree of consistency with the NPPF. In this respect the settlement boundary policies of the Teesdale Local Plan date back to 2002. Therefore those policies which are policies for the supply of housing and which are based upon settlement boundaries cannot be considered as being up to date or compliant with the NPPF and accordingly can no longer be given any weight. In addition, following the withdrawal of the County Durham Plan (CDP) after the recent High Court decision to quash the Inspector's Interim Report, the policies of the CDP can no longer be given any weight either.
45. In these circumstances where there are no up to date local housing policies, the NPPF in paragraph 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
46. The main purpose of the NPPF is to achieve sustainable development. Staindrop is classed as a Tier 3 Local Service Centre in the Council's Settlement Study, which reflects the reasonable range of services on offer. It is considered a sustainable location for the provision of appropriate residential development and the occupants of the property would be within easy walking distance of the centre of Staindrop and associated service facilities, including both primary and secondary schools. More extensive facilities are available within Barnard Castle which sits approximately 8km to the west. Accordingly, although the site sits on the countryside fringes on the south side of Staindrop the site cannot be considered as isolated in the context of NPPF paragraph 55, which seeks to avoid isolated homes within the countryside.
47. In addition, the building proposed would partly occupy land which has been previously developed. The reuse of previously developed land is supported in the

NPPF and the removal of the existing unsightly building would have an environmental benefit.

48. The Parish Council has also objected on the grounds that the applicant has not demonstrated a need for the bed and breakfast element of the proposal. However, there is no policy requirement to demonstrate a need for such development. Part 3 of the NPPF seeks to support a prosperous rural economy. It gives an indication of the positive approach that the government seeks to take in relation to the rural economy giving support to rural tourism and leisure developments that benefit business, communities and visitors in rural areas.
49. Staindrop is well placed for access to tourism interests in the local and wider area. It is considered that this proposal would improve the range and quality of holiday accommodation in the area bringing direct and indirect economic benefits of tourism activity to the area.
50. The potential loss of the garage business is acknowledged. However, it may still be possible for the business to find alternative accommodation within Staindrop or elsewhere. It is not for the planning system to protect the interests of one business type or another in relation to this planning application, and the proposed development would bring other tourism related economic benefits to the area. There would also be some economic benefit through employment during the construction period and economic and social contribution to the local community from a new family dwelling.
51. Taking all the above into account the proposal is considered to represent a sustainable form of development and complies with the key aims of the NPPF. Compliance with the NPPF overrides the out of date housing and settlement limit policies of the Teesdale Local Plan. Therefore, subject to further consideration of detailed matters the proposal represents development that should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits identified.

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

52. The site lies within a sensitive location, adjacent to the Staindrop conservation area and within an Area of High Landscape Value (AHLV), where issues of design and scale are important.
53. Part 7 of the NPPF outlines that the government attaches great importance to the design of the built environment. It is noted that good design is a key aspect of sustainable development. Appropriate standards of design are also required through Teesdale Local Plan policies GD1 and H12. Policy ENV3 is permissive of development within the AHLV providing attention is paid to the landscape qualities of the area in siting and design of the proposals. Policy BENV4 contains design criteria in respect of development within or adjoining conservation areas.
54. A conservation area is a designated heritage asset. Part 12 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset (in this case Staindrop Conservation Area and encompassed listed buildings), great weight should be given to the asset's conservation. The NPPF advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
55. The Parish Council and letter of objection have raised a number of concerns over the scale and design of the proposed building. They consider that the development

would be highly intrusive and would have a suburban character at odds with the character of the area. They consider that as a result the development would not make a positive contribution to local character and distinctiveness.

56. However, this is a brownfield site on the edge of the village, already occupied by a very large and unattractive building. The extensive hardstanding within the site and its use as a vehicle repair garage, with a large amount of vehicles often surrounding it, compounds its visual impact. The site at present is at odds with the character of the area and detracts significantly from the setting of both the Staindrop conservation area and surrounding landscape. The site and existing building is not therefore worthy of retention in its current form.
57. It is acknowledged that the proposed main building would be higher than the existing and in that respect it would be a prominent feature from Stangarth Lane and nearby footpaths. However, along with the proposed garage, the development would be wholly located within the existing site and therefore there would be no encroachment into the countryside, or effect on the established form of the village. The height of the development would relate appropriately to existing development within Staindrop and the overall massing would be broken up by elements of different heights to replicate the typical character of rural buildings. Even with the feature glazing in the southern gable of the main building, the development would have a distinctly rural character in keeping with the character of development in Staindrop. The Design and Conservation Section has no objection following amendments to the porch and removal of a car port from the scheme. In addition the proposed windows have changed from black to grey and the Design and Conservation Section is satisfied that they are a quality product, the exact details of which can be secured by condition. There is also no objection from the Landscape Section, noting the proposed development is likely to be an improvement compared to the present garage. There will be opportunities for landscaping within the site bringing further improvement to the overall appearance of the site, which is currently devoid of any landscaping. The landscaping details can be agreed by condition, as can enclosure details to ensure the eastern and southern boundaries of the site are a continuation of the existing stone boundary wall, rather than fencing.
58. Taking all the above into account it is considered that the proposed redevelopment of this brownfield site would bring positive environmental benefits to the area. The development could be accommodated on the site in a manner which would be sensitive to the surrounding landscape designation (AHLV) and the adjacent Conservation Area. The development would not be contrary to the design and heritage aims of the NPPF, or to Teesdale Local Plan Policies GD1, H12, ENV1, ENV3 and BENV4.

## Highways

59. The application site is accessed from The Green by an un-adopted access track which runs between 6 South Green and Scarth Hall. The lane is also a public right of way and is therefore used by vehicles and pedestrians. Local concerns have been raised about the suitability of the lane to accommodate the development and associated traffic.
60. The condition and suitability of the lane to accommodate new development is acknowledged by the Highways Authority and any development leading to an increase in vehicular movements would not be supported.

61. However, the site contains a vehicle repair garage which already has considerable vehicular movements associated with the use. The applicant has quantified the number of movements associated with staff, customers and delivery of parts to be around 20 vehicles per day. The Highways Authority is satisfied that the proposed use as a dwelling and bed and breakfast would not generate a level of vehicular movement in excess of that created by the current use of the site and therefore has no objection.
62. The same applies to use of the lane as a public right of way and the Rights of Way Section suggest only that construction contractors should be made aware of the footpath and that it would be beneficial for notices to be displayed for the benefit of drivers and pedestrians. They are happy to deal directly with the developer over this matter and have this advice included as an advisory rather than a condition. As there is a separate duty to ensure rights of way remain unobstructed and safe an informative would be more appropriate than a condition in this respect.
63. Overall, the NPPF at Part 4 notes that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Such impacts are not identified in this instance.
64. On this basis and given the lack of objection from the Highway Authority and Rights of Way Section, it is considered that the proposed development would not be prejudicial to highway safety or use of the public right of way. The proposal does not therefore conflict with Teesdale Local Plan Policy GD1 and NPPF Part 4.

#### Other Issues

65. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England. An ecology assessment has been submitted alongside the application. The building is considered to be no risk or very low risk for use by roosting bats and the proposed works are likely to have a neutral impact upon the conservation status of the local bat population. Mitigation in respect of bats is not required, although measures are in place to deal with any bats, should they be found during the demolition. The Garage will need to be demolished outside the bird breeding season to avoid impacts to barn swallows. An EPS license from Natural England is not required.
66. The current garage use creates potential for some contamination on site and there would be a change in use of the site to a more sensitive receptor. However, the level of contamination is unlikely to be so significant that it couldn't be dealt with by a conditional approach requiring a scheme of investigation and agreement of any mitigation prior to any commencement of development on the site. This approach has been recommended by the Contaminated Land section and is considered sufficient to satisfy the requirements of NPPF Part 11.

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## **CONCLUSION**

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1. Although the proposal lies outside the current development limits of Staindrop and is therefore not strictly in accordance with Teesdale Local Plan Policy ENV1, the



redevelopment of this brownfield site with an appropriately designed scheme of housing and tourist accommodation would bring environmental and economic benefits to the area and therefore represents a sustainable form of development and does not conflict with Teesdale Local Plan Policies GD1, ENV3, H12 and BENV4.

2. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Teesdale Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission in this case, the proposal is therefore recommended for approval.

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## **RECOMMENDATION**

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Drawing 02 REV C received 22<sup>nd</sup> February 2016 & Bat Reasoned Risk Assessment by Barret Environmental Ltd received 21<sup>st</sup> December 2015.

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

3. Notwithstanding the details of materials submitted with the application the external walls shall be formed using random, coursed natural stone with pointing to match and the roof shall be natural blue slate. Development shall not commence until a sample panel of the proposed stone and pointing to be used in the construction of the main walls of the building has been erected on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be retained for reference on site throughout construction and the development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies GD1, ENV3 and BENV 4 of the Teesdale Local Plan. The details are required before commencement as the external appearance of the materials are fundamental to preserve the character and appearance of the Conservation area and relate to matters at the start of the development process.*

4. Notwithstanding details shown in the submitted plans, prior to the installation of any fenestration, the details for all doors and windows shall be provided to and agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken and retained in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies GD1, ENV3 and BENV 4 of the Teesdale Local Plan.*

5. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities and numbers of planting.

*Reason: In the interests of visual amenity having regards to Policies GD1, ENV3 and BENV4 of the Teesdale Local Plan. The details are required before commencement as the landscaping of the site is fundamental to the appearance of the area.*

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

*Reason: To ensure satisfactory implementation of the agreed details in the interests of the amenity of the area.*

7. Notwithstanding details shown in the submitted plans, the existing stone boundary walls shall be retained and new enclosures along the eastern and southern boundaries of the site shall be formed by a stone wall to match the existing. Prior to the installation/erection, of any enclosures, the details including a sample panel of the stone boundary walls shall be erected on site and made available for the written approval of the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate and shall be retained/maintained as such for the lifetime of the development.

*Reason: In the interests of the appearance of the area and to comply with Policies GD1 and ENV3 of the Teesdale District Local Plan.*

8. No development shall take place unless in accordance with the mitigation and recommendations detailed within Section E mitigation within the Bat Reasoned Risk Assessment by Barret Environmental Ltd received 21st December 2015.

*Reason: To conserve protected species and their habitat in accordance with Policies GD1 and ENV8 of the Teesdale Local Plan.*

9. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following.

#### Pre-Commencement

- (a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works

shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

## Completion

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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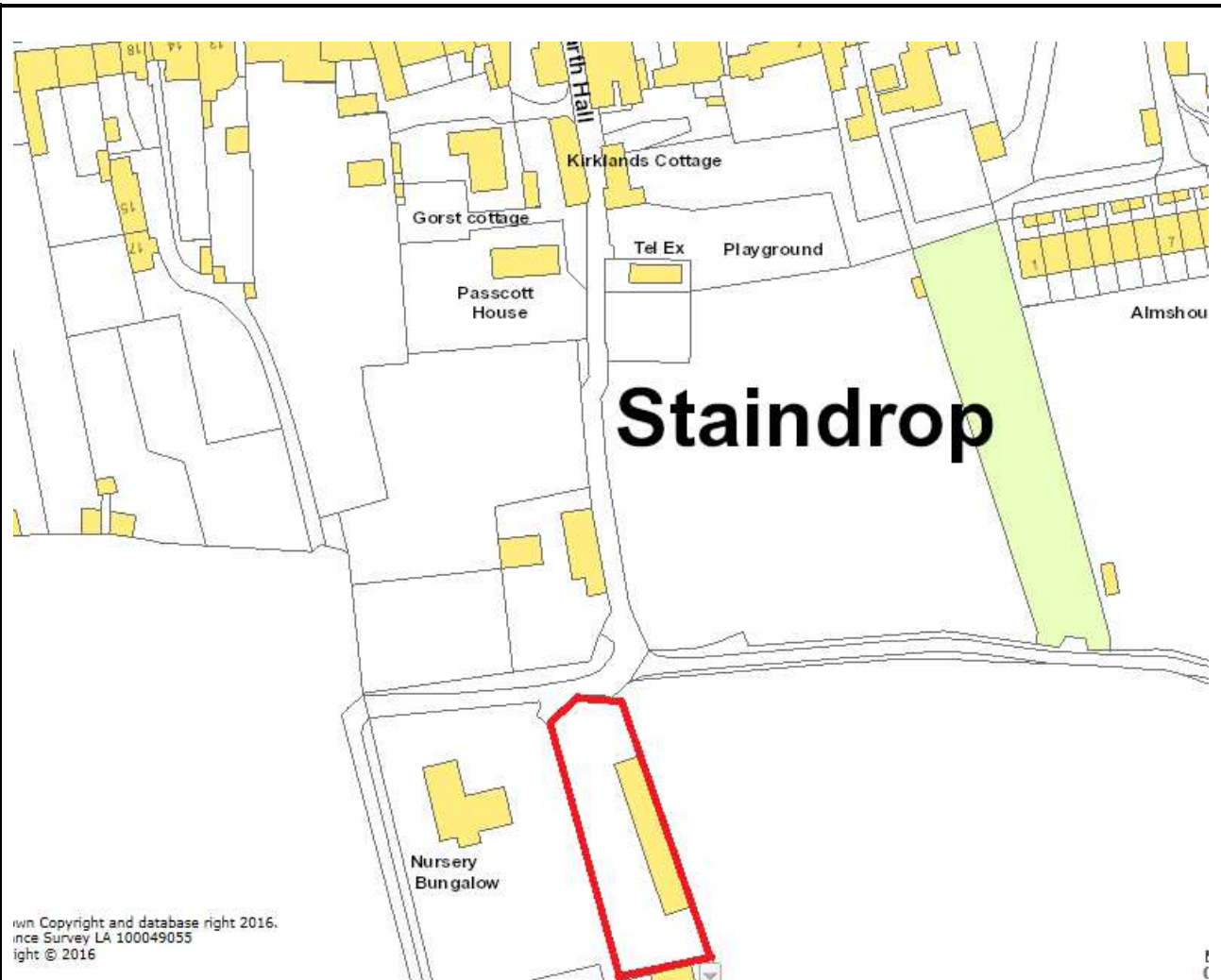
In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The use of pre commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process.

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents  
The National Planning Policy Framework (2012)  
National Planning Practice Guidance Notes  
Teesdale Local Plan  
The County Durham Plan (Submission Draft)  
County Durham Settlement Study 2012  
All consultation responses received



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**Planning Services**

Demolition of garage building and erection of dwelling with car port and garage (amended plans received 22/02/2016)

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17<sup>th</sup> March 2015

## Planning Services

**COMMITTEE REPORT**

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**APPLICATION DETAILS**

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<b>APPLICATION No:</b>	DM/16/00020/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of existing buildings and erection of 2no. detached dwellings with garages
<b>NAME OF APPLICANT:</b>	Mr Scott Thompson
<b>ADDRESS:</b>	Gorst Hall Gardens Stangarth Lane Staindrop Darlington County Durham DL2 3LR
<b>ELECTORAL DIVISION:</b>	Barnard Castle East
<b>CASE OFFICER:</b>	Tim Burnham Senior Planning Officer 03000 263963 <a href="mailto:tim.burnham@durham.gov.uk">tim.burnham@durham.gov.uk</a>

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**DESCRIPTION OF THE SITE AND PROPOSALS**

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1. The application site comprises approximately 0.3 hectares of land which sits to the south of Passcott House and to the north of Nursery Bungalow adjacent to Stangarth Lane in Staindrop. The land was previously occupied by a former plant nursey. The glasshouses have since been removed and the site is predominantly grassed over, but two former workshop/storage buildings of rendered breezeblock construction with sheet metal roofs remain near the south-eastern part of the site, which are currently utilised as a joiners workshop/builders yard. The application site sits to the south of the Conservation Area and settlement boundary.
2. The application proposes the demolition of two existing buildings and erection of two detached dwellings with garages. One existing building measures 18.5mtrs in length and 6.5mtrs in width, while a smaller building measures approximately 9mtrs x 10mtrs. The buildings have a maximum height of 4.5mtrs. The proposed dwellings would measure approximately 11mtrs in width and depth, with a maximum height of 7.3mtrs. The buildings would be constructed of natural stone with terracotta tiles.
3. The application is reported to the Planning Committee at the request of Staindrop Parish Council due to concerns relating to landscape and conservation area impacts, concern over the principle of housing development within the countryside, and design concerns. Cllr Rowlandson has also requested the application be referred to the planning committee due to highways concerns.

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**PLANNING HISTORY**

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4. Planning approval was granted in 1987 for change of use of boilerhouse and store to joinery workshop.

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## PLANNING POLICY

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### NATIONAL POLICY

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
6. *NPPF Part 4 – Promoting sustainable Transport.* The Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. On highway safety, there must be safe and suitable access to the site for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
7. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
8. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
9. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
10. *NPPF Part 11 – 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.

11. NPPF Part 12 – Conserving and Enhancing the Historic Environment. States that heritage need to be recognised as an irreplaceable resource and to be conserved in a manner appropriate to their significance.

*The above represents a summary of those policies considered most relevant in the Development Plan*

#### **LOCAL PLAN POLICY:**

12. The following policies of the Teesdale Local Plan are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight.
13. *Policy GD1: General Development Criteria:* All new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
14. *Policy ENV1: Protection of the Countryside.* This policy restricts the type of development that would be permitted in the Countryside. Tourism and recreation developments would be considered acceptable where compliant with other policy and where they do not unreasonably harm the landscape and wildlife resources of the area.
15. *Policy ENV3: Development Within or Adjacent to an Area of High Landscape Value*  
The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.
16. *Policy ENV8: Safeguarding plant and animal species protected by law:* Development should not significantly harm plants or species protected by law and where appropriate adequate mitigation measures should be provided.
17. *Policy BENV4: Development within and / or adjoining Conservation Areas*  
Development within conservation areas will only be permitted provided that among other things the proposal respects the character of the area and does not generate excessive environmental problems which would be detrimental to the character and appearance of the conservation area.
18. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.

## RELEVANT EMERGING POLICY:

### The County Durham Plan -

19. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

20. *Staindrop Parish Council: Object to the application.* It is suggested that the development will detract from the area's special character and pays little if any attention to the landscape qualities of the area and is outside of the settlement limit of Staindrop. The application would be contrary to Policy BENV4 as it would not make a positive contribution to local character and distinctiveness. The design quality of the houses with large garages is considered suburban in character and not appropriate to the location. The application represents suburban creep and would encourage further residential planning applications to the south side of the village.
21. *Highway Authority:* No objection. It is acknowledged that Stangarth Lane is not constructed to an adoptable standard, and is unsuitable in many respects to serve additional development that would give rise to further vehicle movements. However, pre application discussion has resulted in a lower number of dwellings than had been originally proposed and as this current proposal would remove commercial premises, a highway objection would be able to be sustained.
22. *Northumbrian Water:* No comments to make.

### INTERNAL CONSULTEE RESPONSES:

23. *Landscape Section:* No objection. The site is within an Area of High Landscape Value and outside the development limits, but there is now a modern dwelling and a motor workshop beyond this site to the south, so the proposal would infill, rather than extend the developed land south of Staindrop and therefore there is no objection on landscape grounds. Retention of trees, boundary treatment and landscaping should be clarified.
24. *Design and Conservation:* Oppose the principle of developing the site on the grounds that the development would erode the definite east - west layout of the village, which is considered to be a fundamental part of the significance of the



adjacent conservation area. It is however accepted that the existing buildings on the site are of no architectural merit and their loss would improve the setting of the surrounding assets rather than harm it. The layout, scale, and design of the dwellings are also considered to be a good response to the local vernacular.

25. *Environmental Health (Noise)*: No objection. Conditions are recommended to control construction related impacts.
26. *Environmental Health (Contaminated Land)*: No objection, but recommend a conditional approach requiring a scheme to deal with potential contamination from the current use.
27. *Ecology*: No objection. We are happy that there are no major ecological constraints to this development.

#### **PUBLIC RESPONSES:**

28. The application has been publicised by way of site notice and neighbour letters. One letter of objection has been received. Concern is put forward that this would represent development to the south of the village. Concern is expressed in relation to the safety and state of the Stangarth Lane access.

*The above is not intended to repeat every point made and 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:**

29. The application site lies to the south of the Conservation Area and outside the previous Local Plan Development Limit of Staindrop. It can be accessed between existing residential properties and Scarth Hall via Stangarth Lane. The proposed buildings are located on the former Builders Yard and associated land to the South of Passcott House, with footpath links to the village, public transport and the open countryside.
30. The submitted plans and reports detail the proposed new buildings and use of the site for residential purposes. The design of the buildings is purposefully low key, with a simple traditional double fronted form with well-proportioned apertures. Low duo pitched roofs, lower perimeter eaves and end wall gables have been utilised to reduce the height and massing. The massing of the proposal sits between those of the 2 story elevated Passcott House to the North and the single story Nursery Bungalow to the south.
31. The proposed natural materials are clay terracotta pantiles for the roof, locally sourced stone for walls, natural stone heads and cills with timber front doors. All of the materials are designed to be sympathetic.
32. The scale of the proposal will not dominate in key views from the village to the site and the countryside beyond, it can only enhance the tired and run down nature of the site as it currently stands; the southern elevation will make use of the open aspect to the west with larger proportions of glazing. While the more traditionally proportioned front elevation carefully respects its surroundings. The positioning of the buildings being set back from the lane allows for an element of defensible space to be delivered and gives the opportunity for on plot landscaping to enhance the character of the Stangarth Lane. The garage forms to the front of the plots

break up the flat building line and provide a change in ridge heights and scale adjacent to the lane.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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33. 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 in this instance relate to principle of development, impact on character and appearance of area, highways and other issues.

### Principle of development

34. The proposed dwellings sit to the south of the main body of Staindrop on land outside, but adjacent to the settlement boundary. The properties therefore would represent a departure to Teesdale Local Plan Policy ENV1 in respect of development in the countryside. Consideration must therefore be given to whether there are any other material considerations and benefits to outweigh this conflict.
35. The NPPF is an important material consideration. Section 6 of the NPPF seeks to significantly boost the supply of housing. Local planning authorities should seek to deliver sustainable, inclusive and mixed communities, while avoiding isolated homes in the countryside. Section 4 requires development to be located where the need to travel will be minimised.
36. The Parish Council has objected to development outside the development limits of Staindrop, however, in accordance with paragraph 215 of the NPPF, the weight to be attached to relevant Teesdale Local Plan policies depends upon the degree of consistency with the NPPF. In this respect the settlement boundary policies of the Teesdale Local Plan are housing policies and date back to 2002. Therefore those policies which are policies for the supply of housing and which are based upon settlement boundaries cannot be considered as being up to date or compliant with the NPPF and accordingly can no longer be given any weight. In addition, following the withdrawal of the County Durham Plan (CDP) after the recent High Court decision to quash the Inspector's Interim Report, the policies of the CDP can no longer be given any weight either.
37. In these circumstances where there are no up to date local housing policies, the NPPF in paragraph 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
38. The main purpose of the NPPF is to achieve sustainable development. Staindrop is classed as a Tier 3 Local Service Centre in the Council's Settlement Study, which reflects the reasonable range of services on offer. It is considered a sustainable location for the provision of appropriately scaled residential scheme and occupants of these properties would be within easy walking distance of the centre of Staindrop and associated service facilities, including both primary and secondary schools. More extensive facilities are available within Barnard Castle which sits approximately 8km to the west. Accordingly, although the site sits on the fringes on the south side of Staindrop the site cannot be considered as isolated in the context of NPPF paragraph 55, which seeks to avoid isolated homes within the countryside.

39. In addition, the dwellings proposed would mostly occupy land which contains existing buildings and previously was extensively covered in glass houses associated with the former nursery gardens at the site. The reuse of previously developed land is supported in the NPPF and the removal of the existing unsightly buildings would have an environmental benefit.
40. There would also be some economic benefit through employment during the construction period and economic and social contribution to the local community from two new family dwellings.
41. Taking all the above into account the proposal is considered to represent a sustainable form of development and complies with the key aims of the NPPF. Compliance with the NPPF overrides the out of date housing and settlement limit policies of the Teesdale Local Plan. Therefore, subject to further consideration of detailed matters the proposal represents development that should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits identified.

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

42. The site lies within a sensitive location, adjacent to the Staindrop conservation area and within an Area of High Landscape Value (AHLV), where issues of design and scale are important.
43. Part 7 of the NPPF outlines that the government attaches great importance to the design of the built environment. It is noted that good design is a key aspect of sustainable development. Appropriate standards of design are also required through Teesdale Local Plan policies GD1 and H12. Policy ENV3 is permissive of development within the AHLV providing attention is paid to the landscape qualities of the area in siting and design of the proposals. Policy BENV4 contains design criteria in respect of development within or adjoining conservation areas.
44. A conservation area is a designated heritage asset. Part 12 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset (in this case Staindrop Conservation Area and encompassed listed buildings), great weight should be given to the asset's conservation. The NPPF advises that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
45. The Parish council and letter of objection have raised concerns over the effect of the development on the form and views of the village from the south, as well as the design of the development. The Design and Conservation Section also consider that the development would erode the village form, but consider the design of the dwellings acceptable.
46. It is acknowledged that the established village layout, which is predominantly east-west around the village green and along the A688 is fundamental to the significance of Staindrop Conservation Area. However, it is considered that concerns that the proposed development would significantly compromise this are not well founded.
47. The application site is previously developed land. It currently hosts two modern work shop buildings and previously was covered almost entirely in large glass houses, which also extended further south beyond the application site. The land to the south is now occupied by a dwelling and a large vehicle repair garage, and represents development further south than the application site. It is also notable

that immediately to the west of the site are the extensively deep curtilages of the South Green properties, which contain many outbuildings. Further to the west is extensive post war housing development of greater depth than the application site. To the east of the village are the Broumly Court development, Staindrop Primary School and allotment gardens, which all lie to the south behind the main road frontage and give depth to the village form. In this context the proposed development would not be viewed as an incursion beyond the established form of the village, or into the countryside. This is the view shared by the Landscape Section who consider that the proposal would infill, rather than extend the developed land south of Staindrop.

48. The design, scale and layout of the proposed dwellings and garages together with the use of natural stone, pantile roofs and sensitively designed fenestration, would combine to result in buildings that would be in keeping with local character and would be appropriate to their surroundings within an Area of High Landscape Value and adjoining the conservation area. The Design and Conservation Section, despite the misgivings discussed above, considers the design of the proposed development to be a good response to the local vernacular. The existing buildings have a negative impact on the area and their replacement as proposed, in addition to a new stone boundary wall along the lane, would result in a significant improvement to the site and area, while still retaining the rural character of Staindrop. Views north towards the conservation area and its listed buildings would not therefore be adversely affected. The landscaping and enclosure details can be agreed by condition. This would include the treatment along Stangarth Lane where it is agreed with the Landscape Section that there should be a narrow grass verge between the lane and boundary wall. The conifer trees immediately to the north of the existing buildings do not warrant retention and can therefore be removed to accommodate the development.
49. Taking all of the above into account it is considered that the proposed redevelopment of this brownfield site would bring positive environmental benefits to the area. The development could be accommodated on the site in a manner which would be sensitive to the surrounding landscape designation (AHLV) and the adjacent Conservation Area. The development would not be contrary to the design and heritage aims of the NPPF, or to Teesdale Local Plan Policies GD1, H12, ENV1, ENV3 and BENV4.

## Highways

50. The application site is accessed from The Green by an un-adopted access track which runs between 6 South Green and Scarth Hall. The lane is also a public right of way and is therefore used by vehicles and pedestrians. Local concerns have been raised about the suitability of the lane to accommodate the development and associated traffic.
51. The condition and suitability of the lane to accommodate new development is acknowledged by the Highways Authority and any development leading to an increase in vehicular movements would not be supported.
52. However, the site comprises buildings with a commercial use and was previously in use as a much larger nursery garden. The Highways Authority considers that the 2 proposed dwellings would not generate a level of vehicular movement in excess of that created by the existing lawful use of the site. If the vehicle repair garage to the south is also redeveloped (it is the subject of an application) then there will be even further reductions in vehicles using the lane, but the acceptability of this proposal is not dependent on the development to the south.

53. The same applies to use of the lane as a public right of way and while there would be increased construction related traffic for a limited period, the developer has a duty to ensure rights of way remain unobstructed and safe, and in accordance with previous advice from the Public Rights of Way Section relating to development to the south, the matter can be dealt with by an informative.
54. The NPPF at Part 4 notes that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Such impacts are not identified in this instance
55. On this basis and given the lack of objection from the Highway Authority, it is considered that the proposed development would not be prejudicial to highway safety or use of the public right of way. The proposal does not therefore conflict with Teesdale Local Plan Policy GD1 and NPPF Part 4.

#### Other Issues

56. The presence of protected species is a material planning consideration. The requirements of the Habitats Directive were brought into effect by the Conservation of Habitats and Species Regulations 2010. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England. An ecology assessment has been submitted alongside the application. Buildings on site were assessed as having a low risk of supporting bats. No evidence of bat use of the buildings was found. The pine trees which are proposed for removal adjacent to the workshop were considered to have a negligible risk of supporting roosting bats. Precautionary working methods are recommended within the ecology report and these recommendations are conditioned within the application. An EPS license from Natural England is not required.
57. The application was accompanied by a site investigation to examine potential for contamination arising from current and previous uses of the site. It considered the site to have a moderate/low environmental risk, but nevertheless recommends a phase 2 assessment to verify the findings. The Contaminated Land Section agrees with the recommendations of the site investigation report and is satisfied that in light of the low risk the matter can be dealt with by condition to satisfy the requirements of NPPF Part 11.
58. The Environmental Health Section has suggested conditions to control construction hours and other construction impacts, however there are additional controls outside of planning that deal with noise nuisance and disturbances and it would not be appropriate to duplicate such controls, particularly for such a small scale development. Conditions in this respect would not meet the tests of necessity.

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## **CONCLUSION**

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59. Although the proposal lies outside the current development limits of Staindrop and is therefore not strictly in accordance with Teesdale Local Plan Policy ENV1, the redevelopment of this brownfield site with an appropriately designed scheme of

housing represents a sustainable form of development and does not conflict with Teesdale Local Plan Policies GD1, ENV3, H12 and BENV4.

60. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Teesdale Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission in this case, the proposal is therefore recommended for approval.

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## **RECOMMENDATION**

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Drawing PL03, PL04, PL05, Phase 1 Habitat Survey and Protected Species Risk Assessment by Penn Associates received 04<sup>th</sup> January 2016.

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

3. Notwithstanding the details of materials submitted with the application the external walls shall be formed using random, coursed natural stone with pointing to match and the roofs shall be clay pantiles. Development shall not commence until a sample panel of the proposed stone and pointing to be used in the construction of the main walls of the building has been erected on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be retained for reference on site throughout construction and the development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies GD1, ENV3 and BENV 4 of the Teesdale Local Plan. The details are required before commencement as the external appearance of the materials are fundamental to preserve the character and appearance of the Conservation Area and relate to matters at the start of the development process.*

4. Notwithstanding details shown in the submitted plans, prior to the installation of any fenestration, the details for all doors and windows shall be provided to and agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken and retained in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policies GD1, ENV3 and BENV 4 of the Teesdale Local Plan.*

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

landscaping shall include details of hard and soft landscaping, planting species, sizes, layout, densities and numbers of planting.

*Reason: In the interests of visual amenity having regards to Policies GD1, ENV3 and BENV4 of the Teesdale Local Plan. The details are required before commencement as the landscaping of the site is fundamental to the appearance of the area.*

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

*Reason: To ensure satisfactory implementation of the agreed details in the interests of the amenity of the area.*

7. Prior to the installation/erection, of any enclosures, the details including a sample panel of the stone boundary walls shall be erected on site and made available for the written approval of the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate and shall be retained/maintained as such for the lifetime of the development.

*Reason: In the interests of the appearance of the area and to comply with Policies GD1 and ENV3 of the Teesdale District Local Plan.*

8. No development shall take place unless in accordance with the mitigation and recommendations detailed within recommendations 1 and 2 Phase 1 habitat survey and protected species risk assessment by Penn Associates dated January 2015.

*Reason: To conserve protected species and their habitat in accordance with Policies GD1 and ENV8 of the Teesdale Local Plan.*

10. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following.

#### Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

#### Completion

- (c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be

submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In arriving at the decision to recommend approval of the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development. The use of pre commencement conditions is deemed necessary are fundamental to the appearance of the area and relate to matters at the start of the development process.

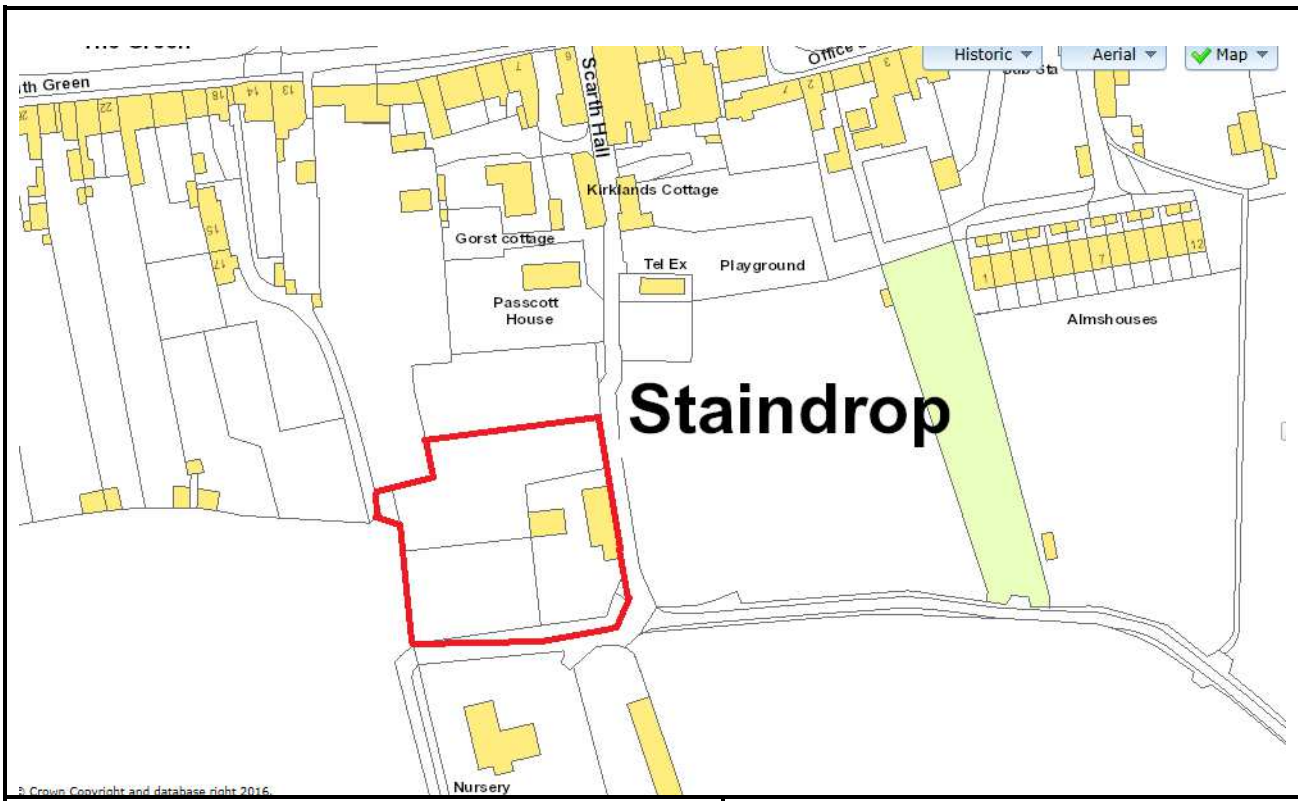
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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents  
The National Planning Policy Framework (2012)  
National Planning Practice Guidance Notes  
Teesdale Local Plan  
The County Durham Plan (Submission Draft)  
County Durham Settlement Study 2012  
All consultation responses received





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# Staindrop



## Planning Services

Demolition of existing buildings and erection of 2no. detached dwellings with garages

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17<sup>th</sup> March 2015

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