

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/18/02742/FPA & DM/18/02743/LB
<b>FULL APPLICATION DESCRIPTION:</b>	Residential conversion and extension of pumping station (amended description/plans 11/03/2019)
<b>NAME OF APPLICANT:</b>	Northumbrian Water Ltd
<b>ADDRESS:</b>	Former Pumping Station to the North East of Presser Villa, Bale Hill, Blanchland, DH8 9XB
<b>ELECTORAL DIVISION:</b>	Weardale
<b>CASE OFFICER:</b>	Amy Williamson, Planning Officer, 03000 261391, amy.williamson@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The property is a former water pumping station dating from the late 19<sup>th</sup> century. The building has two storey and single storey elements with a tall chimney to the south east corner. The building is constructed from coursed stone with slate hipped roofs. It features a number of arched windows and doors at both ground and first floor levels, primarily to the east and west elevations. Immediately to the north of the building is a small area enclosed by walls and fencing within which former mine shafts are situated. The building is grade II listed.
2. Vehicle access is currently taken via an unsurfaced track through a wooded area adjacent to Presser Villa to the south west. This is connected to the public highway via a gravelled track running adjacent to the southern boundary of the site, which is also a public right of way. The building sits within an open field enclosed by fencing to the north, south and east. Presser Villa, an existing residential property, lies to the west of the site. A Northumbrian Water easement runs from north to south across the site, immediately to the west side of the building.
3. The building is one of the few remaining features of the former Presser and Ramshaw Lead Mines and there are a number of associated mine shafts, structures and earth works on and adjacent to the site. The residual elements of Ramshaw Lead Mine located a short distance away to the east and west are a scheduled monument.
4. The application site is within the North Pennines Area of Outstanding Natural Beauty (AONB). Land beyond the gravelled access track are designated as a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Special Area of Conservation (SAC) due to the high quality moorland environment.
5. Planning permission and Listed Building Consent is sought to convert the building into a 5 bedroom detached dwelling. This would be achieved by the installation of internal stud partition walls involving minimal alteration to the historic fabric of the building. Existing openings would primarily be used for windows and doors, with a

small number of new openings proposed relating to features of the existing building. A new terrace at first floor level would be created above the area containing mine shafts to the northern side of the building to completely enclose the former shafts. A light weight orangery of contemporary, flat roof design would be added to the east side of the building.

6. The existing grassed access track across the site would continue to be used and would be widened and resurfaced in gravel. A new domestic curtilage would be added around the building, enclosed to the eastern side by a 1m high dry stone wall and post and rail fencing around the access track and western extent of the curtilage. Field gates would enclose the end of the access next to the existing gravel track and would also be provided within the site to access the wider land in which the site is situated. A parking area for the new dwelling would be provided immediately to the south of the building.
7. Initial proposals included the erection of 3 no. new build dwellings. However following discussions with the LPA the new build element has been removed from the proposal and only permission to convert the existing building is now sought.
8. Hunstanworth Parish Council has requested that the application is considered by the Planning Committee on the grounds that the development would result in adverse impacts visually, on the landscape and heritage assets, residential amenity and protected species and areas.
9. The application was initially reported to the Planning Committee on 18 July 2019, where objectors identified that legal notices had not been served on all those with an interest in the land. The application was subsequently deferred by the Committee. The agent has now confirmed that all appropriate notices have been served on the land owner and all parties with an interest in the land. At the time of the report no further representations had been received following service of the notices.

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## **PLANNING HISTORY**

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10. There are no records of any planning permissions having previously been granted at this site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

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

*NPPF Part 2 - Achieving sustainable development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

*NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

*NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

*NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

*NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

*NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

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

*NPPF Part 16 - Conserving and enhancing the historic environment.* Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and

should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

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

13. The following policies of the Wear Valley 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.

*Policy GD1: General Development Criteria:* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

*Policy ENV1: Protection of the Countryside:* The District Council will seek to protect and enhance the countryside of Wear Valley. Development will be allowed only for the purposes of agriculture, farm diversification, forestry or outdoor recreation or if it is related to existing compatible uses within the countryside as defined in other Local Plan policies.

*Policy ENV2: The North Pennines Area of Outstanding Natural Beauty:* Priority will be given to the protection and enhancement of the landscape qualities of the North Pennines Area of Outstanding Natural Beauty as identified on the Proposals Map, when considering proposals for development. Development which adversely affects the special scenic quality and the nature conservation interest of the AONB will not be permitted.

*Policy ENV10: Sites of Special Scientific Interest:* Development which will adversely affect the conservation value of SSSI's directly or indirectly will only be permitted where the development is of overriding national importance and cannot be located elsewhere. Measures should be taken to conserve and enhance nature conservation and provide replacement habitats and features where damage is unavoidable.

*Policy BE1: Protection of Historic Heritage:* The Historic Heritage of District should be conserved by the maintenance, protection and enhance of features of particular historic, architectural or archaeological interest.

*Policy BE4: Setting of a Listed Building:* Development which impacts on the setting of a listed building and adversely affect its special architectural, historical or landscape character will not be allowed.

*Policy BE20: Conversion of Buildings in the Countryside:* This policy sets out the criteria that will need to be met for change of use of rural buildings to residential and other uses to be considered acceptable.

*Policy H3: Distribution of Development:* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.

*Policy H24: Residential Design Criteria:* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.

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

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

## **RELEVANT EMERGING POLICY:**

The County Durham Plan

14. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Following consultation at 'Issues & Options', 'Preferred Options' and 'Pre Submission Draft' stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 28 June 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

15. *Blanchland Parish Council* - Support the principle of conversion of Presser Pumping Station to a residential dwelling providing this is sympathetically done to and retains the key features and fabric of the listed building. The proposed orangery is not supported. The proposed 3 no. new dwellings are not supported due to their significant adverse visual and landscape impacts upon the AONB and Dark Skies, harm to the significance and setting of the listed building and other designated heritage assets, the isolated and inaccessible nature of the location, lack of need for new housing, particularly expensive housing, in this area, lack of clarity around enabling development, adverse ground conditions and land contamination from previous mining activities, lack of environmental impact assessment, impact on biodiversity, habitats and protected species and general lack of information to prevent the Council from fulfilling its statutory duties.
16. *Highways Authority* – No objections, recommend a maintenance schedule for the shared access track is agreed by condition and considers it likely that bins will be stored in the vicinity of the junction of the shared gravel track with the public highway
17. *Historic England* – No objections
18. *Hunstanworth Parish Council* – Initially commented that they support the principle of the renovation and conversion of Presser Pumping Station to a residential dwelling providing this is sympathetic to and retained the key features and fabric of the listed building. The proposed orangery is not supported. The proposed 3 no. new dwellings are not supported due to their significant adverse visual and landscape impacts upon the AONB and Dark Skies, impacts on the significance and setting of the listed building, the isolated and inaccessible nature of the location, lack of need

for new housing in this area, lack of clarity around enabling development, adverse ground conditions and land contamination, impact on biodiversity, habitats and protected species, impacts on water supply and services infrastructure, lack of environmental impact assessment and general lack of information to prevent the Council from fulfilling its statutory duties.

19. Following reconsultation on the amendments, they advised they were pleased the additional dwellings have been removed from the scheme. Careful assessment of the scheme by the LPA is advised due to the sensitive nature of the site which is a listed building in an AONB surrounded by very sensitive ecological and visually prominent managed moorland. The following issues are currently considered to be unaddressed: Impacts on habitats, the access road, water supply, ground contamination and lead pollution, visual impacts of curtilage and light pollution. A condition to remove permitted development rights is recommended.

20. *Natural England* – Natural England initially commented that further information was required in order to determine the significance of impacts of the development and the scope for mitigation, including an assessment of potential impacts on designated sites as a result of disturbance by pets and residents, including predation by pets, potential disturbance during construction, a mitigation strategy if impacts are identified and a habitats regulations assessment. Following preparation of a Habitats Regulations Assessment by the Council's Ecologist, Natural England concurred with the findings of the Assessment and raise no objections.

21. *Northumbrian Water* – No objections

22. *The Victorian Society* - Following the amendments to the scheme, consider that the introduction of new windows and the orangery will over domesticate the building. The windows may be justified by the public benefits of re-use of the building, however it is not considered there is any need or justification for the orangery.

### **23. INTERNAL CONSULTEE RESPONSES:**

24. *Archaeology* – No objections subject to conditions requiring approval of written scheme of investigation and scheme of archaeological works.

25. *Contaminated Land* – Given previous land uses a contaminated land condition should apply to ensure future users are not exposed to any unacceptable contamination.

26. *Design and Conservation* – Support the application following the amendments to the scheme and advise that given the building now requires considerable stabilization and repair works full support is offered for this proposal to secure the fabric and ensure the development can commence as soon as possible.

27. *Drainage* – No objections

28. *Ecology* – Following completion of the HRA in consultation with Natural England, no objections are raised subject to a condition to secure the mitigation and compensation set out in the Ecological Impacts and Mitigation report

29. *Landscape* – Welcome the preservation and re-use of the building however this should not compromise its appearance in the landscape. Concerns are raised about parking arrangements, hard surfacing and boundary treatments to minimize visual impacts. Hard surfacing should be located away from the historic concrete structures to the south of the building and should be minimized and appropriately

sited to screen car parking. Further details of boundary treatments are requested. It is noted that fencing around the wider site is in a dilapidated condition and it is suggested that this should be replaced in a more appropriate style.

30. *North Pennines AONB Officer* - Comments that statutory duties under the Countryside and Rights of Way Act (2000) to have due regard to the purpose of the AONB designation should be fulfilled. Clarity is sought about whether the proposal is an outline or full planning application. Concern is raised about the orangery, which does not respect the form and function of the original building and when lit at night, will become an unacceptably dominant part of the dwelling and would negatively impact on dark skies. Colours of windows and doors and pointing should be agreed in advance. Consideration should be given to outside space and out buildings to ensure there are no negative impacts on the setting of the building in terms of clutter. The chimney should be consolidated as part of the scheme.
31. *Tree Officer* – Details of proposed tree removal, tree protective measures (compliant with BS5837) and replacement planting should be agreed.
32. *Spatial Policy* – Following removal of the proposed new build dwellings, it is advised that the application should be assessed against paragraph 11, d) i. where the policies that protect areas or assets of particular importance which are identified in relation to footnote 6 are:
- Habitats sites policies
  - AONB policies
  - Policies relating to designated heritage assets.

Should these policy requirements be satisfied, paragraph 11, d) ii. would be engaged and a planning balance test should be undertaken which weighs up any identified 'adverse impacts' and 'benefits' of the scheme to arrive at the final decision.

#### **PUBLIC RESPONSES:**

33. The application has been publicised by way of site notice, advertised in the local press and individual notification letters to neighbouring residents.
34. 47 no. letters of objection were received in relation to the initial proposals raising the following points:
- The unmade access track does is not adequate to serve the development. DCC Highways Guidance states that no more than 5 dwellings should be accessed via a private driveway. Emergency Services would struggle to gain access via the unmade track and access by construction traffic would be difficult. The track is a public right of way and their maybe disruption for users of this.
  - The site gets a considerable amount of snow and ice in the winter and access to the public highway can be problematic during such periods, current residents park close to the public highway however there will be insufficient space for all new residents to park adjacent to the public highway. Other rural roads are single lane in places and also get blocked in the snow. There will be highway safety issues resulting from the development.
  - The development will add significant to the number of vehicles using narrow rural roads
  - Only 2 parking spaces are provided per dwelling, this is insufficient for the needs of large families and visitors
  - There are only extremely limited public transport links in the vicinity

- The development would threaten the water supply to Presser Villa which runs beneath the application site which is via a spring, it is poor during hot weather and freezes in the winter, existing arrangements would not be suitable to serve an additional 4 no. large dwellings
- Electricity to the site is not comprehensive and is likely to require substantial upgrading, there is no mains gas.
- Concern is expressed about how sewerage would be dealt with and the impacts of a sewage treatment plant serving 4 no. dwellings
- The site is in a quiet moorland location, the development will adversely affect local residents in terms of visual impacts, loss of tranquillity, an increase in noise, light pollution, loss of privacy and additional traffic
- The development would cause substantial harm to the setting and significance of an iconic, prominent listed building, in particular from the 3 no. new dwellings and subdivision of domestic curtilages, and would be out of keeping with the openness and special scenic quality of the AONB to the detriment of local residents and tourists, contrary to saved policies GD1, ENV2, ENV3 and BE4 of the WVDLP, the NPPF and the aims of the Emerging County Durham Plan
- The NPPF requires harm to the significance and setting of the listed building to be weighed against its public benefits, given the significant public opposition, it is not considered the harm would be outweighed by any public benefits
- The contemporary designs for the new dwellings do not reflect the character of the listed building and surrounding area
- Given the sensitive location, the proposed 3 no. dwellings should not be considered on a hybrid, outline basis.
- The development will not conserve and enhance the natural beauty of the AONB contrary to the requirements of the Countryside and Rights of Way Act 2000
- The addition of 3 no. new build dwellings will affect the setting of the pumping station, be visible in views into the site and affect the wider landscape
- It is unnecessary for Northumbrian Water to build 3 no. new dwellings in order to fund restoration of the pump house as they are a successful, profitable business
- The pumping station should have been maintained by Northumbrian Water and not allowed to deteriorate, in line with their legal responsibility as owners of a listed building. Funding could have been sought from English Heritage or other similar organisations in order to restore the building.
- The development will result in light pollution from windows and bi-folding doors in an area of total darkness at night and UNESCO Geopark with dark skies status
- The proposals for converting the pumping station will take away any relevance to its original function, introduce domestic use and features, particularly the orangery, and would not conserve its significance, special architectural and historic interest in line with statutory requirements
- The site contains a number of mine shafts, spoil heaps and an underground lake, this is not a suitable location for residential development and future occupants may struggle to get a mortgage
- Bin men do not access the site and new residents will have to take bins all the way to the edge of the public highway, as such it is likely bins will be permanently kept adjacent to the road side. A discretely positioned, sensitively designed bin store would be preferable. Bins may be blown over in high winds leading to rubbish being blown across the moor.
- The proposed new dwellings will not be desirable to future purchasers due to previous land uses and remaining features of this, inclement weather and

maintenance of a 20m high chimney which serves no domestic purpose. The site would be better operated as a tourist attraction to enhance local visitor offer.

- There is no need for new housing in the area, in particular large, executive housing which will be out of reach for local young residents. There are currently empty houses in neighbouring settlements.
- The site is no longer a brownfield site and has been used for grazing for many years since lead mining ceased
- New residential development would set a precedent for future development in the area
- There is no fibre or cable broadband in the area and the internet is very slow, mobile phone signal is also poor
- Moorland habitats, plants, biodiversity and wildlife, including ground nesting birds, would be adversely affected and there will be direct and indirect impacts on the adjacent SSSI, SAC and SPA, in particular from walking and cats and dogs accessing the protected areas. An Ecology Habitats Impact Assessment has not been carried in out in accordance with the Conversion of Habitats and Species Regulations 2010.
- It is unclear if the new build development is enabling development to secure the restoration of the listed building, if so a detailed structural survey identifying the issues with the building, full costs of repair and profit from the new build scheme should be provided. There is no submitted evidence that the 3 no. dwellings are necessary to achieve the repairs to the pumping station.
- The site has not previously been marketed on the basis that the pumping station could be converted to residential use, the marketing exercise was carried out over 5 years ago and does not reflect current circumstances. It is considered that the conversion would in itself deliver sufficient value. The proposal for 3 no. new dwellings is considered to be for the purposes of maximising the value of the site only.
- There are no schools, health services and amenities in the surrounding area and the location cannot be considered to be sustainable as set out in the NPPF.
- Emergency services have long response times in this area.
- Have Environmental Impact Assessment Regulations been complied with?
- The development would be contrary to the aims of the Altogether Better Strategy for County Durham 2014-2030
- Only minimal publicity has been used to notify local residents of the application, Northumbrian Water have not carried out any consultation with the local community
- The site is of archaeological value in terms of industrial archaeology, in particular the engine house and chimney which may contain earlier fabric, and should be considered as part of an archaeological mitigation strategy
- Residents have been unable to obtain planning and listed building consent for changes to their listed properties, which are of a more minor nature than the current proposal
- The development would have an adverse impact on the activities and land management of the adjacent sporting estate, which makes a greater contribution to the rural economy than 4 no. houses would do
- The shared gravelled access track is an integral part of the scheme but is not included with the red line boundary of the application site and not within the applicants ownership. There has already been encroachment onto the adjacent protected areas and the development would result in further encroachment and damage from vehicles in this area. No proposals are included to re-surface or upgrade the track. As this land is not within the

applicants ownership conditions requiring widening or formalisation could not be imposed.

- There are subsidence cracks at the northern side of the building which are likely to be caused by collapse of the lead mine shaft, this is likely to be an expensive and complicated structural problem that has not been referred to in the application.
- Planning Committee members should visit the site to be able to appreciate all of the material considerations

35. Following amendment to the scheme to remove the 3 no. new dwellings and seek consent for conversion of the existing building only, a further 10 no. letters of objection have been received from previous respondents raising the following matters in addition to those raised above:

- The ecological statement refers to vegetation clearance and tree felling, precise details of these works are unclear in the application. Concern is expressed that Northumbrian Water would not effectively enhance and maintain the coniferous shelter belt as suggested.
- It is noted that Northumbrian Water own land outside the revised red line boundary and the Ecology Report advises that a restrictive covenant would be applied to this land restricting its use to moorland habitats for nature conservation without livestock grazing, it is unclear whether such a restriction can be imposed. Future owners/residents may not adhere to the restrictions. The Ecological Report refers to ponds in this area, which may require planning permission in their own right but no details are provided.
- It is unclear how use of the garden area would be regulated to prevent siting of domestic paraphernalia which would detract from the view and setting of the listed building.
- The Ecological Report is limited in its scope, the 20 day snap shot comprising only 1 hour and 25 minutes is not considered a suitable monitoring period in order to be able to make a comprehensive assessment, this should be over 12 months and the bird assessment is flawed and incomplete. A number of other birds not identified in the report are present on the moorland. A Habitat Regulations Assessment should be undertaken.
- The amended plans fail to acknowledge and mitigate potential light spillage, in particular from the orangery, roof terrace and new window openings. The proposed mitigation plan to use a maximum of 2 lux light bulbs is not considered suitable.
- Planning conditions are recommended to agree use of the access road with the land owner, upgrading of the access road including off road parking for 3 vehicles and bin storage, restriction of the blue lined land for natural moorland habitat and nature conservation without livestock grazing in perpetuity, submission of an ecological implementation plan, external materials, no new openings in the pumping station building, covenants on the pumping station to comply with the terms of the Ecological Mitigation Measures and Landscaping Scheme.
- There has been no formal withdrawal of the proposals for the 3 no. new build dwellings, concern is expressed this may lead to opportunities for the development in future. Given the significant change in the nature of the development, it is considered the initial application should have been withdrawn and a new application submitted.
- The proposed domestic curtilage is large and parking areas within this need to be carefully considered to be tucked behind the building so as not to be seen from the adjacent road

- Proposed boundary treatments are not adequate mitigation to prevent domestic dogs and cats escaping into the moorland, to the detriment of wildlife. An information pack or interpretation panel is not suitable to prevent this from occurring and may be lost with changing owners of the property. This will be difficult to enforce. Concern is raised that if the property is used as holiday accommodation these impacts would be greater.
- The additional information does not address how a safe water supply would be provided, the proposal to use a borehole may not be achievable, practical or sustainable.
- On another application at Dalton Pumping Station, Cold Hesleden, for a separate applicant, a consultation response Northumbrian Water commented that the proposals did not include sufficient information in relation to surface water drainage and this should be dealt with in accordance with part H of the Building Regulations. Concern is expressed that Northumbrian Water required this of another developer but have not provided detail of this nature as part of the current application.
- Concern is raised about a large area adjacent to the public highway to the southern side of the access track edged in red on the site location plan, this does not currently form part of the track, it is moorland, steeply shelving on one side and contains a water course, it is assumed this is shown to provide parking/access in winter.

#### **APPLICANTS STATEMENT:**

36. Presser Water is a redundant brownfield site and the pumping station has been disused for over twenty years. Under the Water Industries Act 1991, NWL are required to make best use of their assets and dispose of them when they are no longer required for operational purposes, ensuring they get 'best value' for the land and property – a requirement of OFWAT.
37. This important listed building is at risk unless an alternative use can be found that will secure its future use and maintenance. Due to the constraints of the site and the building, development opportunities are limited. It has been marketed for community uses, small scale employment, holiday accommodation, recreational uses and rural enterprise but no interest was secured. Since 2017, NWL has been working with the Council to secure a viable alternative use for the property.
38. Following lengthy discussions, an application was brought forward for the conversion of the listed building to residential use supported by three new build dwellings. However, this attracted local objection regarding the new build development. The applicant took the decision to reduce the scheme and revised proposals were submitted in March 2019.
39. The revised scheme addressed the objections and comments raised through the consultation process - removing the new houses and focusing solely on the conversion of the listed building. The applicant has since met with the Parish Council and local residents to explain the proposals and respond to any outstanding concerns or queries.
40. The applicant has responded positively throughout the process and the final scheme has evolved through input from Council Officers, Statutory Consultees, the Parish Council and Local Residents. The proposals draw upon the industrial heritage and landscape character of the area to revitalise the redundant rural site. Ecological enhancements to support wildlife in the local area have also been included and will be secured through condition.

41. This proposal provides a unique opportunity to secure the future of this important heritage asset through its repair, refurbishment and conversion to residential use and we trust that the Committee will approve this application.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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42. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, impact on heritage assets and the character of the surrounding area, impacts on biodiversity and protected species, highway safety, contaminated land and residential amenity.

### Principle of Development

43. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVDLP) forms the statutory development plan and remains the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The WVDLP was adopted in 1997, Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. However due weight should be given to them, according to their degree of consistency with the NPPF.
44. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:- c) approving development proposals that accord with an up to date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or, ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when
45. Paragraph 177 of the NPPF states that where a development requires appropriate assessment because of its potential impact on a habitats site and that appropriate assessment concludes that it will adversely affect the integrity of the habitats site, then the presumption in favour of sustainable development does not apply. In this instance, the development requires appropriate assessment under the Habitats Directive (92/43/EEC), however as this concludes the development would not have an adverse affect on the integrity of the habitats site the presumption in favour of para. 11 is still engaged.
46. Para. 79 of the NPPF states that the development of isolated homes in the countryside should be avoided unless certain criteria apply. One of which is where the development would re-use redundant or disused buildings and enhance their setting.
47. Para. 192 of the NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with the conservation.

48. Saved policy BE20 of the WVDLP relates to conversion of buildings in the countryside. It states that where the rural buildings cannot be converted to employment or tourism uses, residential conversions may be considered if it forms part of a group which includes at least 1 no. dwelling and the building is structurally sound, would not adversely affect local amenity, is not detrimental to the landscape quality, safeguards the form, character, features design and setting of the building, can be serviced without adverse landscape impacts, is accessible and has adequate car parking, complies with saved policy GD1 and can accommodate any nature conservation interest associated with the building. This policy is not considered to be in complete accordance with the NPPF, which offers a more permissive approach to the conversion of rural buildings, however the wider principles of policy BE20 are consistent with the aims of the NPPF.
49. Saved policy H3 of the WVDLP states that new residential development will be directed to existing towns and villages best able to support it with good access to local services and facilities, Part 9 of the NPPF also supports development in sustainable locations. It is noted that the proposed dwelling is in an isolated rural location and that there are no local services in close proximity to the site. As such the location cannot be considered to be a sustainable location and new residents would be heavily dependant on private car journeys. Furthermore it is noted that during the winter months, weather conditions can be particularly inclement in this area, with problems of snow and ice as highlighted by local residents. As such the unsustainable location is something which would need to be weighed against the benefits of the proposal in a planning balance test.
50. The site is in an isolated, moorland location to the south of Blanchland, it is not easily accessible on foot or by public transport and cannot be considered to be in a sustainable location. However the proposed development would secure a long term, viable use for the grade II listed building, which has been disused for some time and in need of repair. In accordance with the broader aims of saved policy BE20 and paras. 79 and 192 of the NPPF the meaningful re-use and restoration of the building must carry significant weight in this case.
51. Subject to the outcome of the planning balance test and an assessment of whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits, it is considered that the proposal is in broad accordance with the aims of the NPPF and the Wear Valley District Local Plan.

#### Impact on heritage assets and the character of the surrounding area

52. Parts 12 and 16 of the NPPF and saved policy GD1 of the WVDLP seek to ensure good design in new developments, especially those affecting the historic environment, having regard to a sites natural and built features and the relationship to adjacent land uses and activities. Development should be in keeping with the scale and form of adjacent development and the local setting of the site. Saved policies BE1 and BE4 relate to protection of historic heritage and the setting of listed buildings, stating that development which adversely affects the special architectural, historic or landscape character will not be permitted.
53. Saved policies ENV1 and ENV2 of the WVDLP afford protection to countryside and North Pennines AONB, stating that development which adversely affects the special scenic quality and nature conservation interest of the AONB will not be permitted. Part 15 of the NPPF emphasises the need to protect and enhance valued landscapes, with para. 172 requiring great weight to be given to conserving and enhancing the landscape and scenic beauty of AONBs.

54. Para. 189 of the NPPF states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected in a proportionate level of detail. Para. 190 goes on to advise that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including the setting of a heritage asset) to avoid or minimise conflict between the heritage asset's conservation and the proposed development.
55. When considering the impact of proposed works on the significance of a listed building, paragraph 193 of the NPPF states that "great weight" be given to their conservation and states that, the more important the asset the greater the weight should be.
56. Given the designation of the property as a grade II listed building the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 arises namely that the LPA must have regard to the desirability of preserving the building or its setting and special historic and architectural interest of the listed building.
57. Section 85 of the Countryside and Rights of Way Act (2000) places a duty on local authorities and other public bodies to have due regard to the purpose of AONB designation (the conservation and enhancement of natural beauty) in the discharging of their functions.
58. The scheme has been substantially amended since being originally submitted and the proposals for the erection of 3 no. new build dwellings adjacent to the Pumping Station have been removed, which represents a significant improvement to the setting of the grade II listed building.
59. The proposed alterations to the building to convert it to residential use are largely internal and involve the subdivision of existing large spaces with stud walls. Previous pumping equipment was removed from the building in the mid 20<sup>th</sup> century and there are no remaining features associated with the former use. The internal alterations are considered necessary to facilitate the proposed residential use and are of a lightweight nature, which could potentially be reversed in future, resulting in limited harm to the significance of the listed building.
60. Some new windows would be inserted externally on the ground floor. These would primarily be situated between stone buttresses within the two storey element and would have a similar fenestration pattern to existing first floor windows. As such they are considered to be a sympathetic alteration to the building to facilitate the new residential use. Currently there are no ground floor windows to this part of the building and any internal space would not have adequate natural light without the addition of new windows.
61. An orangery would be added to the eastern side of the building. This is of a contemporary, light weight design and which is intended to be read as a modern addition to the building, without preventing the original form and purpose of the building from being appreciated. It would be sited in the position of a former crane shed. As such any harm to the overall character of the building from the proposed orangery is considered to be limited.
62. A new enclosure above the mine shafts immediately to the north of the main part of the building is proposed, which would replace an existing structure. This would contain a balcony area at first floor level enclosed by railings and would be access from an existing opening at first floor level that was previously bricked up. Whilst the

introduction of a balcony would add an external domestic function to this part of the building, this would be of limited size and is considered to relate acceptably in visual terms to the main building without dominating or changing its industrial character significantly.

63. A new domestic curtilage would be formed around the building to provide outdoor amenity space and car parking for new residents. Proposed plans indicate this would primarily be to the north, south and west of the building. It would be enclosed by a dry stone wall to the eastern side and post and rail fencing to the west side. A hard surfaced parking area is shown immediately to the south of the building. It is considered by the Landscape Officer that car parking would be better provided to the west side of the building where it would be screened by the building itself and existing trees to the south and west of the site. The proposed position to the south of the building is likely to be visible from the access track running along the southern boundary of the site, which is also a public right of way, and the public highway to the east. There are open views into the site from the east, parked vehicles seen from this direction would detract from the industrial character and moorland setting of the building and it is considered these would be more discrete in the screened location to the west. A condition to agree precise details of the location and specification of hard landscaping is considered appropriate to agree a suitable location and appearance for car parking.
64. As the building is grade II listed, it would not benefit from any permitted development rights. As such any extensions or alterations and the addition of any new boundary treatments, structures etc within the curtilage would require planning permission in their own right. The proposed domestic curtilage would be limited in extent and largely positioned to the west of the building where it would be screened by the building and existing trees. Remaining land around the proposed dwelling that would not form part of the curtilage and would be used for biodiversity enhancements, to ensure that the industrial, rural character of the building and its setting is maintained. Whilst it is acknowledged that some domestic activities and features such as planting, outdoor furniture and drying washing, may domesticate the appearance of the curtilage to some extent, it is considered that the benefits of the new use would outweigh the limited harm to the setting of the building in this regard.
65. The site is located within a UNESCO Geopark with dark skies status. Some concern has been raised by local residents, Hunstanworth and Blanchland Parish Council and the AONB Officer about the impacts light from windows and the orangery would have at night times on the dark skies status. The submitted Ecological Report identifies that external lighting will be minimised with light spillage along the adjacent tree line being less than 2 lux. A condition requiring black out blinds to all glazing has been suggested by the agent in order to overcome the issue of light spillage and is considered appropriate. Furthermore, although in a remote area, the proposed dwelling would form one of a series of rural dwellings with a 1km radius, where existing windows, conservatories and similar features would raise similar impacts. The applicant considered removing the proposed orangery, however considered that this may affect the viability of the scheme and hence it has been retained within the scheme. It is therefore considered that any light spillage in the evening from the new dwelling would be to a limited extent and would be similar to that of existing rural properties within the locality. Whilst the comments of local residents, the Parish Councils and the AONB Officer are noted, it is considered that any light spillage would be minimal and would not have such an adverse impact on the character of the surroundings and dark skies status to such an extent that would justify refusal of the application on these grounds.

66. The building is a prominent local landmark, largely due to the imposing 20m high chimney, which can be seen in long distance views into the site and it has a well defined association with local lead mining heritage. The prominence of the building within the protected AONB landscape would not change as a result of the development. Any external changes associated with the new residential use would be subtle and limited in extent. However conditions to agree precise detailing and specification of external materials, windows and doors and landscaping within the curtilage are considered appropriate to minimise impacts of the proposed development in long and short distance views into the site from the surrounding moorland.
67. The Design and Conservation Officer and Historic England raise no objections to the applications, noting the urgency for re-use and repair of the building in order to secure its future and prevent further deterioration.
68. Whilst the proposed development would result in some limited harm to the significance of the listed building and its setting from the new domestic function and associated features, this harm is considered to be less than substantial.
69. Para. 196 of the NPPF states that where development will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use. It is understood that the applicant has previously marketed the site for other purposes, excluding residential use, and there has been no interest from the open market in terms of securing a less intense use of the site. The development would secure public benefits in terms of the repair and long term retention of the grade II building, which forms a prominent landmark associated with local mining heritage. As such it is considered that the public benefits of the development outweigh the less than substantial harm to its significance in this case.
70. The value of the site in terms of its industrial and mining heritage is acknowledged. The Council's Archaeologist has commented on the application and recommends a condition for a scheme of archaeological works on the site in association the development, in accordance with a written scheme of investigation to be agreed by condition. This is considered appropriate to ensure that all features of interest are preserved or recorded as a public record, as appropriate.
71. Some minor tree works are also likely to be required to facilitate the improved access into the site from the shared gravel track. The Tree Officer raises no objections to the application and advises that a condition is appropriate to agree these details as part of a tree protection plan, together with any replacement planting as appropriate.
72. Whilst noting objections from local residents and Hunstanworth and Blanchland Parish Councils, taking all of the above into account and having regards to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 85 of the Countryside and Rights of Way Act (2000), it is considered that significant weight must be given the preservation and functional re-use of the grade II listed building, which is redundant and in a deteriorating condition. On balance it is considered that the proposal would preserve the character and significance of the grade II listed building and would conserve the landscape and scenic beauty of the AONB. There is no conflict with the landscape, design and heritage policies of the NPPF in this respect or Saved Policies DG1, ENV1, ENV2, BE1, BE4, BE20 and H24 of the WVDLP.

Impacts on biodiversity and protected species

73. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests and specifically paragraph 175 states that if significant harm to biodiversity resulting from a development cannot ultimately be avoided, that planning permission should be refused. Saved Policy ENV10 states that development which will adversely affect the conservation value of SSSI's directly or indirectly will only be permitted in very exceptional circumstances. Additionally, regard should be had to The EU Habitats Directive 92/43/EEC.
74. Given the small scale and nature of the proposed conversion and extension development it does not fall within schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as such an accompanying Environmental Impact Assessment is not required as part of the application.
75. The North Pennines Moors Special Protection Area (SPA), North Pennine Moors Special Area of Conservation (SAC) and Muggleswick, Stanhope, Edmundbyers Commons and Blanchland Moor Site of Special Scientific Interest (SSSI) borders the site to the south, east and west and encompasses the gravelled access track linking the site to the public highway. At the closest point these designated areas lie around 60m to the south, 78m to the east and 144m to the west.
76. The ground included within the above designations is considered to be of interest due to the presence of rare grassland types, blanket bogs, oak woodland, wet heathland, plants in crevices and scree. A number of rare birds are also found in the area including breeding hen harriers, merlins, peregrine falcons and European golden plovers.
77. An Ecological Assessment and Ecological Impacts and Mitigation Reports have been submitted in support of the application and a Habitats Regulations Assessment including Appropriate Assessment has been undertaken by the Council's Ecologist, which has been submitted for consideration to Natural England.
78. The Habitats Regulations Assessment identifies the key vulnerabilities of the protected areas as being over grazing, drainage of wet areas, acid and nitrogen deposition and recreational activity. No direct impacts on the protected areas are identified as the site does not directly comprise any of these areas, other than the existing gravel track which would not be altered as a result of the development.
79. The assessment considers potential indirect impacts in terms of air quality, water quality, hydrology, habitat/species disturbance and urbanisation impacts/recreational disturbance. It concludes that the proposed development would have no adverse effect on the integrity of the SPA and SAC subject to conditions to secure the mitigation set out in the Ecological Assessment and Ecological Impacts and Mitigation Reports which includes further bat surveys and obtaining a bat license from Natural England, appropriate site design, timing of works, best practice working methods, specific protection of the SPA and protected species and a monitoring programme. The Council's Ecologist and Natural England raise no objections to the application.
80. In light of the Appropriate Assessment and the application site being outside the boundary of the SSSI, in line with the requirements of saved policy ENV10 it is not considered there would be any adverse impacts on the SSSI.
81. The Ecological Impacts and Mitigation Report concludes that there are bat roosts within the building. The Conservation of Habitats and Species Regulations 2010 contain three "derogation tests" which must be applied by Natural England when

deciding whether to grant a license to a person carrying out activity which would harm a European Protected Species (EPS). This license is normally obtained after planning permission has been granted. The three tests are that:

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

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

83. In this case mitigation is to be provided by the provision of bat and bird boxes, retention of roosting opportunities within the building, minimal external lighting, retention and management of adjacent woodland, a licence will be required from Natural England prior to the commencement of works. The Council's Ecology Section are satisfied with the proposed mitigation to ensure there would be no adverse impacts upon bats as a protected species.

84. Having regard to the Habitats Regulations it is considered that it is in the public interest that the development scheme can be implemented given the untidy appearance and deteriorating condition of the site and its potential to attract antisocial behaviour. There is no more suitable alternative to the proposals. The proposed mitigation is appropriate to ensure there will be no significant impact on the conservation of the local bat population as a whole. It is therefore considered that Natural England would be likely to grant a licence. Accordingly, the LPA can discharge its duties under the Habitats Regulations. Overall it is considered that the proposal would not have any adverse impact upon protected species in accordance with the requirements of part 15 of the NPPF in relation to protected species.

85. Whilst the comments and concerns of local residents, Hunstanworth and Blanchland Parish Councils about the likely impacts on the natural environment are noted, it is considered there would be no adverse impacts upon bio-diversity and protected species in accordance with the requirements of part 15 of the NPPF and the EU Habitats Directive 92/43/EEC.

#### Highway Safety

86. Para. 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. Saved policies GD1 and T1 of the WVDLP seeks to ensure that new developments provide safe access and adequate parking facilities.

87. It is understood that the gravelled access track connecting to the public highway is not owned by the applicant. However it is within the red line boundary of the application site on the submitted plans and certificate B has been signed confirming the land owner has been notified of the application. Any agreements or disputes over rights of access would be a private matter to be resolved between the applicant and land owner. The grassed track within the site which would be improved as part of the scheme is within the applicants ownership.

88. There is some form of maintenance of the shared access track from the public highway and surface improvement which has taken place at some time since the Google Street View record of 2009. The Highways Officer suggests that a schedule

of future track maintenance should be agreed by condition to ensure the condition of the track is adequately maintained. The gravelled access track is not within the applicant's ownership and is understood to be in the control of the sporting estate. The existing track is considered suitable to serve the new dwelling, particularly given the previous commercial use of the site and that the track already serves the existing dwelling at Presser Villa. Photographs of the site over time indicate that it is in a reasonable condition and is maintained, presumably by the estate. As such it is not considered that a condition to agree a maintenance schedule is reasonable or enforceable.

89. There appears to be at least two existing places where vehicles may pass each other on the track between the site entrance and the public highway, which are included within the red line boundary of the application site.
90. The Design and Access statement states that refuse bins would be taken to the eastern end of the third party access track on bin collection days. However it is considered that the permanent or semi-permanent location for the bins would be at/near the public highway road side. As such a condition to agree precise details of bin storage is considered appropriate in order to address this matter.
91. The existing building currently has only notional access requirements but there would have been a higher level of vehicle movements when the pumping station was operational. Although current levels of vehicular use of the shared gravel track would increase, given that it already serves 1 no. dwelling together with access by the sporting estate, the increase in traffic associated with 1 no. additional dwelling is considered to be minimal in this context. It is therefore considered that the track is capable of accommodating an additional dwelling without resulting in adverse highway safety impacts.
92. Para. 78 of the NPPF states that in rural areas new development may help to support services in nearby settlements. However as only 1 no. dwelling is proposed, any benefit that can be drawn in this regard is very limited.
93. The Highways Officer raises no objections to the application. The unsustainable location is identified as an adverse impact but despite objections in all other respect the proposal is not considered to be detrimental to highway safety, in accordance with the requirements of saved policies GD1 and T1 of the WVDLP and para. 109 of the NPPF.

#### Contaminated Land

94. As apparent from the site history and as noted by local residents, Hunstanworth and Blanchland Parish Councils, the site was previously used as a lead mine and contains a number of remaining features from its former use, including a number of mine shafts. In order to secure a safe, new residential use, any contamination and potentially hazardous features such as mine shafts would need to be appropriately treated to ensure they do not pose a danger to future residents.
95. The Contaminated Land Officer has considered the proposals and a Phase 1 Preliminary Risk Assessment has been submitted in support of the application. As the development involves change of use to a more sensitive receptor and given the previous use of the site, a contaminated land condition requiring the submission of Phase 2 (Site Investigations and Risk Assessment, Phase 3 (Remediation Strategy) and Phase 4 Verification Reports (as necessary) is recommended by the officer. This is considered appropriate and in line with the findings of the Phase 1 Preliminary Risk Assessment which recommends further investigations are carried

out. Remediation works to existing mine shafts would also be addressed as part of the contaminated land condition, to ensure they do not pose a risk to future users of the site. On this basis the proposals are considered acceptable with regards to risks from contaminated land and would accord with saved Local Plan policy GD1 and the requirements of the NPPF.

96. Furthermore the development would need to comply with the Building Regulations to ensure the building is stable and the conversion scheme appropriately detailed in order to accommodate the proposed new use.

#### Residential Amenity

97. Para. 127 of the NPPF states that new development should maintain a good standard of amenity for all existing and future users of land and buildings. Para. 182 specifies that planning decisions should avoid, mitigate and reduce noise and other adverse impacts on health and quality of life as a result of new development and that existing businesses should not have unreasonable restrictions put on them due to changes in nearby land uses. Saved policy GD1 from the Wear Valley District Local Plan advises that new development should not disturb or conflict with adjoining uses. Saved Policy H24 sets out the standard of design expected of new residential development.

98. The closest residential property to the building is Presser Villa, originally built as caretaker's accommodation for the pumping station, which lies around 77m away to the west. Given the separation distance no adverse impacts in terms of loss of privacy would result from the proposed change of use.

99. Internally the rooms would have adequate natural light from new and existing windows. There is adequate space within the curtilage for private outdoor amenity space and car parking.

100. Taking all of the above into account the proposal is considered acceptable in terms of impacts to residential amenity and would not conflict with the aims of paras. 127 and 182 of the NPPF and saved policies GD1 and H24 of the WVDLP.

#### Other Matters

101. Concern has been raised about the deteriorated condition of the building. Para. 191 of the NPPF states that where there has been neglect of a heritage asset, its deteriorated state should not be taken into account in any decision. It is noted that the building has not been in functional use for a number of years and maintenance has proved problematic given the value of the building, its isolated location and design. If the building was in a better condition, the principle of a sympathetic residential conversion would still have been considered acceptable. Notwithstanding the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, in light of para. 191, the current condition of the building is not something which can be taken into account in this decision.

102. The supply of services to the site is outside the scope of the planning system. However it is understood that the water supply would be from an existing water main on the site or a bore hole previously used to support the former commercial use. A new septic tank would be provided to deal with foul drainage.

103. Other points raised by local residents and the Parish Councils are addressed in the report above or are not considered to be material planning considerations.

## Planning Balance Test

104. The acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF.
105. The primary benefit of the scheme involves the meaningful re-use and restoration of the grade II listed building, which draws support in principle from saved policy BE20 and paras. 79 and 192 of the NPPF. This key benefit must carry significant weight is the assessment of the proposal.
106. The new domestic use and associated curtilage would result in less than substantial harm to the former pumping station as a designated heritage asset, however in accordance with para. 196 of the NPPF it is considered that the substantial public benefits that would arise from securing a future for the building would outweigh the less than substantial harm in this instance. As such, it is considered the development would preserve the character and significance of the grade II listed building in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, part 16 of the NPPF and saved policies GD1, BE1 and BE4 of the WVDLP.
107. The intended external changes and interventions to facilitate the domestic use would be to a limited extent and precise details of parking and landscaping of the domestic curtilage would be agreed by condition. A condition is also appropriate to ensure black out blinds are used throughout the new dwelling to limit light spillage. These would help to ensure the essential industrial character of the building as a prominent feature within the landscape is retained and that any adverse impact on the dark skies status of the area would be minimised. As such it is considered the development could be satisfactorily accommodated with out any adverse impacts on the AONB in accordance with Section 85 of the Countryside and Rights of Way Act (2000) and saved policies GD1, ENV1 and ENV2 of the WVDLP and Part 15 of the NPPF.
108. A Habitat Regulations Assessment including Appropriate Assessment has been carried out. Impacts on biodiversity arising from the development can be adequately mitigated in accordance with measures set out in the submitted Ecological Assessment and Ecological Impacts and Mitigation Reports. The proposed development would have no resulting adverse effect on the integrity of the SSSI, SAC and SPA, in accordance with part 15 of the NPPF and the EU Habitats Directive 92/43/EEC.
109. Although the site was previously part of a lead mine, an appropriate scheme of remediation can be secured via a contaminated land condition to ensure the site is capable of a safe, residential use, in accordance with part 15 of the NPPF.
110. Proposed access to the site is considered satisfactory and new residents would benefit from a good level of residential amenity, in accordance with the requirements of the NPPF and saved policies GD1, H24 and T1 of the WVDLP.
111. The site is in an unsustainable location where new residents would be reliant on private car journeys to access local services and facilities, contrary to saved policies H3 of the WVDLP and part 9 of the NPPF.

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## Conclusion

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112. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF.
113. The development would accord with the requirements of parts 15 and 16 of the NPPF with regards to landscape, biodiversity and heritage. As such no NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.
114. Whilst continuing concerns of some local residents and local representative bodies are acknowledged, overall, on balance, the adverse impacts of the development in terms of the unsustainable location are not considered to significantly and demonstrably outweigh the benefits of the scheme resulting from the meaningful re-use and restoration of the grade II listed building. No other adverse impacts have been identified and the development is considered to comply with legislative requirements, relevant saved policies from the WVDLP and the NPPF.

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## **RECOMMENDATION**

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That the applications be APPROVED subject to the following conditions;

### **DM/18/02742/FPA**

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

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GD1, ENV1, ENV2, ENV10, BE1, BE4, BE20, H3, H24 and T1 of the WVDLP.

3. Notwithstanding any details of materials submitted within the application no works shall be carried out to convert the building to a dwelling until samples of all new external walling and roofing materials to be used in the conversion have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed thereafter in accordance with the approved details.

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

4. Prior to the commencement of the development a method statement setting out the method of repair of the building shall be submitted to an approved in writing by the Local Planning Authority, the method statement shall include precise specification details of the proposed mortar mix and pointing details. The development shall be constructed thereafter in accordance with the approved details.

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

5. 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 that has been 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.
- iv; Report content and arrangements for dissemination, and publication proposals.
- 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 Principal 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 archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: To comply with paras 197 and 199 of the NPPF because the site is of archaeological interest.

6. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 199 of the NPPF which ensures information gathered becomes publicly accessible.

7. Prior to the commencement of works to convert the building to residential use a land contamination scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 1 preliminary risk assessment (desk top study).

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

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

Required to be pre-commencement to ensure that the development can be carried out safely.

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

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

9. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until an arboricultural impact assessment and tree protection plan detailing all trees and hedges to be removed and retained has been submitted to and approved in writing by the Local Planning Authority. All trees and hedges to be retained shall be protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012.

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

No removal of limbs of trees or other tree work shall be carried out other than in accordance with the approved details.

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

Reason: To ensure trees on and adjacent to the site are appropriately managed throughout the development, to preserve the character of the surrounding landscape and setting of the grade II listed building in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

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

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

11. Notwithstanding the information shown on the submitted plans full specification and colour finish details of the orangery and balcony area shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be implemented thereafter in accordance with the approved details.

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

12. Prior to first use of the dwelling hereby approved hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention  
Details of new planting species, sizes, layout, densities, numbers  
Details of planting procedures or specification  
Seeded or turf areas, habitat creation areas and details etc  
Details of how new planting will be established, including watering, rabbit protection, tree stakes, guards etc  
Details of how hard and soft landscaping will be maintained in perpetuity  
Samples or precise specification details of all hard landscaping materials  
Specification details of all boundary treatments and means of enclosure, including bin stores

Trees, hedges and shrubs shall not be removed without agreement within five years.

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 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 order to ensure the satisfactory appearance of the development upon completion, in the interests of the visual amenity of the surrounding area and preserving the setting of the grade II listed building, in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

13. Prior to the first use of the dwelling hereby approved a scheme for the provision of automatic blinds on all windows that will close during the hours of darkness shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the scheme. These blinds shall be operated and retained in good working order in perpetuity.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of the visual amenity of the surrounding area and preserving the setting of the grade II listed building, in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

14. The development hereby approved shall be implemented in complete accordance with the mitigation measures detailed in Section G – Recommendations (E3 Ecology Ltd, Ecological Impacts and Mitigation, March 2019) including but not limited to:

- The acquisition of a relevant protected species license for bats, in advance of any works commencing on site. All works to be undertaken thereafter in strict accordance with the conditions of the license;
- All boundary fences and walls to be dog proof to prevent straying and to exclude sheep grazing (this includes the wider site outwith the red line boundary);
- Erection of heras type fencing reinforced by scaffold netting around the construction area, prior to the start of works (as detailed in the report);
- Sensitive timing of works to avoid impacts on breeding birds (no works between April and July inclusive);

- Production of a detailed reptile method statement, for agreement with the LPA, prior to any works commencing on site;
- New drystone walls to be suitable for use by reptiles – as detailed in the report;
- Sensitive lighting scheme, with respect to bats, to be agreed with LPA prior to any works commencing on site;
- Enhancement/promotion of dry heath community within wider site (outwith garden area) with suitable fencing to prevent sheep and rabbit grazing;
- Creation of two new pools within former reservoir areas as detailed in the report;
- Production of an information pack for new residents, and interpretation panel/board as detailed in report – content to be agreed with LPA prior to any works commencing on site;
- Prior to occupation of the property, a mitigation monitoring report shall be submitted and approved by the LPA to confirm that key mitigation requirements as required have been successfully delivered.

Reason: To conserve protected species and their habitat and to maintain the integrity of the SSSI, SPA and SAC in accordance with part 15 of the NPPF.

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

Reason: To ensure external lighting does not disturb adversely affect the character of the surrounding landscape and significance and setting of the grade II listed building in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

### **DM/18/02743/LB**

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

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GD1, ENV1, ENV2, ENV10, BE1, BE4, BE20, H3, H24 and T1 of the WVDLP.

3. Notwithstanding any details of materials submitted within the application no works shall be carried out to convert the building to a dwelling until samples of all new external walling and roofing materials to be used in the conversion have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed thereafter in accordance with the approved details.

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

4. Prior to the commencement of the development a method statement setting out the method of repair of the building shall be submitted to an approved in writing

by the Local Planning Authority, the method statement shall include precise specification details of the proposed mortar mix and pointing details. The development shall be constructed thereafter in accordance with the approved details.

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

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

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

6. Notwithstanding the information shown on the submitted plans full specification and colour finish details of the orangery and balcony area shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be implemented thereafter in accordance with the approved details.

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

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

Reason: To ensure external lighting does not disturb adversely affect the character of the surrounding landscape and significance and setting of the grade II listed building in accordance with saved policies GD1, ENV1, ENV2, BE1 and BE4 of the WVDLP and the NPPF.

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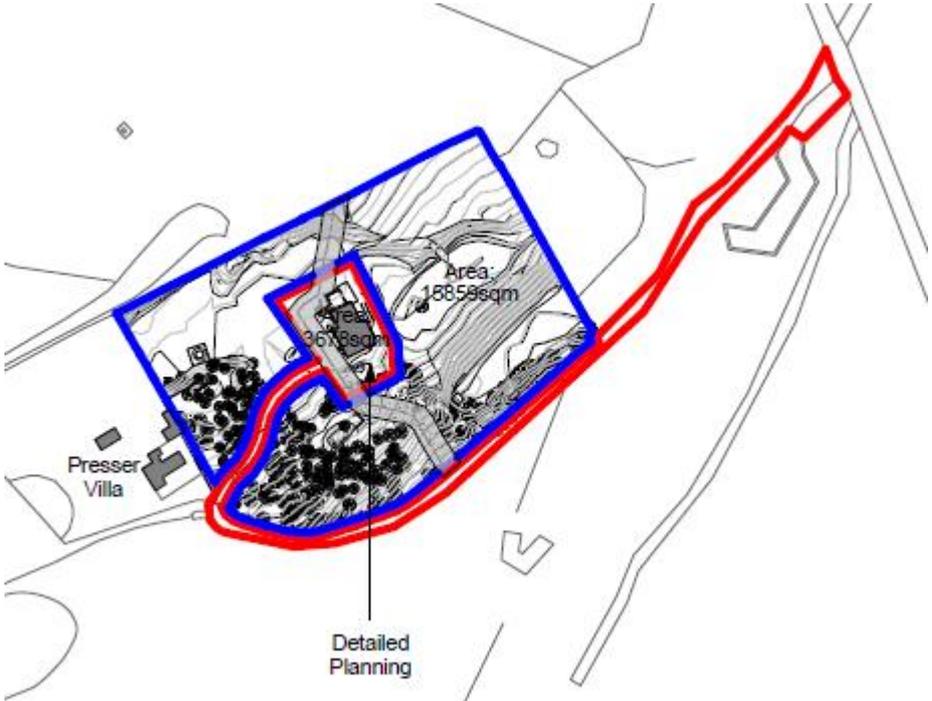
## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015

## BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents  
 National Planning Policy Framework  
 Wear Valley District Local Plan  
 Statutory consultation responses  
 Internal consultations responses  
 External consultations responses

 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p>Residential conversion and extension of pumping station          (amended description/plans 11/03/2019)</p> 	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.          Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.          Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> 19 September 2019</p>	