

# COMMITTEE REPORT

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## APPLICATION DETAILS

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

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## DESCRIPTION OF THE SITE AND PROPOSALS

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

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

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## **PLANNING HISTORY**

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

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
7. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
8. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
11. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning

Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

12. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
13. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
14. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
16. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
17. *NPPF Part 16 Conserving and enhancing the historic environment* - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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

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

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

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

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

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

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

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

*Policy BE23 (Provision of Public Art)* - In appropriate cases, the Council will encourage the provision of works of art as part of development. In considering planning applications the Council will have regard to the contribution which such works make to the appearance of the scheme and to the amenity of the area.

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

*Policy H15 (Affordable Housing)* - The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.

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

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

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

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

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

## **RELEVANT EMERGING POLICY:**

The County Durham Plan

19. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An Examination in Public (EiP) of the County Durham Plan (CDP) is currently in progress. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time. This position will be subject to review upon receipt of further correspondence from the Inspector.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

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

### **INTERNAL CONSULTEE RESPONSES:**

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

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

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

**NON-STATUTORY RESPONSES:**

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

**PUBLIC RESPONSES:**

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

**APPLICANTS STATEMENT:**

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

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

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

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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49. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, housing land supply, impact upon the significance of the identified heritage asset, privacy/amenity, landscape/arboricultural impact, highways impact, flooding and drainage, ecology, contaminated land/coal mining and planning obligations.

The principle of the development:

50. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The statutory development plan comprises the Wear Valley District Local Plan (WVDLP). A new county wide development plan is currently in preparation; however, no weight can currently be afforded to the 'Submission Version' of this document.
51. Given the housing supply policies which are most important for determining the application are considered to be out of date, the application would fall to be determined in accordance with paragraph 11d of the NPPF (February 2019). This means planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
52. Part 5 of the NPPF clarifies the Government's objective of significantly boosting the supply of homes, and that the needs of groups with specific housing requirements are addressed. Paragraph 61 sets the requirement for the size, type and tenure of housing needed for different groups in the community to be reflected in planning policies. Given that the applicant is seeking to deliver an affordable rent scheme comprising a mix of 2 bed apartments and bungalows (of which 15% would be secured as affordable in perpetuity), proposals would add diversity to the housing

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

53. Section 11 (Making effective use of land) seeks to promote an effective use of land in meeting the need for homes and strives to make as much use as possible of previously-developed land. Paragraph 118 expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. The application site comprises previously developed land (in parts) within the heart of the Bishop Auckland settlement in a sustainable and accessible location. The works would see the removal of a large section of an existing fire damaged building, albeit retaining and enhancing its prominent and historic frontage, whilst making effective use of the land to the rear, bringing the wider site back into use.
54. With regards housing supply, Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
55. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,368 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply of 15,946 dwellings beyond the deliverable 5-year supply period.
56. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated.
57. Further to this, Annex 2 of the NPPF sets out that to be considered deliverable, sites for housing should be available now and have a realistic prospect that housing will be delivered within 5 years. In particular where a site has planning permission for major development it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. In this respect the proposal involves a detailed planning application by an established social housing provider on land soon to be in their control. Given the scale of the development it is likely that the site could be built out in its entirety within a 5 year period.
58. The Government has also recently published its Housing Delivery Test (HDT) results in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding DCC housing targets.
59. There are no policy objections to the principle of developing this site for housing subject to an assessment of the impacts and benefits of the proposals in accordance with the following material planning considerations.

Impact upon the significance of the identified heritage asset:

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

#### *The principle of the works*

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

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

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

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

*The design merits of the proposals*

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

Privacy / Amenity:

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

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

77. The proposed site layout is shown to satisfy these minimum separation requirements with the proposed bungalows and apartments laid out in such a way to avoid any directly overlooking windows within close proximity to one another. Furthermore, with regards the relationship to the 12no. apartments, no objections are raised with a minimum 17m separation to be achieved between the southernmost elevation of these apartments and the nearest bungalow to the south (plot 16).
78. The proposed layout and scale of dwellings would ensure no direct overshadowing of neighbouring plots or overlooking window openings with each dwelling (including apartments) to benefit from sufficient level of private amenity space commensurate to the scale of the unit they serve. This would include turfed lawn and paving areas, with a small SuDs area to provide an element of amenity open space within the centre of the site. Acceptable enclosure details are set out in submitted plans and permitted development rights for the 16no. bungalows are to be removed by condition in the interests of maintaining satisfactory separation and private amenity space between neighbouring plots (the proposed apartments do not benefit from such rights).
79. A detailed landscape plan has been submitted to the satisfaction of landscape officers, incorporating areas of hard and soft landscaping and mitigatory planting which all assist with the effective drainage of the site.
80. The development is considered to be noise sensitive and is in close proximity to a number of significant noise sources, including traffic, noise from the cricket ground to the north west and school playing fields and grounds to the south east. Whilst the granting of planning permission for the development may potentially result in a statutory nuisance being created, the imposition of conditions relating to the submission and agreement of a scheme of noise mitigation measures to protect future occupiers from road traffic/commercial noise and music breakout from the adjacent pavilion would be sufficient to overcome any environmental health objection and ensure a satisfactory level of residential amenity.
81. With regards to the demolition and construction phases, it is inevitable that some level of disturbance to neighbouring residents would result from site operations. However, this can be appropriately controlled in terms of site operations and hours of working so as to ensure the limitation of noise emission from the site during more sensitive hours. Subject to the above, the proposed development is considered to satisfy the provisions of saved local plan policies H17, D1 and D5 and SPGNote3.

#### Landscape/Arboricultural impact

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

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

#### Highways:

86. Saved policies GD1 and T1 of the WVDLP together seeks to ensure new development achieves safe access and adequate parking facilities, would not result in unacceptable levels of traffic which exceeds the capacity of the local road network, whilst achieving adequate links and access to public transport systems. Priority should be given to pedestrians and cyclists within the site, providing links to local footpaths and cycle networks where practicable. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are considered to be severe.
87. The application site is located in an established residential setting on the edge of Bishop Auckland Town Centre. This is a sustainable and accessible location within short walking distance to a range of local services and public transportation networks reducing reliance upon private vehicle use.
88. The proposed site layout has been developed in association with the Council's highways team to produce an acceptable scheme which ensures an appropriate means of access into the site from South Church Road (achieving satisfactory site visibility in both directions) and satisfactory off-street parking provision to serve all 28no. proposed units, including visitor parking provision. Existing vehicular access crossings in the public highway fronting the site, shown to be come redundant are

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

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

#### Flooding and Drainage:

90. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The application site is not located within a flood zone 1, 2, 3 risk area. The site drainage layout which incorporates a SuDS feature to the northern boundary of the site and areas of permeable paving and rain gardens has been developed in accordance with the Council's drainage section requirements who raise no objections to the proposed layout. The submitted information is deemed to be satisfactory with respect to the management of surface water for the development, and subject to adherence to the approved plans, the proposals are considered to satisfy the principles of Part 14 of the NPPF.

#### Ecology:

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

## Contaminated Land/Coal mining:

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

## Planning obligations

96. *Affordable Housing*  
As the proposed development is for 28no. dwellings, it exceeds the size threshold (10no. dwellings) where there is a need to provide affordable housing as part of the scheme. Paragraph 64 of the NPPF requires major development proposals to include at least 10% of the homes to be made available for affordable home ownership. The Strategic Housing Market Assessment (SHMA) (2019) identifies the need for affordable housing within County Durham which it defines as one housing market area. The % of affordable housing which we ask for is not set out within a Policy, however, it is based on viability evidence which confirms that 15% is appropriate within this part of the County, which is regarded as a medium value area.
97. Railway Housing Association is a registered provider of affordable housing. The scheme proposes specialist and affordable accommodation in the form of housing suitable for the elderly and disabled. The applicant confirms that development would comprise a mix of 2 bedroom, 3 person bungalows and 2 bedroom, 3 person apartments (with communal facilities) for older persons over the age of 55. Those who are not over 55 years of age would not be eligible to rent a property, falling outside of the necessary criteria required by the housing provider. Properties will be let upon completion for first and subsequent occupiers in accordance with Homes England funding conditions for affordable rent and would meet the definition of Affordable Housing as defined in Annex 2 of the National Planning Policy

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

98. *Educational provision*

Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to seek this. In supporting information the applicant confirms that the proposed development is to be made available for over 55s only. Given the scale of the units proposed and the intended target occupancy, the Councils Education section are satisfied that there would be no requirement for educational contribution or mitigation in this case.

99. *NHS*

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

100. *Open Space contributions*

The OSNA (2010) sets out the most up to date position in respect to open space provision across the county and provides a formula for calculating requirements on a site specific basis. Given the scale of the proposals the LPA would normally expect S106 open space contributions for off-site provision. The applicant is a social housing provider and given the significant costs associated with redeveloping the site is arguing a case for viability.

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

102. *Provision of public art*

Saved Policy BE23 (Provision of Public Art) of the WVDLP seeks to ensure that in appropriate cases, the Council will encourage the provision of works of art as part of development. Submitted plans show there would be limited opportunity to provide public art within the site. Furthermore, taking into account the nature of the application and the aforementioned viability implications, it is not considered appropriate on this occasion to require the provision of public art as part of the development.

## Other matters

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

## Planning balance:

### *Benefits*

104. The application site is located within a sustainable and accessible location within the Bishop Auckland settlement, comprising land that has been previously developed and close to existing shops, services and public transportation linkages within the adjacent town centre, reducing any overreliance upon private vehicle use.
105. The proposal would see the preservation and sensitive restoration of the fire damaged Grade II Listed façade of the Laurel building fronting South Church Road, whilst bringing the wider site behind back into use through the provision of affordable rent bungalows and apartments targeted towards the over 55s and disabled within an upgraded physical setting (of which 15% would be secured as affordable in perpetuity). The tests of paragraph 194 of the NPPF are met and proposals will result in an enhancement to the Conservation Area through the removal of longstanding blight and the delivery of affordable housing which fulfils an identified local need in a sustainable location.
106. The development would assist in maintaining housing land supply, however this at a time when the Council can demonstrate 6.37 years of deliverable housing against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced while recognising the detailed nature of this application and likely timings of housing deliveries. Notwithstanding this, proposals would assist in the delivery of a mix of house types to the settlement.
107. The proposed development would relate well to the surrounding residential area, enhancing the character of the surroundings and Conservation Area in terms of layout and design.
108. The proposed layout would achieve acceptable relationships between dwellings, both internally and externally to the site and would safeguard the privacy and amenity for existing and future residents.
109. Typical of any residential housing development, there would be direct and indirect economic benefits within the locality and from further afield through increased expenditure. This would include the creation of construction jobs, as well as indirect employment over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
110. In addition, the applicant has agreed to enter into an obligation to maintaining 4no. of the 28no. units as affordable in perpetuity.

## Adverse Impacts

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

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## CONCLUSIONS

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114. Detailed and Listed Building Consent is sought for the clearance of the former King James School site which is a Grade II Listed structure located within the Bishop Auckland Conservation Area, including the retention of the Listed façade and alterations to the front boundary wall. The proposed development would provide a mix of new build affordable bungalows and apartments, fulfilling an identified local need of affordable rent properties in a sustainable and accessible location, whilst delivering a scheme that can be appropriately integrated within the surrounding street scene without compromising highway safety, residential amenity, coal mining legacy or land contamination. Works would see a notable enhancement to the Conservation Area through the removal of longstanding blight and improvements to the prominent frontage of the Listed asset that would deliver economic, social and environmental benefits in accordance with the core principles of the NPPF.
115. Proposals fall to be determined in accordance with para 11d of the NPPF. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Wear Valley District Local Plan. In view of the foregoing, the application is recommended for approval subject to the following conditions and completion of a s106 obligation.

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## RECOMMENDATION

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### DM/19/03733/FPA

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

1. Time limit

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

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

## 2. Approved plans

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

P000 (Location plan), received 03 December 2019

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

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

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

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

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

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

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

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

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

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

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

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

Arboricultural Impact Assessment, 20 November 2019

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

## 3. Material samples

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

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

## 4. Slate roof

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

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

## 5. Ball stop fencing

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

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

## 6. Front boundary wall

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

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

#### 7. Contaminated Land (Phase 2-3)

Prior to any works commencing on the approved apartments scheme (not including necessary demolition works), a Phase 2 site investigation shall be carried out, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

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

#### 8. Contaminated Land (Phase 4)

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

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

#### 9. Noise mitigation

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

35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)

30 dB LAeq 8hr in all bedrooms during the night-time (2300 - 0700)

45 dB LAm<sub>ax</sub> in bedrooms during the night-time

55dB LAeq 16hr in outdoor living areas

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

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

#### 10. Noise mitigation

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

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

#### 11. Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping as shown on approved plan ref: N923-ONE-ZZ-XX-DR-L-0201 Rev P06 shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use whichever is earlier), and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

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

#### 12.AIA

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

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

### 13. Mitigation

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

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

### 14. Demolition method statement

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

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

### 15. PD rights removed

Notwithstanding the provisions of Class A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwellings hereby approved and any buildings, including sheds, garages and glass houses to be erected within the curtilage of the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority.

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

### 16. Construction

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday. No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday. No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays. For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: In the interests of the privacy/amenities of neighbouring occupiers and to comply with saved policy GD1 of the WVDLP.*

## **DM/19/03734/LB**

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

#### 1. Time limit

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

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

#### 2. Approved plans

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

P000 (Location plan), received 03 December 2019

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

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

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

Arboricultural Impact Assessment, 20 November 2019

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

### 3. Material samples

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

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

### 4. Slate roof

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

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

### 5. Front boundary wall

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

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

### 6. Demolition method statement

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

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

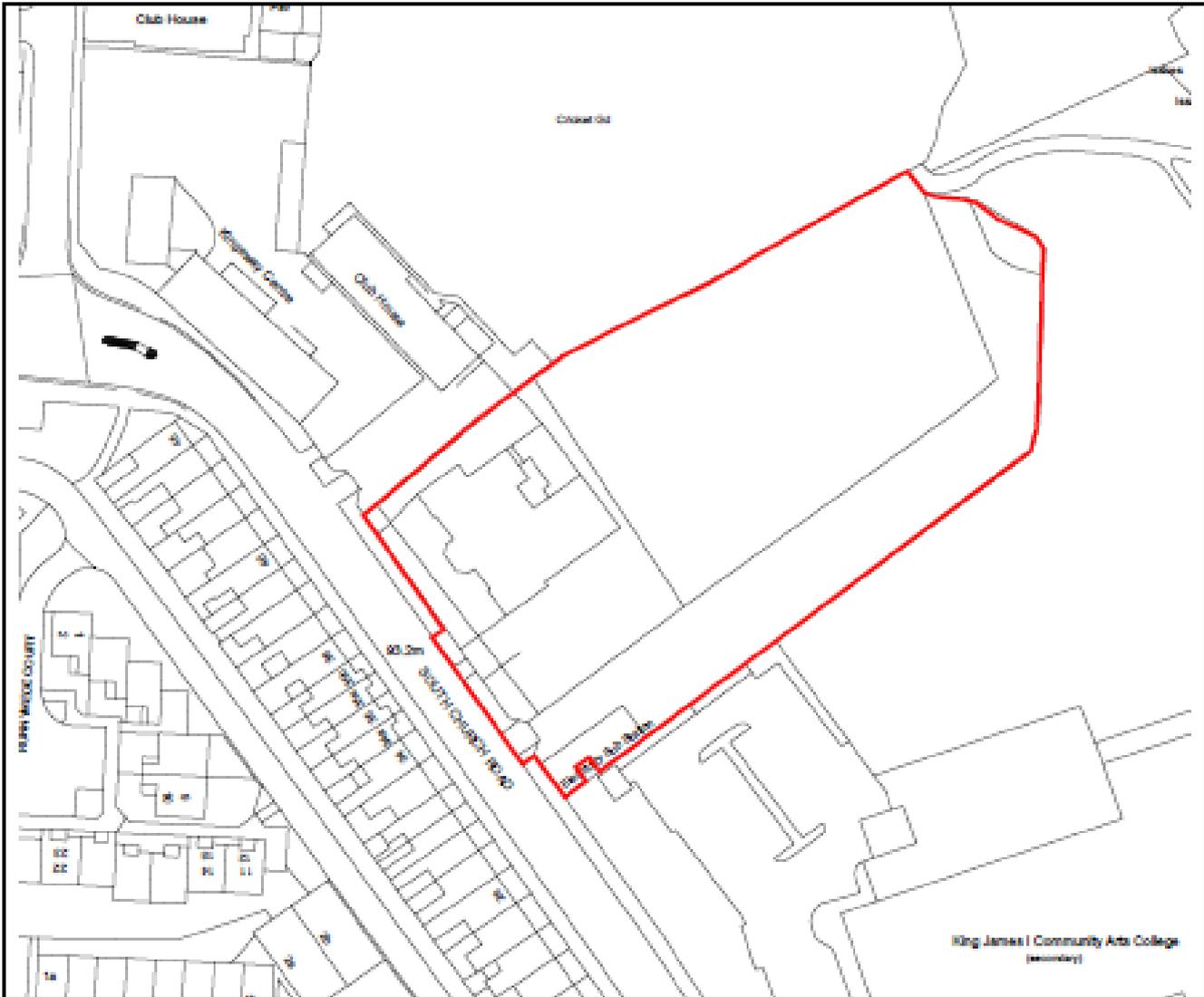
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The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representation received, sought to work with the applicant in a positive and proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within the statutory

determination period. All pre-commencement conditions have been agreed in advance with the applicant as necessary.

## BACKGROUND PAPERS

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



### Planning Services

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

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### Comments

Date 20 February 2020