

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located in Wolsingham Recreation Ground, sited within the village of Wolsingham to the South West of the County. The proposals relate to an unused single storey brick-built structure, sited to the western site boundary. Access to the building is predominantly restricted to pedestrians, via the recreation ground, however a public car park is located to the northern boundary of the site adjacent the A689. The application site is located within Wolsingham Conservation Area
2. To the north of the building lies children's play equipment and mature trees, beyond lies the A689. To the east of the building lies additional play equipment and Wolsingham Bowling Club, beyond these lie the residential dwellings of Mill Race. To the south of the building a skate park and playing fields are located. To the west of the building lies the residential dwelling of 'Strandfield' and its residential curtilage, separated by a close boarded boundary fence and mature vegetation.

The Proposal

3. Planning permission is sought for the change of use and extension of the building to provide W.C facilities and a Café/kiosk. It is proposed that the W.C facilities consisting on 3no. toilets would be provided to the northern side elevation of the existing building and in an infill extension measuring 3.2m x 2m. The remainder of the building would be used as a café/kiosk serving hot and cold refreshments and food. An existing part flat roof would be replaced with a pitched roof to tie in with the existing ridgeline. Additional hardstanding's and an access ramp would be provided to improve pedestrian access, a waste storage area would be provided to the southern elevation.

4. It is proposed that the building would be open to members of the public from 11am to 4pm weekdays and 10 am to 5pm at weekends and school holidays.
5. The application is being reported to the Planning Committee at the request of Cllr Shuttleworth due to concerns relating to residential amenity.

PLANNING HISTORY

6. None relevant

PLANNING POLICY

NATIONAL POLICY

7. 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.
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 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
11. *NPPF Part 7 Ensuring the Vitality of Town Centres* – Sets out that Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
12. *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.

13. *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.
14. *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.
15. *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.
16. *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.
17. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

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

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

LOCAL PLAN POLICY:

The County Durham Plan (CDP)

19. *Policy 6 (Development on unallocated sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted

provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.

20. *Policy 9 (Retail Hierarchy and Town Centre Development)* sets out that the CDP will look to support new town centre development across all of the county's centres that will improve choice and bring about regeneration and environmental improvements. Proposals for town centre uses, as defined by National Planning Policy Framework (NPPF) not located within a defined centre, as shown on the policies map, will be required to provide a sequential assessment. Where an application fails the sequential test or would have a significant adverse impact on investment or the vitality and viability of a town centre, it should be refused.
21. *Policy 21 (Delivering Sustainable Transport)* states that all development shall deliver sustainable transport by (in part) ensuring that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestions or air pollution and that severe congestion can be overcome by appropriate transport improvements.
22. *Policy 29 (Sustainable Design)* All development proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and other local guidance documents where relevant, and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
23. *Policy 30 (Hot Food Takeaways (A5 uses))* Sets out that in order to minimise the detrimental impacts of an over concentration of hot food takeaways, planning applications for A5 uses will be carefully considered. Where a proposal would lead to more than 5% of premises in A5 use, or where the A5 levels are currently above 5% and a proposal would further increase this, applicants will be required to demonstrate that the proposal would not detract from a centre's vitality and viability. Where a proposed A5 use is considered locationally acceptable, consideration will need to be given to the impact that the development would have in terms of amenity, particularly in relation to noise and odours. Where it is considered that the proposal would give rise to unacceptable impact, the application should be refused.
24. *Policy 31 (Amenity and Pollution)* Development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated.
25. *Policy 35 (Water management)* requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the

lifetime of the development. Amongst its advice, the policy advocates the use of SuDS and aims to protect the quality of water.

26. *Policy 36 (Water infrastructure)* advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
27. *Policy 39 (Landscape)* states that proposals for new development will be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views and that development affecting valued landscapes will only be permitted where it conserves, and where appropriate enhances, the special qualities of the landscape, unless the benefits of the development in that location clearly outweigh the harm.
28. *Policy 40 (Trees, Woodlands and Hedges)* states that proposals will be expected to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate standoff distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.
29. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. *Highways Authority* – No objections

INTERNAL CONSULTEE RESPONSES:

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

PUBLIC RESPONSES:

34. The application has been advertised by way of individual neighbour notification letters to nearby properties and a site notice has also been displayed. The application has

also been advertised in the press. In response to the consultation exercise one letter of objection has been received in relation to the proposed development as summarised below:

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

35. 11 letters of support have been received in relation to the proposed development, as detailed below:-

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

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

APPLICANTS STATEMENT:

36. Wolsingham recreational park is a popular place for both existing residents and visitors. The park can be easily accessed on foot, by bike, bus and car with parking facilities available on site. The park includes play equipment, picnic benches, outdoor gym equipment, skatepark, football pitch and Wolsingham Parish Council are in the preliminary stages of gaining funding to construct tennis courts within the site. The Wolsingham Family Walk advertised on This Is Durham starts from the parking area.

37. The park promotes a good quality of leisure, sporting and recreational activities and it is vital that there are suitable facilities on site to support this.
38. The site currently has a WC kiosk to the north east of the site with 1 Accessible toilet available and an ice-cream van parks in the parking area throughout the year.
39. St Anne's Centre to the north east of the proposal was considered by Wolsingham Parish Council as potential additional WC facilities but because of private functions there was a serious question raised on safeguarding issues for children and vulnerable people.
40. The proposal is to convert and extend the existing single storey brick building into a café with 3 toilets, the third accessible toilet will be within the extension. The extension will be constructed of brick to match the existing. The proposal will be an effective use of an existing building located between the play equipment and the skate park.
41. Wolsingham park is a popular park for local families and visitors alike. The café will enhance the existing attraction, support visitor economy and create employment opportunities.

PLANNING CONSIDERATIONS AND ASSESSMENT

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

The Principle of the 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 represents a material planning consideration in this regard. The County Durham Plan (CDP) was adopted in October 2020, and as such represents the up to date development plan for the area and the starting point for the determination of this planning application. Consequently, the application is to be determined in accordance with relevant policies set out within the CDP. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.
44. Policy 6 of the CDP recognises that in addition to the development of specifically allocated sites, there will be situation where future opportunities arise for additional new development over and above that identified, this includes for employment and economic generating uses. Policy 6 sets out that the development of sites which are not allocated in the Plan which are either (i) in the built up area; or (ii) outside the built up area but well related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:
 - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;

- c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
45. The County Durham Plan defines 'the built up area' as land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside. In this respect the site is considered to be located within the built up area of Wolsingham and therefore Policy 6 is considered applicable to the development proposal.
46. Further to this, Policy 9 of the CDP seeks to support existing town centres by ensuring that appropriate development is located within them and preventing development outside of town centres which may undermine their vitality and viability. In this respect Policy 9 sets out that town centre uses as defined by the NPPF will be required to provide a sequential assessment. Although not specifically referred to, a café use is considered to be capable of falling within the NPPF definition of a town centre use depending upon its nature and size. The NPPG also provides further guidance on this matter setting out that the use of the sequential test should recognise that certain main town centre uses have market and locational requirements which mean that they may only be accommodated in specific locations. Paragraph 88 of the NPPF also sets out that a sequential approach should not be applied to applications for small scale rural development. In considering the proposal in this context, it is noted that the proposed floor space of the café/kiosk amounts only amounts to approximately 15sqm total. Given the size of the development and that it is directly targeted at users of the recreation and leisure site, along with providing additional facilities, it is considered that a sequential assessment is not required in this instance and the proposal is unlikely to have impact on the vitality and viability of the town centre.
47. Objections have been received in relation to the possible use of the development as a hot food takeaway. A typical menu has been produced setting out that a range of foods would be provided, including hot and cold sandwiches, jacket potatoes along with burger and chips, hot dogs and ice creams. It is also stated that a range of hot and cold drinks would be offered. Whether a proposal falls under a hot foot takeaway use

or a café/kiosk use is a matter of fact and degree, based on the level of sales of different elements. Officers experiences with similar sort of proposals is that a large volume of sales tend to revolve around hot and cold drinks and snacks, rather than hot food. However, should this not be the case, the Local Planning Authority could exercise its enforcement powers should it be in the public interest to regulate the use. It is therefore considered that the proposal would not be subject to Policy 30 of the CDP which seeks to limit the siting of hot food takeaways in proximity of schools.

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

Visual/heritage Impact

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

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

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

Residential Amenity

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

other associated infrastructure closer to the main dwelling than the proposed building and use.

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

Other Matters

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

CONCLUSIONS

67. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
68. The proposed scheme has been assessed against relevant policies of the CDP. It is concluded that the proposal conforms to these policies, as the proposal would represent an improvement to the character and appearance of the conservation area in the immediate location, would not have a significant impact on residential amenity, highway

safety or ecological interests and would provide a facility that would benefit users of the recreation ground.

69. The proposal has generated some public interest. All of the objections and concerns raised have been taken into account and addressed within the report. On balance the concerns raised were not considered sufficient to justify refusal of this application. There are no material considerations which indicate a decision should be otherwise.
70. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

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

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

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

Reason: In the interests of the residential and visual amenity and to comply with Policies 8, 10, 29, 31, 39 and 40 of the County Durham Plan and principles of the NPPF.
 4. The premises shall not be open to customers outside the hours of 1000 to 1700 on any day of the week.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall only be used as a Café/Kiosk and for no other use (including as a hot food takeaway)

Reason: In the interests of the amenity of the area in accordance with Policies 29 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.
 6. The café/kiosk element of the development shall not be brought into use until a scheme to control the emission of fumes and smell from the premises has been submitted to and approved in writing by the Local Planning Authority. All equipment

detailed as part of the approved scheme shall thereafter be retained, operated and maintained in accordance with the approved details so long as the use continues.

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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



<p>Planning Services</p>	<p>DM/20/03744/FPA Building South West of St Annes Centre West End Wolsingham DL13 3AP</p>	
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