

## COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION No:**

1) DM/20/03496/FPA

**APPLICATION DESCRIPTION:**

Comprehensive restoration of Windlestone Hall into a principal private residence with 2no. internal staff apartments. Restoration of the Hall gardens, walled garden with public access and erection of new build 'Gardener's Cottage'. Restoration of the 'Old Stables' and conversion to staff accommodation and low-carbon estate energy centre. Comprehensive restoration of the 'Clocktower'. Restoration of the 'Clocktower Stables' and conversion to mixed-use commercial (small office, café/coffee shop, small retail units) including courtyard. Erection of 'orangery' events space to walled garden. Extension to billiard room to main hall to facilitate events space. Enabling development consisting of 13no. 4 and 5 bed-detached dwellings at 2no. Locations north of the Hall; conversion of former staff service wing of Hall to 4no. Private apartments; and residents wellness centre within Hall. Reinstatement of the estate chapel and ilex avenue east of main access road. Erection of Earl Avon Statue. Restoration of 'North Lodge' and use as estate office and car park. Reinstatement of a lake and island to north east of Hall. Repurposing of former basketball court as estate car park.

**APPLICATION No:**

2) DM/20/03497/LB

**APPLICATION DESCRIPTION:**

Listed building consent for restoration of Windlestone Hall into a principal private residence with 2no. internal staff apartments. Restoration of the Hall gardens, walled garden with public access and erection of new build 'Gardener's Cottage'. Restoration of the 'Old Stables' and conversion to staff accommodation and low-carbon estate energy centre. Comprehensive restoration of the 'Clocktower'. Restoration of the 'Clocktower Stables' and conversion to mixed-use commercial (small office, café/coffee shop, small retail units) including courtyard. Erection of 'orangery' events space to walled garden. Extension to billiard room to main hall to facilitate events space. Enabling development consisting of 13no. 4 and 5 bed-detached dwellings at 2no. Locations north of the Hall; conversion of former staff service wing of Hall to 4no. Private apartments; and residents wellness centre within Hall. Reinstatement of the estate chapel and ilex avenue

east of main access road. Erection of Earl Avon Statue. Restoration of 'North Lodge' and use as estate office and car park. Reinstatement of a lake and island to north east of Hall. Repurposing of former basketball court as estate car park.

**NAME OF APPLICANT:** Windlestone Park Estate Preservation Trust

**ADDRESS:** Windlestone Hall, Windlestone Park, Windlestone, Ferryhill, DL17 0LX

**ELECTORAL DIVISION:** Chilton

**CASE OFFICER:** Graham Blakey  
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## **DESCRIPTION OF THE SITE AND PROPOSALS**

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### The Site

1. Windlestone Hall and estate are located approx. 4 miles to the east of Bishop Auckland on the A689 towards Rushyford. The application site encompasses the main hall, surrounding stables, courtyard, clocktower, walled garden and woodland predominately to the north and west of the main hall and totalling 7.17Ha.
2. The site is accessed from the north, off the A689 through a gated access at North Lodge. There are no Public Rights of Way within the development site. Public Footpath No.2 (Windlestone) runs to the west of the application site only abutting it at the walled garden as it heads south towards Windlestone Grange, with the registered path used for private vehicular access to several residential dwellings as part of Windlestone Park.
3. The site contains a number of listed buildings most notably the main hall (Grade II\*), Clock Tower (Grade II\*), Old Stables (Grade II), Clock Tower Stables (Grade II), North Lodge (Grade II) and the Walled Garden (Grade II) in addition to some curtilage listed buildings and structures associated with the above. The site is set within c80 hectares of parkland registered as Grade II listed. Land to the west is on the local list of historic parks, gardens and designated landscapes. Windlestone Hall and its surrounding buildings, subject to this application and those outside of the site, are located within the Windlestone Conservation Area that covers both listed and locally listed parkland settings.
4. The site falls entirely within an Area of High Landscape Value. There are no statutory or locally designated ecological sites located within or immediately adjacent to the application site.

### The Proposal

5. This report relates to two separate but related applications.

*DM/20/03496/FPA*

6. This application seeks full planning permission for the following elements: -

- Restoration of and extension to the Main Hall for a single, main private residence, 4 private apartments and 2 staff apartments. A 'Ballroom' events space and associated reception rooms and suite.
- Restoration of the Hall gardens, Walled Garden and new build staff accommodation ('Gardner's Cottage').
- Restoration of the 'Old Stables' west of the main hall for a single staff accommodation and for a 'low-carbon' shared estate wide energy centre.
- Restoration of the 'Clock Tower' located to the entrance to the Courtyard of the Clock Tower Stables.
- Introduction of mixed-use commercial uses to the 'Clock Tower Stables' as part of its restoration. Uses include small office space, café/coffee shop and small retail units with use of the courtyard area in front of the building.
- Restoration of 'North Lodge' to the northern boundary alongside the A689 as an estate office with small car park.
- Erection of an 'Orangery' building as an events space within the Walled Garden to the west of the Main Hall.
- Erection of 13no. 4 and 5-bed detached dwellings at 2no. locations, 'Sir Timothy's Wood' and 'Housemaster's Copse', located to the north of the main hall, west of the main drive access and to the east of existing residential dwellings outside of the application site.
- Provision of leisure building south of the A689 access
- Reinstatement of the estate chapel and ilex avenue with new statue of the Earl of Avon east of the main access road to the south of Wood Cottages (private dwellings outside of this application site) and within Chapel Plantation.
- Reinstatement a lake to the north east of the main hall that existed in the earlier period of them Hall's timeline. The lake would feature an island temple inaccessible to the public.
- Repurposing of a former basketball court as a car park for the estate.

*DM/20/03497/LB*

7. Listed Building Consent is also sought for the above, focused upon the key listed buildings and structures of the Main Hall, Clock Tower, Old Stables, Clock Tower Stables, North Lodge and the Walled Garden.
8. A summary of the works proposed as part of both applications is set out below;
  - Complete restoration of Grade II\* Windlestone Hall.
  - Restoration and conversion of the former service range and wing to 2 domestic staff apartments (1 x 1 bed, 1 x 2 bed) and 4 apartment dwellings for resale (2 x 2-bed, 2 x 3-bed).
  - Complete restoration of the Grade II\* Clocktower seeing comprehensive masonry repairs, new working clock control mechanism and clock faces.
  - Repurposing of the Grade II listed stables to the west of Windlestone Hall as estate staff accommodation and a low carbon (biomass) estate energy centre.
  - Restoration of the Grade II listed stable courtyard to the north-west of Windlestone Hall as a mixed-use commercial centre, ensuring the long-term viability of the restored estate. Comprising: small office space, estate café and coffee shop, and independent artisan retail space for local businesses.
  - Complete restoration of all ancillary listed structures including but not limited to: walls, the curved garden wall, gate piers and entrance, ha-ha wall and garden balustrades.

9. The applications are being reported to the County Planning Committee following call in to committee from the former local Councillor, Christine Potts.

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## **PLANNING HISTORY**

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10. DM/20/02982/TCA - Removal of various trees around Hall and Grounds, removal of dead/damaged branches and pruning to allow reasonable access to the sites to 60no. trees to drive (excluding T437 Yew) (Section 211 Notice). Raise No Objection. This application involved works and woodland management requests to trees and woodland not affected by the proposed new development subject of these applications.
11. Prior to the above, there are a series of planning applications linked to the previous use of the Hall as a School and there have been various minor proposals at the site related to that however none which are relevant to the determination of these applications.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

12. 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.
13. 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.
14. *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.
15. *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.
16. *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.

17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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.
23. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
24. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

25. 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; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; light pollution; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; viability and; water supply, wastewater and water quality.

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

26. The English Heritage Good Practice Advice note *Enabling Development and Heritage Assets*, offers supporting guidance on the assessment of enabling development proposals. In particular it contains advice in assisting Local Planning Authorities on implementing NPPF and PPG policy in regard to enabling development.

<https://historicengland.org.uk/images-books/publications/gpa4-enabling-development-heritage-assets/>

## **LOCAL PLAN POLICY:**

### The County Durham Plan

27. *Policy 7 – Visitor Attractions.* The visitor sector is an important and resilient part of the county's economy. In order to raise the quality of the visitor experience, the provision of new visitor attractions, or the expansion of existing attractions will be permitted provided they are located in sustainable and accessible locations, or can be made so; appropriate to the sit's location in terms of scale, design, layout and materials; it can demonstrate the viability of the new attraction or, where appropriate, helps support the viability of an existing attraction; and it enhances and complements existing visitor attractions or priorities in the county and supports the development of a year-round visitor economy and/or extends visitor stays. Developments in the countryside should meet identified visitor needs; support local employment; ensure adequate infrastructure and respect the character of the countryside. Comprehensive masterplanning and a robust business plan to articulate the potential impacts, proposed mitigation and economic, social and environmental benefits should accompany applications for large scale new or expanding visitor attractions.
28. *Policy 10 – Development in the Countryside.* Development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site or where the proposal relates to one or more of the following exceptions; economic development, infrastructure development or the development of existing buildings. New development in the countryside must accord with all other relevant development plan policies and general design principles.
29. *Policy 15 - Addressing Housing Need.* Establishes the requirements for developments to provide on-site affordable housing, the circumstances when off-site affordable housing would be acceptable, the tenure mix of affordable housing, the requirements of developments to meet the needs of older people and people with disabilities and the circumstances in which the specialist housing will be supported.
30. *Policy 19 - Type and Mix of Housing.* Advises that on new housing developments the council will seek to secure an appropriate mix of dwelling types and sizes, taking

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

31. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
32. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
33. *Policy 26 – Green Infrastructure.* States that development will be expected to maintain and protect, and where appropriate improve, the County’s green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
34. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
35. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
36. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land.* Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
37. *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.

38. *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.
39. *Policy 39 – Landscape.* Proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities, unless the benefits of the development clearly outweigh its impacts.
40. *Policy 40 - Trees, Woodlands and Hedges.* Proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
41. *Policy 41 - Biodiversity and Geodiversity.* Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
42. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
43. *Policy 44 - Historic Environment.* Seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets. The policy advises on when harm or total loss of the significance of heritage assets can be accepted and the circumstances/levels of public benefit which must apply in those instances.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

44. *Windlestone Parish Council* – In principle, the Parish Council welcomes the intention to restore the Hall and other buildings and thereby halt the continuing decline of the fabric of the architecture and estate and having viewed the application the Parish Council wish to emphasise that its support is mindful of any future concerns which may be raised by Parish residents, individually or collectively. The Parish Council does however direct Planning Officers to potential issues arising from access and egress during construction and later occupation and operation. These issues centre around construction traffic volume, road safety, and effects on quality of life for immediate residents.
45. It is noted that additional housing and other accommodation is planned, alongside potential leisure development. Further clarification in respect of the latter, for example the potential numbers of additional activities and visitors anticipated, and the community benefits which would be developed, should be sought. The Parish Council are also concerned that within the development adequate research is carried out to ensure that development is proportional to the preservation and maintenance of bio-diversity and conservation issues.
46. Regarding the building of new housing stock, and public access the Parish Council is concerned that necessary details are submitted and approved to ensure road safety and protection of existing households from consequent increased traffic volumes. By way of background, the A689 is a busy major road with a 60mph speed limit. Regarding the main entrance to the property, this forms a staggered crossroad with the lane on the opposite side of the A689; there have been accidents in the past, including one fatal in the vicinity.
47. Notwithstanding the above the Parish Council welcomes acceptable solutions to the longstanding issues surrounding Windlestone Hall. Whilst a degree of caution should be exercised given recent history, the Parish Council appreciate the social and economic potential to add value to the parish and the surrounding area.
48. *Highway Authority* – The submitted Highway Statement compares the net change between the proposed new development and the consented use as an educational establishment. However, for robustness, both the potential net change in use presented, and the implications should all journeys be considered new and not offset against previous use. On this basis, it is clear that no significant increase in movements whether from the west or north would be generated by the development. No objection is, therefore, raised subject to the imposition of conditions relating to vegetation removal, additional signage at the site entrance and a restriction in visitor numbers for weddings/conferences.
49. *Drainage and Coastal Protection* – The proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development. No objection is raised subject to a condition to secure the implementation of the approved scheme.
50. *Historic England* – Raise no objections. It is advised that the proposals offer a sea-change in the fortunes of Windlestone Hall and its associated listed buildings and parkland, moving from a troubled period of neglect to one of use and renewal. In order to realise this, enabling development is proposed and because the proposed housing would be contrary to policy it must be concluded whether this is necessary and whether

the public benefits of restoring the estate and establishing a sustainable future for it outweigh the disbenefits of going against planning policy.

51. Though the introduction of housing will cause some harm to the setting of the main Hall and associated parkland it would not be to a notable degree and generally the housing manages its impact on the various heritage assets well. Some suggestions for further amendments are made. Whilst the intention of the restoration proposals to the parkland and garden areas is welcomed there is less clarity in these proposals and extent of benefit of those areas proposed.
52. Repair and restoration works to the main Hall and the associated listed structures proposed follow good practice, based upon a conservation plan and established practices of minimal intervention and like-for-like replacement. The listed building consent works are thereby supported.
53. Original comments included requests for greater clarity on the enabling case with requests for a clear list of what is to be funded by the enabling development and which elements of the works are necessary to deliver a sustainable use and which are more desirable. Some suggestions of amendments to the housing development were also included. As a result, and in the absence of these clarifications the original comments of Historic England, concluded in objection.
54. However, since that time further submissions and clarifications on the enabling case and design have accompanied the application to the satisfaction of Historic England thereby removing their objections.
55. *Environment Agency* – Following the submission of additional information in relation to the site's established use of non-mains drainage and the capacity of the sewage treatment plant relative to the proposed development, no objection is raised. The requirement for an Environmental Permit is highlighted.
56. *The Garden Trust* – Welcome the proposals to resolve Windlestone's decline in recent years and are generally supportive of the scheme. However, there is a lack of detail on proposals for the landscape. As a result, the Gardens Trust consider they cannot comment on the application as far as it affects the Grade II Registered Park and Garden at Windlestone and must therefore submit a holding objection to the application as a result.

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

57. *Spatial Policy* – Raise no objections. It is advised that the proposals would involve newbuild residential development which would be contrary to policy by reason of representing residential development in a countryside location which would not be well related to an existing settlement. As a result, the application is proposed on an enabling development basis. Enabling development is development that would not be in compliance with planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset. Reference is made to the Historic England advice Enabling Development and Heritage Assets – Historic Environment Good Practice Advice in Planning Note 4, which amongst its advice, advises on the need for the enabling development to be evidenced and substantiated. As an acceptable enabling development should represent the minimum amount of development necessary to secure the future of the heritage asset, a contribution towards affordable housing is not appropriate as this would represent a significant cost and increase the amount of development. Similarly, given the circumstances of the development, an enabling proposal involving a site detached from a settlement, it is considered that other policy requirements ordinarily required would

not be justified, namely older persons housing provision and open/recreational space provision. Commercial uses are proposed and whilst some of these technically comprise of main town centre uses, their scale and particular market and locational requirements negate the need for a sequential test assessment. The advice of specialist consultees is required in order to assess the impacts of the development upon key material considerations including upon heritage assets and the landscape. Finally, attention is drawn to the location of the site within a defined mineral safeguarding area and local planning policy guidance in this regard.

58. *Archaeology* – Raise no objections. It is advised that programmes of survey and recording, geophysical survey, excavation and watching brief are required across different elements of the development and site. Agreement to the methodology of this archaeological investigation and thereafter the dissemination of results and archiving should be agreed under condition in the event of an approval.
59. *Design and Conservation* – Raise no objections. The proposals seek permission for the extensive refurbishment, repurposing and development of the Windlestone Hall Estate including the component designated heritage assets. In order to deliver the heritage benefits associated, enabling development is sought to address the conservation deficit through capital investment obtained from the detached housing and apartments within the Hall. The applicant has provided a robust argument in relation to the policy tests of enabling development and it is considered that the level of enabling development is the minimum required to bridge the conservation deficit and provide a sustainable future for the heritage assets. The proposals involve a combination of enabling works – those essential to the needs of the repair of the heritage assets, funded by the enabling capital injection, and other more desirable works, which would bring further benefit to the Estate in order to attract residents and visitors but which are not essential to the needs of the place and appropriately are excluded from the enabling development itself. Design and Conservation assess the significance of the range of heritage assets and impact of the proposals upon them in detail, taking each element of the development and asset in turn. The works subject to the listed building consent, directly affecting the fabric of listed buildings are well considered, well-informed and based upon sound conservation principles. The newbuild elements and works subject to the planning application are considered sympathetically designed, limiting any harmful heritage impact whilst overall would deliver a high quality and considerate development which would leave the site in a substantially improved position upon completion. Full support is therefore given to the proposals which provide a once in a generation opportunity to restore and repurpose the Estate.
60. *Ecology* – Raise no objection. The presence of several bat roosts and at least two barn owl roosts within the buildings and structures on site are noted and it is, therefore, recommended that a condition requiring the submitted Mitigation Strategy to be implemented, including but not restricted to the amendment of the existing bat license to include additional impacts and associated mitigation as detailed in the report, as well as pre-commencement surveys for barn owl, and permanent provision for the species on site as detailed in the report. It is noted that an eDNA survey for Great Crested Newts has been undertaken for the site, and the results were negative.
61. Finally, it is recommended that a condition be imposed requiring a detailed lighting strategy to be agreed, with particular reference to known bat roosts and flightpaths, prior to any works commencing on site. Furthermore, biodiversity net gains and the long-term management and maintenance of the biodiversity land would need to be secured.
62. *Environment, Health and Consumer Protection (Air Quality)* – Raise no objections. Information accompanying the application indicates that no screening exercise or detailed air quality assessment is necessary in relation to both traffic movements and

boiler provision. However, further detail should be provided in relation to ensuring that a suitable stack height is provided which will ensure adequate dispersion of emissions from the burning of solid matter in order to provide satisfactory control of pollutants for nearby sensitive receptors. Further advice is provided for the applicant's attention in regard to stack height approval processes under the provisions of the Clean Air Act 1993 and the potential requirement for an environmental permit.

63. *Environment, Health and Consumer Protection (Pollution Control)* – Raise no objections. In regard to the construction phase of the development, a Construction Management Plan (CMP) accompanies the application and provides sufficient detail in regard to the control of dust. Further submissions are required in respect of noise, however, and conditions in regard to a further CMP submission and limitation on working hours are recommended. In regard to the operational phase of the development, the conclusions of submitted noise reports in regard to the potential impact of traffic upon the proposed residential properties are agreed with no objections raised in regard to this impact. As originally submitted, the application was not accompanied by details of any plant equipment necessary to serve the commercial uses within the development and conditions were recommended requiring the submission of further details in regards to noise and fume extraction together with mitigation measures as necessary. Since that time further details and clarifications have been provided on the extent of plant required and the proposed method of kitchen venting. The previously requested conditions are therefore no longer necessary. No objections are raised in regard to the proposed opening hours of the shop/café/restaurant uses nor are concerns raised in regard to the impacts of lighting serving the development. Areas of Windlestone Hall and the proposed Orangery are to be utilised for events and functions and specific noise assessment submissions are made in their regard which have been updated during the course of the determination of the proposals. Noise from events is likely to cause nuisance to nearby sensitive receptors, however, these impacts can be addressed through the implementation of mitigation measures contained within the submitted noise report and the imposition of planning conditions so as to control; music levels; limitation of the number of events to 18 per annum and no events to occur on consecutive 24 hr days; a guest limit of 150; cessation of the use of the orangery at 18:30hrs and; music (live and recorded) to cease at 0000hrs
64. *Environment, Health and Consumer Protection (Contaminated Land)* – Raise no objections. The submitted Phase 1 desk study is considered acceptable. In the event of an approval, conditions in respect to further phase 2 (site investigation) and as necessary phase 3 (remediation strategy) and phase 4 (verification) are necessary.
65. *Landscape* – Raise no objections. Landscape designations within and adjacent to the site are identified with the site forming a part of the Windlestone Hall Grade II Registered Park and Garden as designated by Historic England whilst to the west lies the locally designated Windlestone Park West. The site lies within an area identified under the County Durham Plan as an Area of Higher Landscape Value. Key effects upon landscape features would entail the removal of two areas of woodland so as to facilitate the housing development. The impacts upon the trees could be reduced through some further retention and strategic underplanting of parts of the woodland with visually dense evergreen species. The proposals would have a mixture of harmful and beneficial effects on landscape character, principal harm would arise from the introduction of areas of housing which would have a transformative effect on the woodland north of the hall. However, the delivery of the proposals in full would bring countervailing beneficial effects on existing or relic historic landscape features as a result of the range of restorative proposals. There are some absences of detail in respect to precise tree works required and in respect of proposed landscaping but conditions could be utilised to provide further detail and define impact. Consideration should be given to securing a long term management plan for the woodland to ensure that its management is led by

conservation principles, and to the use of TPO to secure the public interest in maintaining the integrity of the remaining woodland as part of the historic landscape.

66. School Organisation Manager – Raises no objections. Local primary and secondary schools would be able to cater for the pupils yields that would emerge from the development.

#### **EXTERNAL CONSULTEE RESPONSES:**

67. *Northumbrian Water Limited* – have advised that they have no comments to make as there are no connections proposed to the public sewerage network.
68. *Forestry Commission* - The woodland at Windlestone has been identified as broadleaf woodland priority habitat and as such the Commission would advise that areas of the woodland that show significant features of interest should seek to be retained, this could include veteran and feature trees, woodland flora and deadwood habitat. The Commission would welcome the planting of new woodland to offset the loss of any woodland through the development proposals and that the remaining woodland have an approved UK Forestry Standard Management Plan in place.
69. *Northern Power Grid* – Raise no objections and provide location details of their known apparatus at and in the vicinity of the site. Attention is drawn to the best practice and health and safety advice on working in proximity to underground and overhead services with reference made to relevant Health and Safety Executive publications.

#### **PUBLIC RESPONSES:**

70. The application has been advertised by way of a press and site notice and individual notification letters to neighbouring residents.
71. In total 71 representations were received across both applications. The majority of the submissions, 41, were in support of the proposals from residents located away from the Hall and grounds. 21 were objections to the proposals while 9 were generally considered representations which supported the renovation of the Hall but raised issues with other aspects of the proposals. Outlined below is a summary of the main issues raised by objectors / supporters of the application and any other specific responses received from the public.
72. In Support
  - After years of following events at Windlestone Hall, it was never thought that there would be a plan to bring it back to life, opening it to the public and bringing jobs.
  - Having a private residence at the heart of the project would protect the fabric of the main building more than a commercial enterprise such as a hotel.
  - Resurrection of a Windlestone Hall would see the saving of the Hall which was promised by the Carlauren Group without significantly harming the heritage asset through overdevelopment.
  - Redevelopment would bring economic benefits that would be done in a sustainable way. The proposals would bring public benefit through opening up of aspects of the Hall and grounds to the general public.
  - Enabling development here would be appropriate and beneficial, to the minimum amount required, and would in part see redevelopment of areas previously built upon.
  - The Landscape vision for the Hall and gardens is superb in keeping with the high bar set by the NPPF.

- There has been very careful and well supported consideration of ecology impacts through the creation of new habitats (e.g. Lake) and active management of existing (e.g. woodland etc.).
- Use of low carbon energy system for the whole estate plugging into the NPPF requirement for positive weight for carbon use reduction.
- Proposals adhere to Policies 10, 29, 34, 40, 42 and 45 of the County Durham Plan.

### 73. Against

- Building of new housing alongside the historic restoration works is inappropriate, insensitive to the area given the relatively small scale of the site and its close proximity to adjoining established homes.
- Development outside of the Windlestone Park Conservation Area would negatively impact this designation.
- Many trees in the area have and will be felled to make way for the housing development, with inevitable impacts upon wildlife, including protected bats and owls amongst many more.
- Scale of development and woodland loss would adversely harm the surrounding area, the Conservation Area established in 1993 and the wider Historic Parks and Garden protection to the wider Hall site. A reduced scale offering should be pursued to protect the existing character of the wider Windlestone Park area.
- The new houses that are proposed are totally inappropriate in style and in scale; they should be designed to complement the Hall rather than try to compete with it. Should large properties be built they should be much more hidden among the trees, with single storey development would also being an option in line with that to the west of the Hall and in other locations on the wider Windlestone Park.
- Proposals would see an increase in traffic using the main estate access from the A689. This access is on to a 60mph road, where vehicle speeds regularly hit this speed and greater, and where there is a high volume of traffic, even during the recent pandemic. The junction also forms part of a staggered crossroads with Windlestone Lane which has a history of regular accidents as a result of the lack of visibility, speeding vehicles and the adjacent access from Windlestone Hall.
- Uplift in use of the existing main drive access from the A689 would result in unacceptable highway safety impacts if left unmitigated. Both Highways objections are underpinned by a Transport Consultant Assessment by the Windlestone Park Residents Group.
- Access from the Walled Garden to the west and a public bridleway would be totally unacceptable as the route is only just capable of carrying residential traffic associated with Windlestone Park and not events traffic.
- Physical and direct impacts upon existing, neighbouring residential properties would lead to negative impacts upon amenity and overbearing impacts upon the occupiers of those effected, also affecting the settings of those listed buildings in the adjacent Windlestone Park estate.
- Impacts upon residential amenity from a prolonged construction period and the longer-term operation of the publicly accessible aspects of the proposals (café, wedding venue, etc.).
- Consideration should be given to the prospect that the restoration of the Hall and other buildings could fail and the area would be left with new housing development having destroyed woodland and meadow habitats – proper safeguards need to be in place.
- Construction of the new housing would conflict with existing drainage infrastructure to properties to the north west of the Hall.
- Impact from a proposed new electricity substation close to the proposed Gardener's Cottage upon the existing residential properties.

74. CPRE - On balance, CPRE accept the necessity for these houses as Enabling Development but represent that the ecological impact needs to be fully assessed to ensure that there is a Biodiversity Net Gain, as is proposed in the Environment Bill now before parliament.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>*

#### **APPLICANTS STATEMENT:**

75. Windlestone Park Estate is a historic country estate within County Durham, centred around Grade II\* listed Windlestone Hall and a nationally significant collection of heritage assets. The applicant is a dedicated heritage preservation trust, regulated by the Charities Commission, with the sole charitable object of “restoring and preserving Windlestone Park Estate for the benefit of the nation.”
76. At its core, this is an enabling development application under Para 202 of the NPPF. Para 202 requires a balancing test to be applied to ensure that the benefits to at risk heritage assets outweigh any non-compliance with planning policy, typically development in the countryside.
77. The applicant has submitted comprehensive information, which has been independently assessed by the LPA, Historic England and a third-party viability expert, which concludes that:
- i) There is a significant conservation deficit;
  - ii) That ED is appropriate;
  - iii) That the proposed ED is very minimum quantum to address the immediate needs of the at-risk heritage assets;
  - iv) That no viable alternative options exist.
78. The applicant cares deeply about this site, and returning it to a position of long term viability. Furthermore, there is real awareness of the transformational impact that this scheme can have on the local area, and County Durham as a whole, in economic, social and community terms. This application will generate £15.8m of GVA during the development phase, create up to 34 high quality FTE jobs and benefit the local economy to the value of at least £1.05m per year indefinitely. Aside from the clear heritage and landscape benefits, these are real and tangible benefits for County Durham at a time when they could not be more needed.
79. The applicant is delighted to be bringing 8.9ac of neglected former agricultural land back into use as productive farming land, an increasing rarity in County Durham.
80. The applicant has worked hard to address the concerns of neighbours, but it is not possible to please a group who wish to see no development or progress at such a troubled site. It is all too easily forgotten that the current planning use of the site is that of a residential school and that for decades there were hundreds of people on-site on a daily basis, with all of the associated noise, traffic and amenity issues.
81. Finally, the applicant is deeply aware of its social and community obligations. It is on an entirely voluntary basis that public access has been offered on such a large scale. The applicant is of the view that this estate was built from the labour and efforts of the local people, coal and sweat, and that for the first time in at least 500 years it is right and fair that the local community benefit from this incredibly special place.

82. This is a well-founded application, an exemplar of how enabling development can and should be used for great benefit. This site has a long and troubled history, and the people of County Durham would not forgive us for missing this generational opportunity to, in the words of Historic England, bring “a sea change in the fortunes of Windlestone Park”. We commend this application for approval.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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83. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of the development, enabling development, heritage and design, landscape and visual impact, highway safety and access, affordable and accessible/adaptable housing, infrastructure and open space, amenity of adjacent land users, ecology and biodiversity, flooding and drainage, contamination and land stability and other considerations.

### The Principle of the Development

#### *The Development Plan*

84. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) is the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
85. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
- c) approving development proposals that accord with an up to date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
86. Policy 6 of the County Durham Plan (CDP) relates to residential development on land not allocated for new housing around the County. Such sites will only be permitted where they are either within the built-up area or outside the built up area but well related to a settlement and is compatible with adjacent land uses; does not result in coalescence of neighbouring settlements; does not result in loss of land of recreational,

ecological, or heritage value ; is appropriate in scale, design etc. to the character of the area or settlement; is not prejudicial to highway safety; provides access to sustainable modes of transport; retains a settlement's valued facilities (i.e. pub); considers climate change implications; makes use of previously developed land; and reflects priorities for urban regeneration.

87. Policy 10 of the CDP relates to development in the countryside. Amongst its advice it outlines that development will only be permitted where allowed for by specific policies in the CDP, one of which is Policy 6 discussed above. Policy 10 outlines support for the change of use of existing buildings or structures which already make a positive contribution to the character and appearance of the area and is capable of conversion without complete or substantial rebuilding, disproportionate extension or unsympathetic alterations; results in an enhancement of the building's immediate setting and in the case of a heritage asset, represents the optimal viable use of that asset consistent with their conservation. New buildings and structures are supported where they are well related to the existing built development and business operations.
88. The NPPF at Paragraph 79 states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where development would represent the optimal viable use of a heritage asset and reuse of redundant buildings leading to an enhancement of the setting.
89. Paragraph 83 of the NPPF sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings as well as encouraging sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 84 recognises that some businesses may be found beyond existing settlements. In these circumstances it is important to ensure that the development is sensitive to its surroundings, does not have an unacceptable highway impact and exploits opportunities to make the location more sustainable.
90. As with applications of such scale and complexity, a masterplan has been provided which outlines the various elements of the proposals and their implications for each part of the scheme. The proposals include the re-use and part extension of the existing main Hall for a number of different uses (private residence, apartments, events space) as well as the Clocktower Stables (café, office, retail) which link into the above national and local planning policies in principle terms. Other buildings would be re-used for residential purposes (Old Stables west of main Hall) and offices (North Lodge, entrance to the estate off A689).
91. While the re-use of existing buildings to accommodate the establishment of new business enterprises does not support an existing business it is part of a larger masterplan for reinvigorating the Windlestone Estate and one which the masterplan cites as being for the sustainable economic basis for maintenance of the Hall and grounds. As such, these are considered to be in broad acceptance with CDP Policy 10 (h) and Paragraphs 83 and 84 of the NPPF for both the commercial re-use and new build proposals.
92. Part of the masterplan is a selection of new build structures ranging from statues and the Island Temple through the proposed Ionic Temple and squash court / gym to the proposed Gardener's House and the Orangery events space. Some of these are complementary to the wider estate such as the statues and island temple, however others introduce new functional buildings to the estate. The Ionic Temple to the extreme east of the application site and to land not in the ownership of the applicant is proposed as a community accessible facility with a museum to display Eden family memorabilia and history of Windlestone Hall. The site chosen as a historic link back to a former

Chapel in the history of the Hall and the purpose of the building feeding into the overall Estate and draws support in principle from Policy 10 (f) of the CDP.

93. Longer term sustainability of the Estate and business form part of the masterplan for the Windlestone Estate and part of that focus is upon regular revenue generating uses. Conversion of the Clocktower Stables forms part of that plan as does the creation of events space across the Estate part in the Hall and part new build at the Orangery. The proposed Orangery building to be located within the walled garden to the west of the Hall. CDP Policy 10 (h) covers economic development in the countryside and allows for development that is necessary to support the change of use of an existing building (Windlestone Hall) subject to ensuring that the following are adhered to: that the building subject to the change of use already makes a positive contribution to the character and appearance of the area, is capable of conversion, results in an enhancement of the buildings immediate setting, does not result in the loss of a community facility, or represents the optimal viable use of a designated heritage asset. Bringing Windlestone Hall and the wider estate back into good repair and beneficial use will represent the productive re-use of the buildings and meet the criteria outlined above. As part of that support the proposed Orangery would bring economic development to the Estate which would in tandem with part of the Hall allow an events space to be created and which would assist in supporting the long term viability of the Hall and Estate. In this regard, the principle of the Orangery draws support from Policy 10 of the CDP.
94. The Gardener's House, located to the north west corner of the walled garden, would be for the purposes of planning policy considered a replacement dwelling on the estate. There are a number of existing dwellings located on the estate ground within the red-line boundary which would no longer be carried forward due to their physical state and lack of acknowledgment to the historic context of the site. Policy 10 (j) of the CDP allows for replacement dwellings in the countryside where they are of comparable footprint and mass where justified. The construction of the Gardener's House is considered to be in line with this policy requirement and as such would accord with CDP Policy 10 (j) in this regard.
95. New residential development in rural locations is considered in stricter terms by Policies 6 and 10 of the CDP, together with Paragraph 79 of the NPPF. This proposal features a mixture of conversions and new build residential units across the estate. Conversion of existing buildings is set a lower test than that of new build, in that enhancement of an existing building's setting would be an acceptable reason in principle to convert to residential. Elements of the Hall are proposed for residential and ultimately feed into the original use of the building for many centuries prior to use by the Local Authority as a residential education establishment. This aspect of the proposals is considered to comply with Paragraph 79 of the NPPF and Policy 10 of the CDP.
96. Construction of new build residential requires passing a higher test and in this case the requirements of Policy 6 of the CPD are not met and the development of new build dwellings in the location proposed would conflict with Policy both policies 6 and 10 by reason of their location in a countryside location poorly related to any settlement. Windlestone Hall by its very nature of location is not adjacent to a neighbouring settlement, lying several miles between Chilton/Rushyford, Coundon Gate/Bishop Auckland and Newton Aycliffe. The new build dwellings would be located within an established woodland area of high ecological value which also has heritage value linked to the Windlestone Estate; and not upon previously developed land or reflective of urban regeneration priorities. Access to sustainable modes of transport is limited to bus services close to the main entrance of the estate that sees an evenings only, Monday to Saturdays, hourly service between Ferryhill and Bishop Auckland service the bus stops. However, the proposals for the new build dwellings underpin a wider heritage asset renovation which is linked to enabling development.

97. It should be noted that the detailed impacts of the varying aspects of these proposals, such as heritage, landscape and others will be considered separately in the relevant sections later in this report.

### Enabling Development

98. It has been established above that the development includes residential development proposals in a countryside location contrary to CDP Policies 6 and 10. Paragraph 202 of the NPPF outlines that 'enabling development' is development that would not be in compliance with planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset. For the purposes of Paragraph 202, as outlined above, the principle of residential development at the site is contrary to Development Plan policy. The NPPF recognises that conflict with planning policies may be justified if the development proposed would secure the future conservation of the asset(s) and the wider benefits outweigh the disbenefits of not adhering to those policies.
99. The problem which enabling development typically seeks to address occurs when the cost of repair (and conversion to the optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repair and conversion, allowing for all appropriate development costs. This means that the subsidy to cover the difference, 'the conservation deficit,' is necessary to secure its future. The amount of enabling development that can be justified will be the minimum amount necessary to address the conservation deficit and to secure the long-term future of the assets.
100. Historic England has a published guidance note on enabling development; Enabling Development and Heritage Assets – Historic Environment Good Practice Advice in Planning Note 4 (GPAN4). It should be noted that this is purely a guidance note therefore does not represent planning policy nor does it prescribe a single methodology or approach. Notwithstanding, it is a helpful tool in order to consider and gain a full understanding of the relevant issues in relation to enabling development.
101. GPAN4 advises upon the principles of enabling development such as what it is, when it may be justified and when not and the alternatives to enabling development which may exist to seek to secure the conservation of the heritage assets. When it is considered that enabling development may be a justified approach GPAN4 advises a seven-step approach that can be followed in order to demonstrate that an enabling development case meets the requirements of NPPF paragraph 202. The seven step approach contained within GPAN4 is only one means in which to consider an enabling case, however, the Windlestone proposals present a scenario which has many of the hallmarks of the typical enabling development case – housing is proposed near to a collection of heritage assets on a historic country estate with the long term future of said assets proposed to be secured using uplift in the value of land resulting from the development. As a result, it is considered that the seven-step approach of GPAN4 is an appropriate basis upon which to consider whether an acceptable enabling development case has been presented. The steps in summary involve; i) the undertaking of a conservation needs/works assessment, ii) consideration of alternative solutions; iii) cost of repairs assessment, iv) market value assessment, v) detailed scheme design, vi) development appraisal assessment; and vii) a delivery plan.

#### *Undertaking of a conservation needs/works assessment*

102. The applications are accompanied by a Conservation Plan the objectives of which are described as being to inform upon the conservation, repair, use, management and possible future changes and alterations of the Windlestone Hall estate.

103. The Conservation Plan assesses and sets out what is important about the heritage assets in cultural-heritage terms and makes an assessment of the cultural-heritage significance of the individual elements and the heritage asset as a whole.
104. The Conservation Plan is well researched and the conclusions are considered sound. Overall, the submitted Conservation Plan appropriately provides a detailed understanding of the current and future conservation needs of the heritage asset. The document assists in establishing the heritage significance of the asset as a whole, the part played by the various elements therein and identifies a desired reasonable level of conservation repairs and maintenance that will sustain the asset in the long term.

#### *Consideration of alternatives*

105. GPAN4 advises that charitable ownership of heritage assets is one means to find the alternative sources of funding needed to sustain the asset in the long term. However, the site has already in the past been sold to a charity – the present owners the Windlestone Park Estate Preservation Trust whose purpose is to secure the long-term future of the asset.
106. Windlestone Hall has had a chequered recent past. Previous owners had sought to convert the property into a care home and whilst this is one alternative option the degree of internal alterations to the Hall itself would likely detrimentally affect its significance. Market testing previously undertaken has borne out the significant financial problems of the estate and in turn the challenges of funding restoration. Furthermore, the proposals include returning the Hall in part to residential occupation aligned with the original purpose of the Hall.
107. Grant application funding has been explored with bids made to Historic England and the National Heritage Lottery Fund. However, the bids did not prove successful, reasoning included that such processes are competitive and not all schemes can obtain grant and the timescales associated with the grant funding processes given the need to progress the proposed works more quickly having regard to the condition of the heritage assets.
108. The applications submit that the residential properties created in the grounds of the Hall are to be sold and those within the Hall sold on long leases but other commercial elements are to be rented out. The ongoing rental income from these premises would provide income for the maintenance of the heritage assets in the longer term. Such an approach would limit the degree of fragmentation of the collection of assets at the estate. The apartments within the Hall are proposed to be sold on a long leasehold so that there is initial capital generated but controls and restrictions are maintained in the interests of the Estate. Alternative approaches which entail more elements being sold off individually for example could prejudice elements of the significance of the assets.

#### *Cost of repairs assessment*

109. The submitted Conservation Plan discussed above provides a sound basis of understanding on the condition of the heritage assets and extent of repair and restoration necessary. Historic England and Design and Conservation confirm that the repairs proposed appropriately follow standard conservation approaches of well-informed minimal intervention and like for like replacement. The approach to the repair and the methods proposed are shown primarily on the drawings themselves and within the Conservation Plan.

110. The applications are accompanied by a detailed cost schedule. Further submissions were made during the course of the determination of the application, principally in response to comments received from Historic England who sought greater clarity in respect to what repair or restoration works would be funded and to what degree each element would be necessary to deliver a sustainable use. Ultimately to inform upon which of those works are genuinely essential to a restored Windlestone Estate and which may be desirable but not essential.
111. Application submissions subsequent to this therefore present all the applied for works into categories – *enabling development*, *enabled development*, *restoration aiding* and *desirable* only. In summary, the *enabling development* comprises of the 13 houses and 4 apartments (and associated wellness centre) to be sold as private dwellings which deliver the capital contributions to fund the enabled assets. The *enabled development* works are those works funded directly by the enabling development sales. This includes the repair and restoration works detailed on the plans to; Windlestone Hall and its clocktower; a phase A works to the clocktower stables, old stables and Windlestone Hall walled garden; demolition of the former Headmaster’s bungalow; provision of Windlestone Park lake and footpath loop. The *restoration aiding* works are those which contribute to providing a demonstrably sustainable future for the assets. This includes; the Windlestone Hall billiard room extension; provision of the orangery; and Windlestone Park car park and drive. The *desirable* works are those which the applicant seeks to undertake in the interests of the long-term viability of the site or the enhancement of the Estate but which do not meet the high bar test of being genuinely essential to the immediate needs of the place. This includes; the gardeners cottage; Windlestone Park woodland thinning and enhancement; provision of the Earl Avon statue; restoration of North Lodge; phase B clocktower stables, old stables and Windlestone Hall walled garden works. Any final S106 legal agreement would not seek to secure the elements of the works deemed more desirable and less essential to the enabling case.

#### *Market value assessment*

112. The applications are accompanied by assessment of the market value of Windlestone Hall in both its current state and its condition once the redevelopment proposals have been completed. These submissions have been independently assessed by a viability expert employed by the Council. The market value assessments establish a conservation deficit.

#### *Detailed scheme design*

113. As heritage assets are sensitive to change given their significance, enabling development proposals should be devised by suitably experienced professionals and informed by a conservation statement or management plan which informs upon the works which are necessary. As detailed above, the applications are accompanied by Conservation Plan which is considered to be well researched and with sound conclusions. The detailed assessment of the development proposals in terms of their acceptability upon the range of potentially affected heritage assets is undertaken elsewhere in this report.

#### *Development appraisal assessment*

114. As outlined above the applications are accompanied by market value assessments to establish whether a conservation deficit exists and the amount inclusive of a schedule of costs. This is complimented by further enabling development report submissions which include values of the proposed development, cashflow funding model and annual budget report. Following requests for additional information and clarity from both the Council’s employed viability expert and Historic England, supplementary submissions

were made including but not restricted to; further valuation breakdown; build costs; fit out specifications and; professional fee costs together with the aforementioned categorisation of the works dependent upon their degree of necessity. The submissions also consider whether establishing an endowment fund would be an alternative means to funding the development or parts thereof, however, it is submitted that additional enabling development dwellings would be required to be constructed in order to provide the required capital. Following the receipt of the updated information and clarifications the Councils employed viability experts have raised no objections.

### *Delivery plan*

115. Where a decision is taken that proposals for enabling development are acceptable in principle, the benefits need to be properly secured via an enforceable legal arrangement. In this instance it is proposed that the heritage asset repair works are controlled via a S106 legal agreement under which triggers can be utilised which establish at what point the identified heritage works should be undertaken. This would be an appropriate approach to secure the works.

### *Conclusion*

116. Ultimately and having regard to paragraph 202 of the NPPF the assessment of whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies must be undertaken once all material planning considerations have been considered. This assessment is undertaken in the below sections of this report and this includes the detailed assessment of the enabling development scheme design including the impact upon heritage assets and the landscape setting.
117. However, the seven-step guidance of GPAN4 has been utilised to assess the enabling development proposals. It is considered that there exists a justified enabling case. Windlestone Hall itself and the associated clock tower and Windlestone Conservation Area are each on the Heritage at Risk Register. This is a register of designated heritage assets published by Historic England which have been assessed as being at risk due to their condition and degrees of vulnerability to decline.
118. The works to repair and where appropriate restore elements of the Windlestone Estate are informed by a well-researched Conservation Plan. Value and viability assessment submissions have been independently verified by an expert on viability and it is considered that these have defined a quantum of conservation deficit and that the heritage works to be enabled are the minimum necessary to secure a future for the heritage assets and that furthermore there are no alternatives that would result in the same benefit.

### Heritage and Design

119. As summarised within the earlier site description section of this report the application site contains and is located adjacent to a number of designated heritage assets. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. In addition the Planning (Listed Buildings and Conservation Areas) Act 1990 also imposes a statutory duty that, when considering whether to grant planning permission for a development which affects a listed building or its setting, the decision maker 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. Any such harm must be given considerable importance and weight by the decision-maker.

120. Policy 44 of the CDP relates to heritage and sets out that 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, where the circumstances in which this harm can be outweighed by exceptional circumstance and public benefit tests referenced aligned to the advice on heritage which is provided under Part 16 of the NPPF.
121. CDP Policy 10 states that new development in the countryside should not give rise to unacceptable harm to heritage. More generally, CDP Policy 29 advises upon sustainable design and amongst its advice states that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. This is supported by advice at Part 12 of the NPPF including paragraph 127 which states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
122. In order to understand the impact that a development may have upon a heritage asset an understanding of the significance of the heritage asset is required. The applications are accompanied by submissions which describe the significance of any heritage assets potentially affected, chief among them the Conservation Plan which Design and Conservation confirm utilises internationally recognised methods to present an assessment of significance.
123. In summary, Windlestone Hall and Park is a nationally significant historic estate from the early 19th century. It illustrates prevailing fashions in architectural and landscape design and is associated with the notable persons of former Prime Minister Sir Anthony Eden (1897 - 1977) for whom it was the childhood home and Ignatius Bonomi the pre-eminent Durham architect of the first half of the 19th century who designed it.
124. The Hall was built around 1834 in a simple but distinctive classical style set within a classic English parkland setting of grass land, woodland walks and spaces for formal gardens. The Hall is grade II\* listed, which equates to more than special architectural or historic interest, a grading that accounts for around 8% of all listed buildings. The Park is a grade II registered park and garden and numerous service buildings around the Hall are either separately listed or can be considered curtilage listed. Most notable of these are the grade II\* listed clock tower and the adjacent grade II listed stables and coach housing. All are contained within the Windlestone Park Conservation Area and form the basis of that designation as an area of special architectural and historic interest.
125. From the mid-20th century onwards institutional use denuded the character of the hall and its parkland but it has been over the last five years that vacancy, vandalism and theft has seen the greatest decline to the point that the Hall's survival was seriously threatened. Both the Hall and the Clock Tower are on the heritage at risk register as is the wider Windlestone Conservation Area.
126. The development proposals have the potential to affect heritage assets in two main ways. Firstly, as a result of the proposed repair and restoration works affecting the

physical fabric of the heritage assets themselves, works which are subject to the listed building consent. Secondly, the enabling development works and other new build elements within the estate grounds which have the potential to affect the setting of heritage assets and the character and appearance of the Windlestone Conservation Area.

127. A summary of officer assessment on impacts is provided below informed by key consultees of Historic England and Design and Conservation.
128. The entire application site lies within the Grade II Registered Park and Garden as designated by Historic England whilst to the west lies the locally designated Windlestone Park West. Though heritage assets themselves and the heritage and landscape related impacts of the development being interrelated, consideration of the park and garden designations is principally considered elsewhere in this report as part of the assessment of *Landscape and Visual Impact*.

#### Physical fabric impacts upon the listed buildings

##### *Windlestone Hall (grade II\*)*

129. The main structure of the Hall is in relatively sound condition but considerable damage has been caused externally and internally by the theft of roof lead and resulting water ingress as well as vandalism. To this can be added a backlog of maintenance work. Consequently, repairs go beyond the cosmetic and minor, to those vital to the significance and re-use of the Hall.
130. The approach to repair and the methods proposed follow a standard conservation approach of well-informed minimal intervention and like for like replacement.
131. The use of the Hall for one large residential unit, apartments and a relatively small venue works well with the historic layout of the property, especially when compared to other uses common to such properties such as just apartments or hotel use. The rooms of the highest significance are the main ground floor rooms of the hall which remain largely unaltered by the proposals.
132. During the course of the determination of the applications, amendments have been made to address matters raised by Historic England, most notably amendments to the proposed eastward extension improving the arrangement between the conservatory and main masonry now considered to create a well observed continuation of the building's architecture.

##### *Clock Tower (grade II\*)*

133. The main alteration to the clock tower proposed is the installation of a modern clock mechanism. In order to prioritise limited repair funds a modern mechanism is considered justified and a restored clock face would do much to restore the significance of the clock tower and its contribution to the character and appearance of the wider estate. Reinstated railings are proposed to the north and south.

##### *Old Stables (grade II)*

134. The old stables would be repurposed for a combination of residential accommodation for staff, workshop, woodchip boiler plant and woodchip store (energy centre). Relatively significant rebuilding is proposed, in part due to a structural failure in the southern wall and, as a result, some elements of historic fabric would be lost. However,

this harm is counterbalanced by the benefits of bringing stables back into use and restoring some of the more interesting architectural features.

#### *Clock Tower Stables (grade II)*

135. It is proposed that these stables would be repurposed for a combination of office, retail and café uses. The buildings would be repaired but some openings would be blocked or altered but none of these works affect the significance of the building. The interiors are not significant, and the alterations would not damage the significance of the buildings.

#### *North Lodge (grade II)*

136. North Lodge is proposed to be used as an estate office. North Lodge has had a history of detrimental alterations and the proposal involves no extension but restore the building back to its original form and thereby enhance its significance.

#### Other impacts including setting and design of the individual elements

##### *Housing*

137. New market housing is proposed in two locations. Firstly, on the site of previous teachers' housing to the north of the main stable block where 5 houses are proposed. Existing housing in this area would be demolished, this existing housing is of very poor design and their loss would be beneficial. A further 8 houses would be built in the woodland to the west of the north drive. The positions have been selected to minimise the visual impact within the estate. The submitted Design and Access Statement suggests that the design of the housing is intended to evoke a North East England estate village, although it does not copy any particular village. The elevations would combine stone with render. The render would be limewashed.
138. Character would be added to these groups of houses by using the garages to articulate the house elevations and the spaces in front of them. The parts of the garages facing the public areas would be built in rubble stone pointed with lime mortar and each garage block would have a separate identity within an overall theme. The use of traditional materials on the garages would add character to these housing groups.
139. The two sites are logically located and they have been kept to a size which fits well within the site constraints. A concerted effort has been made to develop a unified design for the dwellings and ancillary buildings to create a complimentary but distinctive sense of place. The buildings whilst embellished, do not seek to compete with the historic structures on the site and subject to careful control of construction details through condition in the event of approval, they would create a pleasant environment.

##### *Orangery*

140. In order to facilitate the new events use across the site, a new orangery style character building is proposed. The orangery has been located in a position to be built into the slope within the garden and also to make the best of views to the south. It has been located away from the axis of the gardens so that it would not block or interrupt the main east/west view from the Hall. This is arguably the largest intervention with the greatest impact as it is unapologetically prominent and of considerable scale. There is no historic precedent at Windlestone for such a structure as far as can be ascertained, however, it is well considered, exceptionally well designed and detailed and would continue a tradition of each owner or generation leaving their mark on the landscape as trends change.

## *Gardner's Cottage & Glasshouses*

141. A gardener's house is proposed for the north-west corner of the formal garden to be restored. This is in the form of a two-storey tower with a pyramid roof. The rest of the house is similar in form to greenhouses with a monolith roof. A storage area for the garden use with an exposed timber frame is indicated to the east of the gardener's house with glass houses beyond. The glasshouse arrangement has been amended during the application process to omit the western section in the interest of preserving the amenity of an adjacent dwelling (discussed elsewhere in this report). The material chosen is brick so that the building is similar to the bricks used in the garden wall which would help to assimilate the structure. There is no strong evidence of any residential structure on the north wall of the garden but clear evidence of garden structures as one would expect with a southerly aspect. Design and Conservation describe the design as being slightly fanciful but nevertheless reflects similar modest structures in other prestigious gardens. On balance it is considered that it would sit comfortably in the landscape and add to the interest of the space.

### *Statue*

142. A bronze statue of Sir Anthony Eden, later Earl Avon, is proposed towards the western end of the recreated avenue. The introduction of such a feature is a matter of personal taste but such formal additions to designed landscapes are very common and this would represent a small C21 addition.

### *Temple*

143. To the east of the site is an existing partially lost avenue. The eastern part of the grounds was one of the most carefully developed landscape areas at Windlestone. The avenue was a formal element which was visible from the point where the historic north and south drives connected. Originally, the view along the avenue focused on the Eden family chapel which became a mausoleum. The building was demolished in 1984 leaving only the foundations. The coffins were removed from the burial vault and adjacent cemetery. The proposals are to build a temple as termination for this avenue which is considered appropriate. The temple would be used for meetings and courses and would contain a kitchen, storage and a WC to facilitate these uses. It would also be used as a museum to display Eden family memorabilia and an explanation of the history of Windlestone, the history of the Eden family and the political history and associations of Sir Anthony Eden. This is considered to be an appropriate replacement for a building to terminate a designed landscape view.

### *Leisure building*

144. The proposed leisure building would sit to the east of the main entrance from the A689. It would be a modest building, single and two-storey in appearance with the larger section being of single volume to allow for internal activities. The external appearance proposed is simple but masks cleverly what is a very functional space, it has a render finish with traditional and contemporary openings with traditional parapet and banding details to help embed the development in the language of building design across the wider estate. It would sit in an area which has recently been characterised by functional activity and would bring some animation to a less sensitive area.

### *Impacts upon Windlestone Conservation Area*

145. The Windlestone Conservation Area, designated in 1993 covers the entire application site, however, the boundary is somewhat larger relating more to the historic extent of

the estate. The area affected by the proposals does contain the key built assets, but the surrounding landscape has arguably been subject to most change and deterioration as it has been managed in conjunction with the buildings not as parkland or agricultural land as the majority outside the site has.

146. A mix of positive and negative impacts would occur as a result of the development works. The newbuild housing would have a transformational impact upon this part of the Conservation Area and it is considered that some degree of harm would occur as a result. However, it is considered that the housing is proposed in one of the parts of the Conservation Area least sensitive to change and mitigated most fully by the landscaping proposals. Furthermore, through the completion of the development works key assets within the Conservation Area will be subject to repair and restorative works which have a positive impact helping to address reasons why the Conservation Area is on the at risk register. This positive impact should be tempered somewhat as some of these beneficial impacts fall into the *desirable* category of development and thereby not forming a part of the enabling development case itself.

#### *Impacts upon the setting of remaining assets*

147. The proposed development of the new leisure building, the proposed residential development, the orangery, and the gardener's cottage in particular are the built development elements subject to the planning application which have the most significant potential to affect the setting of the range of remaining designated assets within the application site.
148. Estates such as Windlestone are often experienced in 'splendid isolation', where landscape and a hall itself are seen together with little intrusion. The proposed housing would represent some degree of challenge to this. However, the housing is enclosed by its landscaped setting and this reduces impact upon both the setting of the Hall itself and the associated parkland albeit a minor degree of harm would it is considered occur.
149. The new leisure building would have a degree of harmful impact on the North Lodge given its proximity and scale, this impact has been minimised by design and location and the fact that it is not unusual in estate type settings to have more than one structure at principal entrance points.
150. The large orangery and gardener's cottage to the garden space to the west would change the setting of some assets including the principal hall, though these changes are not considered harmful.

#### Archaeology

151. Archaeology advise that a comprehensive survey and record of the listed buildings proposed for restoration should be undertaken by a suitably qualified and experienced buildings archaeologist prior to the start of any works. A watching brief should also be undertaken during the works in order that any hidden features revealed can be recorded thus adding to the understanding of the buildings' structural development.
152. As the proposals also include newbuild elements an archaeological evaluation (by way of sample trenching) should be undertaken in case elements of earlier settlement/buildings/features survive followed up by more extensive excavation if such remains should be encountered. It is further advised that archaeological evaluation should be carried out prior to the removal of any trees. If archaeological remains are encountered and further investigations are necessary, then a methodology for removing the bulk of the tree cover without disturbing the ground will be needed to allow such investigations to occur.

153. A detailed record should be made of the existing grounds and parkland prior to any landscaping and planting and in respect to the proposed formal garden, west of the hall, a geophysical survey should be undertaken supplemented by excavation on any targeted areas of interest. A watching brief should be maintained during the landscaping and construction works of the new garden. Agreement of the methodology of the investigations (where they remain outstanding) and surveys together with the means of the dissemination of results and archive deposition should be agreed under condition in the event of an approval.
154. No objections are raised to the development in respects to matters of archaeology subject to condition, the proposals considered compliant with relevant advice within CDP Policy 44 and Part 16 of the NPPF.

#### Conclusions on Heritage and Design

155. The proposals represent a sensitive adaption of the estate buildings and their comprehensive repair. The impacts of the proposals to the individually listed elements of the Windlestone estate represent conservation works appropriate to their significance, contribute positively to the built and historic environment and better reveal the significance and understanding of the assets. The works would contribute to the improvement of assets currently held on the at risk register. As a result, the listed building works are considered to draw support from CDP Policies 29 and 44 and Part 16 of the NPPF particularly paragraphs 192 and 193, the latter which emphasises that great weight should be given to the conservation of heritage assets.
156. In terms of the impact upon the Conservation Area and setting of heritage assets a mix of positive and negative effects would be likely to occur from the development. Whilst some elements of harm (less than substantial) have been identified to some of the assets due to some impacts, the scheme also includes a number of positive impacts including the reversal of some earlier unsatisfactory interventions and alterations, introducing new iterations of historic uses and reinstating lost elements of historic interest. The proposals overall, would contribute to the repair and restoration of the Windlestone Hall Estate and Park and in turn the wider Conservation Area. The development proposals contribute positively to the built and historic environment, enhance and better reveal the significance and understanding of heritage assets at the same time as improving access to them. Accordingly, it is considered that any harm identified is outweighed by the benefits of the scheme as a whole resulting in an enhancing impact overall. The proposals accord with Policy 44 of the CDP and advice at Part 16 in this regard.
157. The general approach to the design of the new built development elements is considered appropriate and well considered, drawing support from CDP Policy 29 and Part 12 of the NPPF.

#### Landscape and Visual Impact

158. Policy 39 of the County Durham Plan states 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. Proposals are expected to incorporate appropriate measures to mitigate adverse landscape and visual effects. Policies 7 and 10 expect proposals to respect the character of the countryside and be appropriate in terms of their location and layout. Policy 39 also sets out that development affecting Areas of Higher Landscape Value will only be permitted where it conserves the special qualities of the landscape unless the benefits of development in that location clearly outweigh the harm. Policy 26 outlines developments are expected

to provide new green infrastructure and ensure provision for its long-term management and maintenance. Similar requirements are outlined in Policy 29. Policy 40 seeks to avoid the loss of existing trees and hedgerows unless suitable replacement planting is provided. Parts 12 and 15 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. As discussed above Policy 44 is relevant due to the presence of nationally and locally designated parks and gardens on and adjacent to the site.

159. In terms of landscape character, the site lies within the Tees Lowlands County Character Area which forms part of the larger Tees Lowlands National Character Area (NCA23). It lies in the Sedgefield Windlestone & Aycliffe Broad Character Area which belongs to the Lowland Plain Broad Landscape Type. The site forms part of the parklands of Windlestone Hall and is made up of woodland, open parkland, buildings, gardens, and other grounds, much of it in a generally poor state of repair.
160. The application site lies within an area identified under the CDP as an Area of Higher Landscape Value (AHLV) and contains sections of the Grade II Registered Park and Garden (RPG) as designated by Historic England whilst to the west lies the locally designated Windlestone Park West.
161. In terms of effects upon landscape features key impacts would entail the removal of two areas of woodland so as to facilitate the housing development. A range of higher, moderate and lower quality trees would be removed but Landscape Officers highlight that the submitted arboricultural impact assessment (AIA) does not plot individual trees in areas of woodland along the edges of the areas proposed for development nor present a tree protection plan (TPP). The impacts upon trees could be reduced through some further retention and strategic underplanting of parts of the woodland with visually dense evergreen species. As a result, Landscape Officers state it is difficult to be precise about the scale of tree loss, however, they acknowledge that this further detail could be acquired, and final tree works and protection measures agreed under condition in the event of approval.
162. Landscape Officers note that the delivery of the proposals in full would bring some beneficial effects on existing or relic historic landscape features such as the reinstatement of the lake, reinstatement of the tree lined driveway to the clocktower, repair of a ha-ha wall and development of the temple on the mausoleum site being some examples but not an exhaustive list.
163. Landscape Officers consider that the proposals would have a mixture of harmful and beneficial effects on landscape character. The principal harm would arise from the introduction of areas of housing which would have a transformative effect on the woodland north of the hall. The area has for the most part been under woodland, crossed by paths and rides including the northern carriage drive, since the early / mid C19th. This forms an integral part of the RPG and the setting of the Hall – albeit having a more passive role than the more visually open and articulated elements of parkland and ornamental gardens to the south. While visually contained in all but near views by the retained woodland, the change in character in those areas would be notable in views from the main drive and would be harmful. This opinion is echoed within the commentary of Historic England and it is considered that the impact of the proposed housing in this location would result in a degree of harm to the RPG.
164. The originally submitted comments of Historic England considered that there was an absence of a detailed landscape design plan in respect to the registered parkland and as a result the benefits to restoring the landscape features of the registered parkland less convincing. Comments received from The Gardens Trust similarly consider that

there is an absence of detail of the proposed garden and landscape layouts and as a result that it is not possible for them to reach a proper conclusion on the scheme as it affects the RPG, however, they also highlight that the imposition of landscape conditions would permit this further essential investigation of existing gardens and development of a scheme. Since this time Historic England's further commentary on the applications identify a conditional approach as a route to fully inform the landscape design. Landscape Officers similarly identify that the effects of the proposals upon the walled garden are difficult to fully assess in detail at this stage, further investigation would provide information on the structure and evolution of the walled garden which would in turn inform upon the restored design. Landscape add that in the absence of any evidence of unique features or characteristics of the historic garden that the general principles proposed are generally in keeping with the evolution of country house gardens and therefore a beneficial impact relative to its current condition is likely.

165. Officers consider that conditions can, in the event of an approval, be utilised to obtain and refine the final landscaping and garden proposals so that a final scheme is developed which respects the RPG.
166. Overall, the development of the housing proposed would result the loss of landscape features and some harmful impacts upon landscape character and the RPG as a result mostly as a result of the proposed housing development. There is scope to mitigate this degree of harm further through further landscape proposals development under condition. The comments of the Garden Trust, Historic England and Landscape in respect to some absences of detail on landscape proposals are noted, again however, conditions could be utilised to address these detail absences. Counterbalancing these issues, the delivery of the scheme on the whole would bring positive restorative impacts to the landscape – this would include landscape features themselves such as the reinstatement of the lake and tree lining but coupled with this would be the overall improvement to setting brought about by the repair and restorative works to the buildings themselves. As per the heritage discussion some of the beneficial landscape impacts fall into the more desirable rather than essential category of the development. Similar to the heritage discussion above the landscape impacts of the development would bring about a mixture of positive and negative impacts but overall it is concluded that the development would result in no unacceptable landscape impacts and one which on balance would conserve the qualities of the Area of Higher Landscape Value the RPG and the neighbouring locally designated Windlestone Park West. The proposals are considered to be in accordance with Policies 7, 10, 26, 29, 39 40 and 44 of the CDP and Parts 12, 15 and 16 of the NPPF in respect to landscape related matters.

#### Highway Safety and Access

167. Policy 21 of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity in addition to expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. Policy 10 (criteria q) sets out proposals should not be prejudicial to highway safety. Specifically, the NPPF sets out at Paragraph 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
168. Sole vehicular access to the range of uses proposed as part of the planning application would be taken from the A689 via the existing estate entrance. As noted earlier in this report, nearby residents have raised specific concerns in relation to the impact of

additional traffic and the safe operation of this junction and its relationship with Windlestone Lane which runs northwards on the opposite side of the A689.

169. The planning application is accompanied by a Highway Statement (HS) which considers the potential highway and transport related impacts associated with the proposals and any mitigation required. The Highway Authority has considered in detail the submitted statement and, having regard to the range of uses proposed as part of the planning application and examined road safety statistics for the immediate area on the A689, they are satisfied on the basis that all trips generated by the development were additional movements on the network (rather than taking account of any existing movements) that the level of trips generated would not be significant and that they could be accommodated safely using the existing junction. Notwithstanding this, the Highway Authority have recommended some minor improvements at the junction, including, the removal of vegetation and improved signing. Such matters can be controlled through the imposition of appropriately worded planning conditions. Furthermore, whilst it is likely that the analysis in the submitted HS is robust as coach and minibus travel have not been included specifically for wedding and conference events, such movements being considered as single trips, the Highway Authority considered it appropriate to impose a planning condition restricting wedding and conference attendees to a maximum of 75 visitors in the daytime and 150 on an evening.
170. Accordingly, the Highway Authority raise no objection to the proposals, subject to conditions. While the highway impacts of the proposed development are a significant concern to nearby residents, it is nonetheless considered that the proposals are acceptable in this regard and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF.

#### Affordable and Accessible/Adapted Housing

171. CDP Policy 15 addresses housing need. The site falls within a medium value area under the provisions of the policy and on housing developments in excess of 10 units it would ordinarily be expected that 15% of the homes proposed would be delivered as affordable housing. In line with the guidance of GPAN4, enabling development should constitute the minimum necessary in order to address the conservation deficit and to secure the long-term future of the assets. In order to keep the amount of enabling development to a minimum the proposal would not be expected to deliver affordable housing. Seeking to deliver on-site affordable homes or alternative financial contribution towards affordable housing off-site would represent a significant cost and increase the amount of enabling development necessary.
172. CDP Policy 15 advises that on schemes of 10 or more units that 10% of the units be designed so as to increase the housing options for older persons and people with disabilities comprising of level access flats and bungalows or housing products which can be shown to meet the specific needs of a multi-generational family. However, the site is within a countryside location, detached from services and facilities that settlements provide. The provision of dedicated older persons accommodation is considered inappropriate in this instance as a result.
173. CDP Policy 15 also requires that 66% of dwellings should be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. It is considered that it would be unrealistic to fully achieve this in relation to the residential units proposed within the Hall itself. However, the newbuild dwellings would provide the opportunity to provide a layout to meet this standard. A condition, in relation to the newbuild properties only could be utilised to deliver this in the event of an approval.

174. In more general terms of housing mix, the development would provide a range of properties including detached housing and apartments and thereby is considered in compliance with Policy 19 of the CDP and Part 5 of the NPPF in this regard.

#### Infrastructure and Open Space

175. Policy 26 of the CDP outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality. Paragraph 96 of the NPPF highlights that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 127 requires amongst its advice that developments function well and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
176. A total of 21 residential properties are proposed through the development albeit 4 of these are proposed for occupation for staff. For a development of this scale the OSNA advises that the development itself should provide some onsite amenity and natural green space provision whilst offsite financial contributions should be sought towards remaining typologies such as play space, parks and recreation and allotments. The development is bespoke in the sense that residential occupiers would be residing within the grounds of a country estate and parkland and a dedicated leisure building to house a squash court and gym is proposed. This is considered to provide on-site facilities. As discussed elsewhere in respect to affordable housing provision further financial contributions towards off-site open space provision is not sought as this would represent a further significant cost. The amount of enabling development sought should be the minimum necessary to secure the future of the heritage assets, financial contributions typical of many standard residential developments would increase the costs of the development and in turn the amount of enabling development. As a result, whilst there is a degree of conflict with CDP Policy 26 as a result, this would remain acceptable in the context of an acceptable enabling development proposal.
177. Policy 25 of the CDP supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities. 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.
178. The Council's School Places Manager has confirmed that there exists capacity within the local primary and secondary schools to cater for school age pupils who may occupy the development and no financial contribution is required.
179. The amount of residential development proposed is not of a quantum that it is considered likely to result in material effects upon local GP/health services. In instances where it is considered housing development would result in material effects and pressures upon such services financial contributions are sought to seek to mitigate impact. However, again in the context of an enabling development it would not be considered appropriate to pursue financial contributions due to the additional cost implications this would ensue.

## Amenity of Adjacent Land Users

180. Policies 29 and 31 of the CDP outline that developments should provide high standards of amenity, minimise the impact of development upon the occupants of existing adjacent and nearby properties, as well as those being created, and not lead to unacceptable levels of pollution. 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.
181. Windlestone Hall lies at the heart of the wider Windlestone Park and Estate where private residential dwellings reside in close proximity to the application site boundary and proposed development. Primarily these are located to the western side of the Hall grounds to the rear of the Clocktower Stables heading up to the A689 to the north. Some of these properties share construction with the northern wall of the walled garden (west of the Hall itself) and the Clocktower Stables being of significant age and historic interest in their own right as being part of the antiquity of the Hall itself.
182. The range and breadth of the proposals at the Windlestone Estate mean that there is a potential for a varying range of impacts upon the amenity of current adjacent land occupiers and also upon the newly created occupiers. This means the impacts have the potential to range in scale affecting more than one domestic property at any given time.
183. The creation of an events space, which would be shared across part of the main Hall building and the new build Orangery, is proposed for operation across 18 events per year, covering weddings and conferences, with a total of 150 guests in attendance. It is intended that the events spaces would be utilised at differing times of the day whereby the Orangery would be utilised through the daytime and the Ballroom of the Hall available into the evening. The Orangery would be located approximately 30 metres from a habitable window of an existing residential property with a direct line of sight, with a total of 6 properties within 120 metres of the proposed new building. Furthermore, the proposed Ballroom with its proposed extensions in the rear east wing of the Hall would be immediately across the rear courtyard from proposed residential apartments contained in the rear west wing of the Hall and which have windows overlooking the Ballroom within 20 metres.
184. In order to assess the potential impacts from the events spaces upon these existing and proposed residential properties, the applicant has prepared and subsequently amended a Noise Impact Assessment to assist in demonstrating the potential impacts from noise from these spaces. Considered the biggest potential impacting use of the events space would be weddings which would last across the day and across both events space and this has been the focus of the noise assessment. With respect to the Orangery, the report demonstrates that the expected noise levels from within the new building would not impact upon properties other than those which are the closest.
185. The Council's Environmental Health Officer has requested these proposed developments do not exceed a set level equivalent to NR20 (an international standard to determine an acceptable indoor environment for receptors). This is a range of octave band maximum across the audible spectrum below which impacts from a noise source would not be considered to cause an adverse impact in this case. The submitted assessment confirms that the noise levels expected at the closest existing properties to the proposed Orangery would be within the limits set out by NR20 as part of the above with windows open at the existing properties.

186. With regard to the Ballroom however, the assessment demonstrates that there would be a need to mitigate the impacts from noise upon the proposed new apartments within the rear west wing of the Hall. This mitigation is proposed in the form of secondary glazing to the façade of the Ballroom directly facing the apartments opposite, resulting in an overall reduction in noise reaching the apartments. Details of the proposed specification of the glazing in respect to its historic fabric implications will be secured by way of condition.
187. A knock-on activity created by the split events space design is the movement of people between both venues across the day. At the request of the Local Authority, the amended noise assessment reviewed this implication of the proposals and was assessed as having an impact that would be marginally greater than that of the amplified music from within the building in the case of the Orangery. The Council's Environment, Health and Consumer Officer has subsequently concluded that the development proposes the potential to result in a statutory nuisance being created to nearby residents without adequate mitigation. Being external to the buildings, this cannot be achieved through an uplift in the fabric of the new build construction but through the restricted use of the events spaces in terms of timings, numbers of patrons and cessation of amplified music. These would be cessation of events in the Orangery at 6.30pm, limiting events to a maximum of 150 guests for no more than 18 events in a calendar year that should not take place on consecutive days, and the cessation of music (live and recorded) at midnight. These restrictions would be controlled by way of condition in the event of approval.
188. Operation of the proposed uses within the Clocktower Stables would be limited to daytime hours only and would through the fabric and layout of the converted building not be considered to lead to an adverse impact upon existing and proposed dwellings around the Windlestone Estate.
189. Over the course of the application, specific elements of the proposals that interface with existing dwellings of Garden House and Yew Tree Cottage have been amended to remove the impacts from these existing residences. In the case of the former, a proposed glasshouse has been omitted from across windows into habitable rooms, and in the case of the latter the re-opening of a window to the rear of the Clocktower stables that overlooked the garden of the property has been reviewed and omitted. Both changes have led to protection of residential amenity at both of the above properties.
190. Elsewhere on the Estate, proposals for the new dwellings to the north of the Hall would contain adequate mitigation to ensure that road noise impacts from the A689 would not reach internal rooms of the dwellings. At the south western most point of the proposed new dwellings however, the new buildings come into their closest proximity to existing neighbouring dwellings of Yew Tree Cottage, Greystones, Tanglewood, Planting House and Egan House. The Council's Residential Amenity Supplementary Planning Document (SPD) outlines minimum distances at which new dwellings should be spaced to ensure that amenity impacts are lessened at other new dwellings and existing dwellings. These require distances of 21 metres front to front / back to back, and 13 metres back to gable to be achieved, with uplifts in both required due to changes in levels.
191. The closest property at Yew Tree Cottage falls beyond the required minimum distances set out above inclusive of potential changes in levels, however this will require control by way of condition to ensure that new site levels are such as to not adversely impact upon residential amenity. The new dwelling that is proposed to be closest to Yew Tree Cottage presents a side gable elevation to the south towards it that is proposed to contain two windows for non-habitable rooms such as bathroom and utility rooms. Currently there is a line of trees and tree bodies which run along the boundary with Yew

Tree Cottage and have the ability to lessen the impact of the new dwelling upon the adjacent property. Ensuring that these are retained where possible as part of a landscaping scheme for the Estate would be ensured through appropriate landscape conditions.

192. There is the potential for disturbance during the construction period, therefore, management of the construction period should be secured to deal with construction related impacts. A submitted Construction Development Management Plan (CDMP) has been reviewed by the Council's Environmental Health Officer and whilst they consider that the submissions are acceptable in respect to dust control measures further detail is necessary in regard to noise control measures. A conditional approach to securing an updated CDMP and the controlling hours of working would ensure that construction related impacts could be adequately mitigated. Disruption arising during the construction process is temporary and conditions would be imposed to mitigate any significant adverse impacts.
193. Similarly, Environment, Health and Consumer Protection Officers consider that the development will not have a significant effect on air quality and there is no requirement to undertake further air quality assessment following clarification of the use of the centralised energy facility for the Estate. However, Environment, Health and Consumer Protection do advise that further details in regard to the energy centre stack height is provided which will ensure adequate dispersion of emissions from the burning of solid matter in order to provide satisfactory control of pollutants for nearby sensitive receptors. A condition could control this in the event of an approval. As such, there would not be an adverse impact on the environment having regard to Policy 31 of the CDP and Paragraph 181 of the NPPF.
194. The development would not lead to a significant reduction in the level of amenity experienced by adjacent land users, subject to appropriate conditions. Overall, the scheme would comply with Policies 29 and 31 and Parts 12 and 15 of the NPPF.

#### Ecology and Biodiversity

195. Policies 26, 35, 41 and 43 of the CDP seek to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
196. In respect of the presence of protected species, the planning application is supported by a number of ecological reports and information including a Bat and Barn Owl survey report (Barrett Environmental, June 2021). In relation to bats specifically, the report identifies the presence of several bat roosts across a number of buildings structures, including the Hall itself, the Garden Wall, the Clocktower Stables and the roof of the former Teachers Accommodation building. With regard to the Hall itself, it was the subject of bat activity surveys in 2018 in relation to necessary repairs to the roof which had been vandalised. The discovery of bat roosts at that time necessitated the acquisition of a bat mitigation licence from Natural England. The mitigation strategy utilised in the association with the licence included the construction of a large bat loft in the north end of the west wing of the main Hall, suitable for all common bat species.
197. The repointing of the Garden Wall, and construction of new glasshouses could entomb bats and destroy the roosts in the crevices of the structure. As low numbers of common species were present during the surveys, the impact upon the conservation status of the local populations would be minor negative.

198. The conversion of the Clocktower Stables to offices and workshops would destroy a bat roost and prevent bats from accessing the roof void. Although bats could be disturbed, injured or killed during the proposed works, low numbers were present at the time of the survey, such that the impact upon the conservation status of the local bat population would be minor negative.
199. The proposed demolition of the former Teachers Accommodation building would destroy a roost that the survey indicated was used occasionally by an individual or low numbers of bats. Any bats present would be disturbed and could be injured or killed during the demolition of the building.
200. Bats are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Natural England has the statutory responsibility under the Conservation of Habitats and Species Regulations 2017 to deal with any licence applications for works affecting European Protected Species such as bats. Before planning permission can be granted for development that may lead to species protected by European Law being harmed, the Local Planning Authority must apply the same derogation tests as Natural England, in order to establish if it is likely that a licence would be granted. The derogation tests are i) that the activity must be for imperative reasons of overriding public interest, or for public health and safety; ii) there must be no satisfactory alternative; iii) the favourable conservation status of the species must be maintained.
201. To compensate for the potential impacts to bats and their habitat, where possible, identified roosts will remain in situ. Mitigation will be provided in the form of bat boxes installed on the north elevation of The Clocktower Stables and on the West section of the Garden Wall (in addition to that already installed within the Hall itself), sensitive timing of works and any bats found during works will be taken into temporary care and released at the site at dusk during suitable conditions. An amendment to the existing bat license to include additional impacts would also be required.
202. In light of the above and having regard to the Habitats Regulations and derogation tests it is considered that in this case, there is no satisfactory alternative if the Hall is to be refurbished which is in the public interest and, it is in the public interest that the permission is capable of being implemented, and the proposed mitigation is appropriate to ensure there would be no significant impact on the conservation of the local bat population as a whole. It is, therefore, considered that Natural England would be likely to grant a license. Accordingly, the LPA can discharge its duties under the Habitats Regulations.
203. In relation to Great Crested Newts, eDNA surveys were undertaken at the site, the results of which were negative. As such, Great Crested Newts are considered to not be present at the site and no mitigation is required.
204. Turning to Barn Owls, they are specifically afforded protection under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) but are not a European Protected Species. The Bat and Barn Owl survey report (Barrett Environmental, June 2021) identified that Barn Owls are confirmed to roost in the former Head Teachers House and the north wing of the Old Stable building. The demolition of the former Head Teachers House and restoration of the boiler house in the north wing of the Old Stables building as an energy centre, would take away the roost sites. This would be a major negative impact on the animals concerned and a moderate negative impact on the conservation status of the local population.
205. Mitigation proposed to address the impact on Barn Owls is intended to ensure that owls are not disturbed if breeding at the site and that they can continue to roost or breed at

Windlestone Hall in perpetuity, in line with best practice guidance. Replacement Barn Owl boxes would be installed in a mature Holm Oak tree (*Quercus ilex*) to the south west of the main Hall, as well as in the roof of the Clocktower. The known roosts would be inspected before any works commence and would be delayed if the building was being used for breeding by Barn Owls.

206. The Council's Ecologist has considered the information submitted in support of the application and have raised no objection in respect of the impact on protected species subject to appropriate planning conditions to secure the mitigation identified in the Bat and Barn Owl survey report and described above, as well as the agreement of a detailed lighting strategy, with particular reference to known bat roosts and flightpaths, prior to any works commencing on site. Subject to this and having regard to the requirements of CDP Policy 43, it is considered that appropriate mitigation can be provided and the proposed development meets licensing criteria in relation to European protected species.
207. With regard to biodiversity enhancement, the planning application is supported by an Ecological Mitigation and Enhancement Plan (updated June 2021) which sets out the applicants approach to improving the sites intrinsic biodiversity value and to set out the approach to the delivery of biodiversity net gains. The overall strategy includes native species tree planting, wildflower woodland planting, habitat boxes and, the reinstatement of a wildlife pond in the walled garden. The Council's Ecology Officer is satisfied that such enhancement would be sufficient to deliver a biodiversity net gain, in accordance with the CDP Policy 41 and Paragraph 175 of the NPPF, subject to the submission of a detailed habitat creation and management document, as well as a monitoring strategy, such management to be undertaken for a minimum of 30 years, to be secured by agreement under Section 39 of the Wildlife and Countryside Act 1981.
208. Overall and subject to the imposition of conditions to secure the mitigation strategy and a lighting scheme, together with a detailed habitat creation with management and maintenance for a minimum of 30 years secured by way of a Section 39 agreement, the proposed development would comply with Policies 26, 35, 41 and 43 of the CDP and Part 15 of the NPPF.

#### Flooding and Drainage

209. Policies 35 and 36 of the emerging CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
210. The application is accompanied by a Flood Risk Assessment which highlights that the application site is within Flood Zone 1 with a low flood risk probability and that there are no previous records of fluvial, tidal, groundwater or surface water flooding incident and, with implementation of a suitable Sustainable Urban Drainage (SuDS) strategy, the proposed development will not increase local flood risk. A SuDS strategy has also been provided in support of the application, which sets out a number of measures that would

be implemented in order to ensure that all surface water arising can be managed on site. Such measures include: all surface water arising from roofed areas is controlled by direct infiltration through soakaways; water butts will reduce potable water demand; all areas of hard standing will be constructed using a permeable medium; no design exceedance outfall away from the site; all SuDS on site will be installed with full consideration to long term maintenance; and, the use of SuDS techniques on site will mitigate and treat the run-off volumes.

211. Drainage and Coastal Protection Officers advise that the proposed design demonstrates compliance with National Standards and Council Policies in providing sustainable surface water management solutions and ensuring the prevention of flood risk to and from the proposed development and as Lead Local Flood Authority, have no objections. A conditional approach can be applied to secure the development takes place in accordance with the agreed scheme.
212. In relation to foul water, as there is no public foul sewer near to the site, the existing arrangements are discharged to a private septic tank. For the new flows generated by this development it is proposed to use a new foul water package plant appropriately sized to meet the new visitor requirements. As this is a major development proposal proposing the use of non-main drainage, the Environment Agency is a statutory consultee. They have assessed the submitted information in relation to the capacity of the existing sewage treatment plant and the likely demand from the proposed development and have advised they have no objection to the scheme. They have, however, highlighted the requirement for an Environmental Permit, and this can be brought to the applicant's attention as an informative. Northumbrian Water Limited have advised that they have no comments to make as there are no connections proposed to the public sewerage network.
213. On this basis, no objections to the development on the grounds of flood risk or drainage are raised having regards to Policies 35 and 36 of the CDP and Part 14 of the NPPF.

#### Contamination and Land Stability

214. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 178 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
215. Given the introduction of a number of new residential dwellings which are considered to be sensitive end uses of the site, a phase 1 GeoEnvironmental Desk Study has been submitted (revised during course of application). The Council's Contaminated Land Officer has considered the report and is satisfied with it in its revised form, including the proposed requirement for a phase 2 site investigation. However, given the proximity of a former landfill and given it is not known what it is infilled with, it is considered that there should be a requirement for ground gas monitoring or ground gas protection measures being incorporated into the development, particularly in the north of the site. Accordingly, planning conditions are, therefore, recommend requiring the submission of a land contamination scheme including a phase site investigation, any remediation (including gas protection measures, if necessary) and subsequent verification.
216. The site is not located in a coalfield high risk development area. An informative outlining the Coal Authority's standing advice would be applied in the event of planning permission being granted for the proposed development.
217. In summary, subject to the imposition of appropriate planning conditions, it is considered that the proposed development complies with Policy 32 of the emerging CDP and

Paragraph 178 of the NPPF in demonstrating that the site is safe and stable for future development.

## Other Considerations

218. Paragraph 56 of the NPPF, and Paragraph 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. The Section 106 Agreement would set out the timetable for the restoration of the affected heritage assets against the provision of the enabling development across the Windlestone Estate to secure the completion of the works to the at risk assets. It would also require the applicant to enter into a Section 39 Agreement to secure the long-term management and maintenance of the biodiversity land. This obligation is considered to meet the required tests.
219. The site lies within a Mineral Safeguarding Area. Policy 56 of the CDP states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within such areas unless specific criteria apply. The application site is underlain by deposits of magnesian limestone, glacial sand and gravel. Whilst some sterilisation could occur, it is considered the proposed development would have minimal impact on the more extensive deposit which underlays significant areas of neighbouring land. In addition, given the site's proximity to sensitive receptors, and heritage assets the prior extraction of minerals likely lead to an adverse impact on the environment. Furthermore, given the decline in the condition of the heritage assets within the site there is an overriding need for the repair and restorative development works to occur which outweighs the need to safeguard the mineral thereby satisfying Policy 56 criteria d and Paragraph 204 c) of the NPPF.
220. Policy 29 of the CDP sets out that major new build residential development should achieve CO<sub>2</sub> reductions. Part 14 of the NPPF advises that the planning system should support the transition to a low carbon future. A 'fabric first' approach is an appropriate means to adopt this in order to reduce capital and operational costs, improve energy efficiency and reduce carbon emissions in addition to potentially reduce the need for maintenance during the building's life. A condition can be imposed to secure this in the event of an approval.
221. In the event of approval it is proposed to remove selected permitted development rights under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015. Given the particular heritage sensitivities of the site and the mixture of the uses which are proposed in the interests of the sustainable future of the Estate it is considered necessary to remove the rights pursuant to some extensions/alterations and changes of use of the developments proposed.

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## **CONCLUSION**

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222. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up to date development plan. 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). Where a planning application conflicts with an up-to-date development plan, paragraph 12 of the NPPF advises that permission should not usually be granted, however, Local planning authorities may take

decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

223. The planning application includes a range of development proposals and uses described and discussed in greater detail within *The Proposal* and *The Principle of the Development* sections of this report. In planning principle terms those involving commercial enterprise, residential conversion and dwellinghouse replacement and restorative additions to the Estate are considered to accord with the content of CDP where advising upon the principle of the development on the basis that they comprise an integral part of the optimal viable use of a heritage asset consistent with their conservation and the acceptable replacement of a dwellinghouse in the countryside.
224. The provision of the new-build dwellings are contrary to the CDP as they would not constitute residential development either within a built-up area or located outside a built-up area but well related to a settlement. As a result, they would be contrary to CDP Policies 6 and 10.
225. The requirements of CDP Policies 15 and 26 are not fully met. Affordable housing provision, homes dedicated for older persons or a contribution towards off-site open space provision is not proposed, however, in the context of an enabling scheme where the amount of development proposed should be kept to a minimum this remains acceptable. In accordance with CDP Policy 15 it is considered that there are locational circumstances as to why the provision of dedicated housing for older persons would be inappropriate.
226. It is also discussed in this report that some negative ecological impacts would be likely to arise from the development due to the loss of bat and barn owl roosts though mitigation is proposed and through the securing of a detailed habitat creation and subsequent management document, biodiversity gains are identified. The amenity implications of the development are also discussed in detail and given the present nature of the site the transformative works to bring buildings and spaces back into use including as event spaces would generate impacts upon nearest residents which they do not currently experience. The construction processes themselves also have the potential to cause some disturbance impact. However, neither the ecological nor residential amenity impacts of the development have been found to result in any unacceptable impact that would cause conflict with the relevant CDP Policy advice.
227. The planning application has been submitted on the basis that it constitutes enabling development and Paragraph 202 of the NPPF advises that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
228. Overall, it is considered that significant material benefits would arise as a result of the development, most notably with regard to securing the repair and long-term future of a number of heritage assets some of which are currently at risk. The development proposed in totality includes *enabled development* works which are those funded directly by the enabling development residential sales but also further *restoration aiding* works which contribute to providing a demonstrably sustainable future for the assets together with further *desirable* works which are those which the applicant seeks to undertake in the interests of the long-term viability of the site or the enhancement of the estate but which do not meet the high bar test of being genuinely essential to the immediate needs of the place and therefore do form a part of the enabling development as such. The more desirable works would not be secured under the S106 legal agreement as such the amount of weight to be attributed to the works not secured under

the S106 legal agreement is reduced. However, those works would still gain permission under these proposals and some weight can still be attributed to their beneficial impact should they be implemented in the fullness of time.

229. The enabling development proposals have been assessed in the context of the Historic England advice contained within GPAN4 and considered to meet the key tests contained within its seven-step approach to demonstrating an appropriate enabling development. The amount of enabling development is considered to be the minimum amount necessary to address the conservation deficit and to secure the long-term future of the assets.
230. The scheme design is well considered and manages its impact upon the heritage assets themselves well. The repair and physical fabric works to the heritage assets themselves and subject to the listed building consent application represent conservation works appropriate to their significance, contribute positively to the built and historic environment and better reveal the significance and understanding of the assets. The works would contribute to the improvement of assets currently held on the at risk register and as a result, the listed building works are considered to draw support from CDP Policies 29 and 44 and Part 16 of the NPPF particularly paragraphs 192 and 193, the latter which emphasises that great weight should be given to the conservation of heritage assets.
231. In terms of housing and other newbuild elements of the overall proposals, a mix of positive and negative effects upon heritage assets would be likely to occur from the development. Whilst some elements of harm (less than substantial) have been identified to some of the assets due to some impacts, the scheme also includes a number of positive impacts and, overall, would contribute to the repair and restoration of the Windlestone Hall Estate and Park and in turn the wider Conservation Area. Accordingly, and in the round, it is considered that any harm identified is outweighed by the beneficial heritage impacts of the scheme as a whole and the proposals thereby accord with Policy 44 of the CDP and advice at Part 16 in this regard.
232. Similarly, a mixture of positive and negative landscape impacts would occur as a result of the development. The proposed housing would result the loss of landscape features and some harmful impacts upon landscape character and the RPG, however, counterbalancing these issues, the delivery of the scheme on the whole would bring positive restorative impacts to the landscape and overall it is concluded that the development would result no unacceptable landscape impacts and one which on balance would conserve the qualities of the Area of Higher Landscape Value the RPG and the neighbouring locally designated Windlestone Park West.
233. Overall, the proposals represent a robust and well considered enabling development which manages its impact upon the assets of Windlestone Estate well. Significant benefits would emerge from the repair and restoration of the Estate and bringing it back into viable use, representing an opportunity to reverse a period of significant decline which has resulted in some heritage assets being at risk. Associated with the return to a viable use would be economic benefits and expenditure into the local economy.
234. Officers therefore conclude that the benefits of a proposal for enabling development which would secure the future conservation of the heritage assets involved outweigh the identified conflict with planning policies and the adverse impacts identified above and furthermore provide the material planning considerations which permit the LPA to depart from the provisions of the CDP having regard to NPPF paragraph 12.
235. The proposal has generated public interest. The objections and concerns raised have been taken into account and addressed within the report. On balance the concerns

raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure planning obligations under S106 of The Town and Country Planning Act 1990 (as amended).

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## RECOMMENDATION

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That application DM/20/03496/FPA be **APPROVED** subject to the completion of a S106 Legal Agreement to secure the following:

- The phased construction of the enabling development alongside the enabled restorative and repair works to the heritage assets.
- The completion of a S39 of the Wildlife and Countryside Act 1981 (as amended) to secure the monitoring and management for a minimum 30 year period of any habitat creation/enhancement.

And 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:

| Plan   | Drawing No.  | Date Received |
|--|--------------|---------------|
| ORANGERY PROPOSED LOWER PLAN                   | 00-GA-A-0101 | 09/12/20      |
| ORANGERY PROPOSED UPPER PLAN                   | 01-GA-A-0102 | 09/12/20      |
| ORANGERY PROPOSED NORTH AND SOUTH ELEVATIONS   | ZZ-GA-A-0201 | 09/12/20      |
| ORANGERY PROPOSED EAST AND WEST ELEVATIONS     | ZZ-GA-A-0202 | 09/12/20      |
| LOCATION PLAN                                  | XX-LP-A-0100 | 27/11/20      |
| SIR TIMOTHYS WOOD - SITE LAYOUT                | XX-LP-A-0101 | 27/11/20      |
| CONTEXT ELEVATIONS-SECTIONS                    | XX-LP-A-0102 | 27/11/20      |
| PROPOSED OVERALL SITE PLAN                     | XX-LP-A-0120 | 27/11/20      |
| HOUSE TYPE 1                                   | ZZ-GA-A-0001 | 27/11/20      |
| PROPOSED SQUASH COURT PLAN AND ELEVATIONS      | ZZ-GA-A-0001 | 27/11/20      |
| HOUSE TYPE 2                                   | ZZ-GA-A-0002 | 27/11/20      |
| HOUSE TYPE 3                                   | ZZ-GA-A-0003 | 27/11/20      |
| HOUSE TYPE 4                                   | ZZ-GA-A-0004 | 27/11/20      |
| PROPOSED NORTH LODGE PLANS                     | ZZ-GA-A-0101 | 27/11/20      |
| PROPOSED OLD STABLES UPPER FLOOR PLANS         | ZZ-GA-A-0102 | 27/11/20      |
| MAIN HALL EAST AND SOUTH ELEVATION AS PROPOSED | ZZ-GA-A-0201 | 27/11/20      |
| PROPOSED NORTH LODGE ELEVATIONS                | ZZ-GA-A-0201 | 27/11/20      |
| PROPOSED OLD STABLES ELEVATIONS                | ZZ-GA-A-0201 | 27/11/20      |
| MAIN HALL WEST AND NORTH ELEVATION AS PROPOSED | ZZ-GA-A-0202 | 27/11/20      |
| COURTYARD ELEVATIONS AS PROPOSED               | ZZ-GA-A-0203 | 27/11/20      |
| PROPOSED OLD STABLES GROUND FLOOR PLAN         | 00-GA-A-0101 | 27/11/20      |
| PROPOSED TEMPLE PLAN                           | 00-GA-A-0101 | 27/11/20      |
| MAIN HALL PROPOSED BASEMENT PLAN               | B1-GA-A-0101 | 27/11/20      |
| PROPOSED CLOCKTOWER PLANS AND SECTIONS         | GA-A-0001    | 27/11/20      |
| PROPOSED GARAGE 1                              | GA-A-0001    | 27/11/20      |
| PROPOSED CLOCKTOWER ELEVATIONS                 | GA-A-0002    | 27/11/20      |
| PROPOSED GARAGE 2                              | GA-A-0002    | 27/11/20      |
| PROPOSED GARAGE 3                              | GA-A-0003    | 27/11/20      |

|  |                       |          |
|--|-----------------------|----------|
| PROPOSED GARAGE 4                          | GA-A-0004             | 27/11/20 |
| PROPOSED GARAGE 5                          | GA-A-0005             | 27/11/20 |
| PROPOSED GARAGE 6                          | GA-A-0006             | 27/11/20 |
| PROPOSED GARAGE 7                          | GA-A-0007             | 27/11/20 |
| PROPOSED GARAGE 8                          | GA-A-0008             | 27/11/20 |
| PROPOSED GARAGE 9                          | GA-A-0009             | 27/11/20 |
| PROPOSED CT STABLE ROOF PLAN               | GA-A-0102             | 27/11/20 |
| HOUSEMASTERS COPSE - SITE LAYOUT           | LP-A-0101             | 27/11/20 |
| CONTEXT ELEVATIONS-SECTIONS                | LP-A-0102             | 27/11/20 |
| SIR ANTHONY EDEN SCULPTURE                 | DE-A-0001             | 22/01/21 |
| PROPOSED ISLAND TEMPLE                     | GA-A-0201             | 22/01/21 |
| MAIN HOUSE PROPOSED GROUND FLOOR PLAN      | 00-GA-A-0102          | 01/02/21 |
| ENTRANCE HALL LAYOUT                       | 00-LA-A-0201          | 01/02/21 |
| MAIN HOUSE PROPOSED FIRST FLOOR PLAN       | 01-GA-A-0103          | 01/02/21 |
| PROPOSED CT STABLE ELEVATIONS REV A        | GA-A-0201 REV A       | 06/05/21 |
| PROPOSED CT STABLE GROUND FLOOR PLAN REV A | GA-A-0101 REV A       | 06/05/21 |
| PROPOSED GARDENERS COTTAGE                 | ZZ-GA-A-0101 Rev<br>B | 15/02/21 |

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 7, 10, 21, 26, 29, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 1, 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.*

#### Highway conditions

- No development hereby permitted shall commence until a scheme for the removal of vegetation at the site entrance has first been submitted to and approved in writing by the Local Planning Authority. The vegetation shall be removed in accordance with the approved details prior to the commencement of the development works.

*Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan.*

- The various commercial and event development uses hereby approved shall not be occupied until improved site entrance signage has been erected in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety in accordance with Policy 21 of the County Durham Plan.*

#### Contaminated Land

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

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

6. 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.*

## Ecology

7. No external lighting shall be erected/installed until a detailed lighting scheme for the development in line with the submitted lighting strategy "Lighting Design Strategy – Windlestone Park" received 27 November 2020 has been submitted to and approved in writing. The scheme shall include, but not be limited to, details of light fittings, covers and lux levels. All external lighting shall thereafter be completed in accordance with the approved details.

*Reason: To ensure retained habitat is protected and to conserve protected species in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

8. The development shall be carried out in accordance with the mitigation detailed in Section E of the Bat and Barn Owl survey report (Barrett Environmental, June 2021) and Section 2.4 of the Ecological Mitigation and Enhancement Plan (Arbtech, June 2021).

*Reason: In the interests of ensuring no protected species are adversely affected by the development in accordance Policies 41 and 43 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

## New Housing

9. Prior to the commencement of the any new housing hereby approved, full details of the make, colour and texture of all walling, roofing window and door materials to be used in the construction of the new dwellings has 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 Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the building materials used are compatible with surrounding area from the outset.*

10. No new dwellings hereby approved shall be occupied until details of the surface treatment and construction of all hardsurfaced areas in and around the new dwellings has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to first occupation.

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

11. No new dwellings hereby approved shall be occupied until details of all means of enclosure of the new dwellings has been submitted to and approved in writing by the

Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

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

12. No new dwellings hereby approved shall be occupied until a detailed landscaping scheme for each dwelling and the surrounding public areas has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following:

- Any trees, hedges and shrubs scheduled for retention, including method of protection.
- Details soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures and/or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- The timeframe for implementation of the landscaping scheme.
- The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
- A plan showing the public/structural landscaping and private/in-curtilage landscaping.
- Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken in accordance with the approved details and timeframes.

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

13. Prior to the commencement of the any new housing hereby approved detailed drawings, including sections, showing the existing and proposed site levels, and the finished floor levels of the proposed development and those of existing neighbouring buildings (if any), has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details thereafter.

*Reason: In the interests of the amenity of the surrounding areas and neighbouring properties, in accordance with Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the implications of changes in level are properly considered and accounted for in the development.*

#### Other Build Materials

14. Prior to the commencement of the any of the newbuild, non-residential development hereby approved, full details of the make, colour and texture of all walling, roofing window and door materials to be used in the construction of that/those buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policy 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework. Required as a pre-commencement condition to ensure that the building materials used are compatible with surrounding area from the outset.*

## Archaeology

15. i) The programme of building recording shall take place in full accordance with the agreed scheme of works contained within the document "Written Scheme of Investigation (WSI) for Historic Building Recording AA2155.02" dated February 2021.
- ii) No programme of archaeological works in respect to the general, geophysical survey, evaluation trenching, watching brief and remains recovery shall take place until an updated version of the document "Written Scheme of Investigation (WSI) for Programme of Archaeological Work AA2155.02" dated February 2021 addressing the missing details contained at Section 4 (v) has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

*Reason: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible. Required re-commencement due to the nature of archaeological remains requiring assessment before construction and distance begins."*

16. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

*Reason: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible*

## Drainage

17. The development hereby approved shall be carried out in strict accordance with "Conceptual SuDs Strategy Report – October 2020" by Innervision Design Ltd.

*Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.*

## Landscape

18. Prior to the commencement of the new housing and associated access routes, full details of the proposed tree removal and protection of retained trees shall be submitted to and approved in writing. The details submitted should include the itemised listings and plans of the trees to be removed together with details and plans of the proposed protection measures to be installed during the construction and operational phases of the development. Once agreed, the development should be undertaken in accordance with the approved details and where appropriate required retained in perpetuity.

*Reason: In the interests of minimising tree loss, protecting existing trees and the visual amenity of the area and to comply with Policies 29, 31, 40, 41 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework.*

19. Prior to commencement of works to the formal garden areas around the Hall, full details of the proposed landscaping scheme together with the background which informed the scheme shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed, the scheme shall be implemented in accordance with the details approved.

*Reason: To ensure that the visual appearance of the formal gardens protects the historic context of the site and surrounding area in accordance with Policies 26, 29, 31, 39, 40, 41 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework.*

20. Prior to the occupation of the main residence within the Hall with the development hereby approved, a framework management plan for the ongoing maintenance of the landscape and woodland around the Estate shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the plan shall be carried out in perpetuity.

*Reason: In the interests of the visual amenity of the area and to comply with Policies 26, 29, 31, 39, 40, 41 and 44 of the County Durham Plan and Parts 12, 15 and 16 of the National Planning Policy Framework.*

## Events Spaces

21. The number of events to be held at the premises shall be restricted to no more than 18 events in a calendar year and events shall not occur on consecutive days.

*Reason: In the interests of residential amenity in accordance with Policy 31 of the County Durham Plan.*

22. There shall be a maximum of 75 visitors to a wedding, conference or other event at any one time before 6pm and a maximum of 150 visitors after 6pm. The use of the Orangery building hereby approved shall cease at 6.30pm hours on any day.

*Reason: In the interests of highway safety and residential amenity in accordance with Policies 21 and 31 of the County Durham Plan.*

23. Any music, live and recorded, shall finish at 12am (midnight) on any night of an event.

*Reason: In the interests of residential amenity in accordance with Policy 31 of the County Durham Plan.*

24. Prior to the construction of the Ballroom extension to the main Hall hereby approved, full details of the proposed secondary glazing required shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the glazing shall be installed in accordance with approved details and retained in perpetuity.

*Reason: In the interests of residential amenity in accordance with Policy 31 of the County Durham Plan.*

## Construction Management

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

A Dust Action Plan including measures to control the emission of dust and dirt during construction.

Details of methods and means of noise reduction/suppression.

Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.

Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.

Designation, layout and design of construction access and egress points.

Details for the provision of directional signage (on and off site).

Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.

Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.

Routing agreements for construction traffic.

Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

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

26. 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 1300 on Saturday.

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

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

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

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

#### Permitted Development Rights

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no development falling under Schedule 2 Part 1 classes A, C, D, E, F, G and H, Part 2 class A, Part 3 classes C, D, G, H and Part 7 classes A, E, F and G shall take place without the grant of further specific planning permission from the Local Planning Authority.

*Reason: In the interests of the amenity of the surrounding area in accordance of Policies 29, 31 and 44 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.*

#### Energy Reduction

28. No development, other than demolition and site remediation works, shall commence until a scheme to achieve CO<sub>2</sub> emission reductions has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme prior to first occupation and permanently retained thereafter.

*Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.*

#### M4(2) standard homes

29. No development above DPC level on any of the 13 newbuild dwellings shall take place until final details of the compliance of 66% of those dwellings to be delivered in accordance with the Building Regulations Standard M4(2) Accessible and Adaptable Dwellings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

*Reason: To meet the housing needs of older people and people with disabilities in accordance with Policy 15 of the County Durham Plan.*

#### Energy Centre Stack

30. No stack feature shall be erected as part of the energy centre development within the "Old Stables" until full details of the precise design, scale and appearance of said stack has been submitted to and approved in writing by the Local Planning Authority. Thereafter the stack shall be constructed in accordance with the approved details.

*Reason: To control the precise height and design of the stack so as to ensure adequate dispersion of emissions from the burning of solid matter in order to provide satisfactory control of pollutants for nearby sensitive receptors having regard to Policy 31 of the County Durham Plan.*

That application DM/20/03497/LB be **APPROVED** subject to the following conditions:

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

*Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

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

| Plan   | Drawing No.     | Date Received |
|--|-----------------|---------------|
| PROPOSED CT STABLE GROUND FLOOR PLAN           | 00-GA-A-0101    | 27/11/20      |
| PROPOSED OLD STABLES GROUND FLOOR PLAN         | 00-GA-A-0101    | 27/11/20      |
| PROPOSED TEMPLE PLAN                           | 00-GA-A-0101    | 27/11/20      |
| MAIN HALL PROPOSED BASEMENT PLAN               | B1-GA-A-0101    | 27/11/20      |
| PROPOSED CT STABLE ROOF PLAN                   | R1-GA-A-0102    | 27/11/20      |
| LOCATION PLAN                                  | XX-LP-A-0100    | 27/11/20      |
| PROPOSED OVERALL SITE PLAN                     | XX-LP-A-0120    | 27/11/20      |
| PROPOSED CLOCKTOWER PLANS AND SECTIONS         | ZZ-GA-A-0001    | 27/11/20      |
| PROPOSED CLOCKTOWER ELEVATIONS                 | ZZ-GA-A-0002    | 27/11/20      |
| PROPOSED NORTH LODGE PLANS                     | ZZ-GA-A-0101    | 27/11/20      |
| PROPOSED OLD STABLES UPPER FLOOR PLANS         | ZZ-GA-A-0102    | 27/11/20      |
| MAIN HALL EAST AND SOUTH ELEVATION AS PROPOSED | ZZ-GA-A-0201    | 27/11/20      |
| PROPOSED NORTH LODGE ELEVATIONS                | ZZ-GA-A-0201    | 27/11/20      |
| PROPOSED OLD STABLES ELEVATIONS                | ZZ-GA-A-0201    | 27/11/20      |
| WEST AND NORTH ELEVATION AS PROPOSED           | ZZ-GA-A-0202    | 27/11/20      |
| COURTYARD ELEVATIONS AS PROPOSED               | ZZ-GA-A-0203    | 27/11/20      |
| MAIN HALL EAST WING EXTENSION                  | ZZ-GA-A-0204    | 27/11/20      |
| ENTRANCE HALL GLAZED SCREEN DETAIL             | 00-DE-A-3201    | 01/02/21      |
| MAIN HOUSE PROPOSED GROUND FLOOR PLAN          | 00-GA-A-0102    | 01/02/21      |
| ENTRANCE HALL LAYOUT                           | 00-LA-A-0201    | 01/02/21      |
| DRAWING ROOM ROOM DIVIDER DETAIL               | 00-DE-A-3202    | 03/02/21      |
| FIRST FLOOR STUDY ROOM DIVIDER DETAIL          | 01-DE-A-3203    | 01/02/21      |
| MAIN HOUSE PROPOSED FIRST FLOOR PLAN           | 01-GA-A-0103    | 01/02/21      |
| PROPOSED CT STABLE ELEVATIONS REV A            | GA-A-0201 REV A | 06/05/21      |
| PROPOSED CT STABLE GROUND FLOOR PLAN REV A     | GA-A-0101 REV A | 06/05/21      |

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 7, 10, 21, 26, 29, 35, 36, 39, 40, 41 and 44 of the County Durham Plan and Parts 1, 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.*

3. Notwithstanding any details of materials submitted with the application no development works comprising of the construction of any external walling or roofing shall commence until samples of the external walling and roofing materials 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 visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.*

4. Prior to the commencement of any development works comprising of the provision of surface treatment and all hardsurfaced areas, details of all surface materials shall have

been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

5. Prior to the commencement of the development comprising of the installation of any rainwater goods, details of said rainwater goods shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details.

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

6. Prior to the installation of any permanent, fixed internal lighting within the Hall details of said a lighting shall have been submitted to and approved by the Local Planning Authority. Once agreed, the scheme shall be undertaken in accordance with the approved details.

*Reason: In the interests of protecting the historic fabric of the listed building in accordance with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.*

7. No timber windows, doors or other constructions shall be installed unless full details of the proposed joinery works, including plans with cross sections and details of colour finish as appropriate, have first been submitted to and approved in writing by the Local Planning Authority. Timber work shall thereafter be installed in accordance with the approved details.

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

8. Prior to their installation, full details of any proposed external architectural lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details.

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

9. Prior to commencement of internal works to the Hall a written scheme for the repair of the decorative plasterwork and its subsequent decoration including the wider decoration of the principal rooms in the Hall shall be submitted to and agreed in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved details.

*Reason: In the interests of protecting the historic fabric of the listed building in accordance with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.*

10. Prior to the commencement of works to the stone walls and other stone fixtures a method statement for their cleaning shall be submitted to and agreed in writing by the

Local Planning Authority. Works shall thereafter be carried out in accordance with the approved details.

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

11. Prior to works to install internal services a full and detailed strategy for their installation shall be submitted to and agreed in writing by the Local Planning Authority. The strategy should include details on the installation of mechanical and electrical systems, ventilation, security, IT infrastructure and all other services to be installed. Works shall thereafter be carried out in accordance with the approved details.

*Reason: In the interests of protecting the historic fabric of the listed building in accordance with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.*

12. Prior to the commencement of works to structures other than the main Hall a detailed schedule of works shall be submitted to and agreed in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved details.

*Reason: In order to establish extent and process of restoration of the listed buildings affected thereafter protecting the historic fabric of those listed buildings in accordance with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework.*

13. Prior to the commencement of development pursuant to the below architectural components, scaled drawings showing the detailing of the architectural components shall be submitted to and approved in writing by the Local planning authority, namely:

Details of railings to existing clocktower plinths/walls and edge protection to North Lodge

Details of clock faces to clocktower

Details of folding screen to stables

Details of metal balustrade to the library

Details of reinstatement of fireplaces within the Hall

The development shall thereafter be carried out in accordance with the approved details and so retained in perpetuity.

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

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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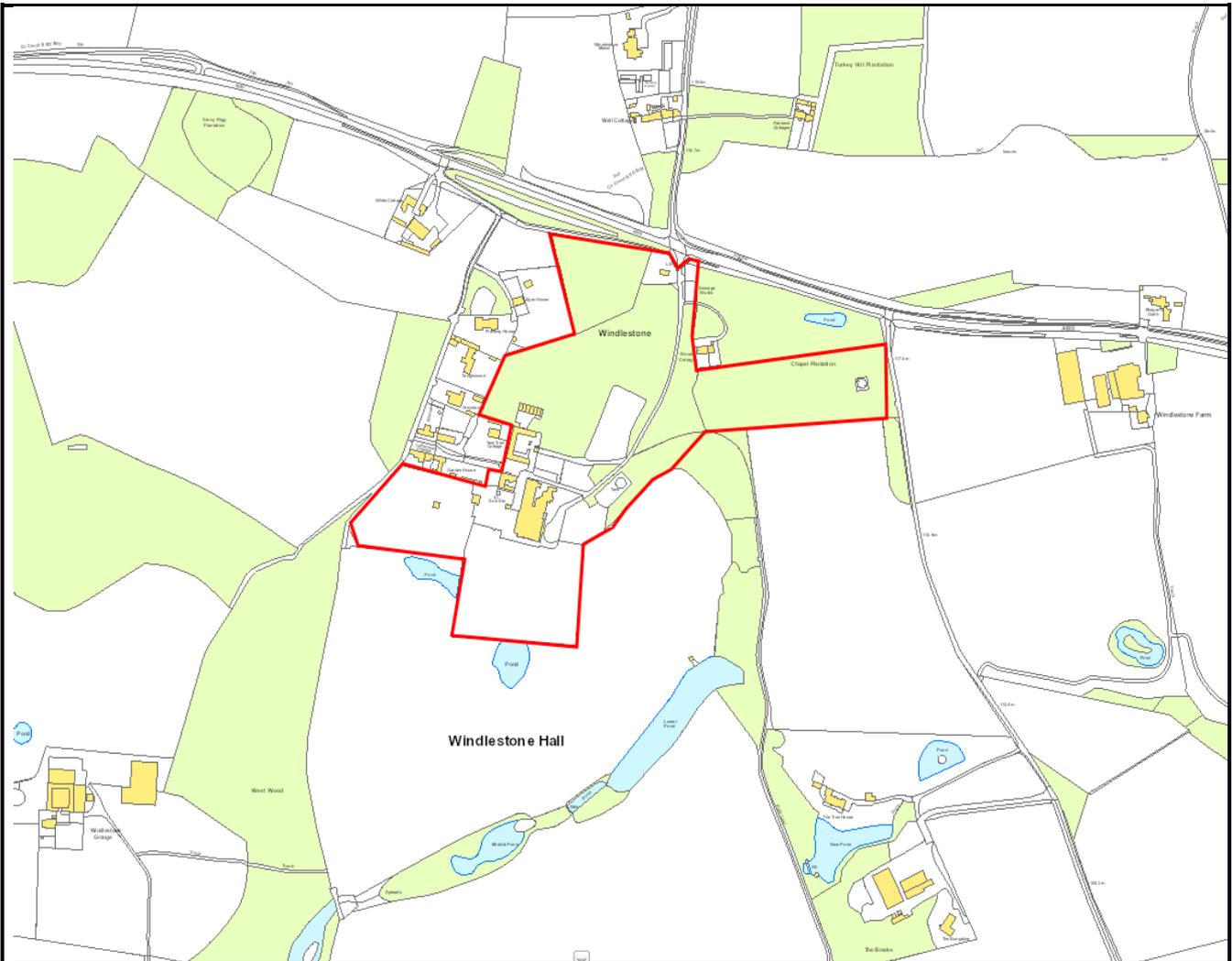
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- County Durham Plan (2020)
- Residential Amenity SPD (2019)
- Statutory, internal and public consultation response
- Durham Tourism Management Plan (2016-2020)
- Enabling Development and Heritage Assets – Historic Environment Good Practice Advice in Planning Note 4



**Planning Services**

DM/20/03496/FPA / DM/20/03497/LB  
 Restoration of Windlestone Hall; enabling development 13no. detached dwellings, conversion of former staff service wing of Hall to 4no. Private apartments; Reinstatement of the estate chapel and ilex avenue east of main access road. Erection of Earl Avon Statue. Restoration of 'North Lodge' as estate office. Reinstatement of a lake and island to north east of Hall. Repurposing of court area as estate car park.

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**Comments**

**Date** 5<sup>th</sup> July 2021

**Scale** 1:5000