

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in the Council Chamber, County Hall, Durham on **Monday 5 July 2021 at 9.30 am**

Present:

Councillor G Richardson (Chair)

Members of the Committee:

Councillors A Bell (Vice-Chair), D Boyes, C Hunt, P Jopling, C Martin, M McKeon, B Moist, I Roberts, K Shaw and S Wilson

1 Apologies for Absence

Apologies for absence was received from Councillor S Zair

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 6 April 2021 were confirmed as a correct record and signed by the Chair.

5 Applications to be determined

a,b DM/20/03496/FPA - Windlestone Hall, Windlestone Park, Windlestone, Ferryhill, DL17 0LX

The Principal Planning Officer, Graham Blakey, gave a detailed presentation on the reports relating to the abovementioned planning applications, copies of which had been circulated (for copy see file of Minutes). Members noted that the written report was supplemented by a visual presentation which included photographs of the site and details of the layout and access.

It was explained that the committee were presented with two applications, the first for the 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 and repurposing of former basketball court as estate car park.

The second application which would be considered alongside the first sought listed building consent for the above.

With regards consultation, Windlestone Parish Council had advised that whilst they were generally supportive of the application, they had noted that careful consideration should be given to access and to ensure that the level of restoration was appropriate. In addition, the Principal Planning Officer advised that 71 letters had been received. 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. Details of which were contained within the report.

By way of update, the Principal Planning Officer went on to explain that in further letters of representation sent since the report had been written, additional concerns had been raised regarding pre-consultation, justified loss of other on-site dwellings, vehicular access, and the impact that new housing would have upon Yew Tree Cottage.

The Committee Services Officer then read a statement prepared by Councillor J Cairns, local Member who was unable to attend the meeting:

"I write as the newly elected County Councillor for Chilton Division of which Windlestone Hall sits. I am delighted that Windlestone Hall has come into the ownership of an organisation that feels not only duty bound to re-imagine Windlestone Hall in its previous glory, but also has care, passion, and the expertise to undertake this invaluable restoration of a key piece of the history of Windlestone and the outlying areas of Chilton and Rushyford.

I have reviewed the proposals on DCC's Planning Hub, the Organisations website and visited the site in recent weeks. What I have seen has completely bowled me over in terms of the overall vision, management of the project and the honest approach to the scheme and its need to not only recreate the grounds, the building externally but also internally along with future developments. It will allow Windlestone Hall to again take its rightful place in County Durham as one of the key historical buildings.

I have also taken great comfort in the fact that the new owners are determined to ingratiate themselves into the community and ensure that the local residents are involved and given as much access to the estate once complete.

I could continue in this vein, but I want to simply say the following: 'The history of Windlestone Hall is important both socially and politically to the area in which it sits, by bringing it back to life we can also make it relevant to today. I wholeheartedly support this planning application and would implore the County Planning Committee to fully support this application and ensure they continue to take not only an interest but also be fully engaged in its journey to fruition.'

Mr G McGill, MD2 was in attendance to object to the application on behalf of Windlestone Residents' Group.

He explained that there were three actors in this application the applicant trying to achieve a major events venue on the site, the residents trying to protect their residential amenity their enjoyment of living there and the council who were trying to find and promote a viable use for the site to correct past mistakes.

He went on to advise that he had submitted several letters of objection on behalf of the residents incorporating their views and highlighting their concerns regarding the handling of the application and the weaknesses of the deficiencies of the submission. He noted that it was a highly unusual application but also very unusual the way it had been handled and different from anything he'd ever come across in his career in local government or as an advocate in the private sector. He suggested that validation had happened without key reports pertaining to noise, highways and landscaping and there had been no reported EIA screening and that was requested by the Forestry Commission. In addition, there had been no consultation with residents and although he accepted what Mr Blakey said regarding the impact of COVID on consultation, he did not accept that the council could not engage with the residents of approximately a dozen houses. In addition, there had been no site visit undertaken.

Furthermore, whilst he acknowledged that county highways were very good in his own experience, he felt that in this instance as if they really had not considered the impact of our professional report that was produced by a very experienced transport consultant because of all the deaths that have occurred outside. He went on to explain that this was a very different application to the previous use of the site and would impact significantly upon highways with no proposed protected right turn and no lighting.

With regards to the ecology report, the group questioned the assessment noting that their own ecologists highlighted floors including the fact that the proposals would cause the destruction of a barn owl roost which is a protected species and against the law, which had not been flagged by the council. In terms of enabling development, it had been accepted as a way to restore the house disaster but it was too close to the boundary.

In conclusion he advised that whilst residents liked a lot of the things about the proposals, the impact upon the residents could have been much better handled and

he requested that the committee refuse the application and seek a new application which could deal with the concerns raised.

Mr Stephen Purvis, Windlestone Park Estate Preservation Trust was in attendance to speak in support of the application.

He explained that the applicant was a dedicated heritage preservation trust regulated by the Charities Commission and whose sole choice objective was the transformative restoration and preservation of Windlestone Park. The application was subject to over three years of work with both DCC officers and Historic England who are all aware of the history of the site. However, the applicant was now only focused on securing its future. This was an enabling development application which was recommended for approval following a long and diligent process.

He referred to paragraph 202 of the NPPF which imposes a balancing test to assess whether the benefits of enabled development which would otherwise be against policy, but secure the future of a heritage asset, outweigh the disbenefits of departing from said policy. He added that officers had correctly assessed the power to issue balancing, concluding that the raft of heritage benefits of this application far outweigh any departures from policy. Members could take great comfort that Historic England had also concluded the site is suitable and does not cross the threshold of causing harm to heritage assets.

In addition, they found that the application meets the immediate needs of the site and for that the two grade two star and 15 plus grade two assets are at the highest level of immediate risk. Further assurance comes from the work done by officers in commissioning two independent Chartered Surveyors and a quantity surveyor to analyse the commercial details, concluding that it is sound and the minimum level required.

At the very minimum the developments long term future must be viable, and had this site been bought by a for profit developer you could have anticipated seeing at least three to four- or five-bedroom houses to meet their profit margin and the main hall would certainly be lost two apartments. The application is for bona fide "ED" at the lowest possible quantum the highest possible quality of design and in the least sensitive area of the application site.

He explained that this was a wonderful opportunity to see much neglected site return to the best possible use this outcome is far better than anything Historic England could have expected.

He thanked the council for the ongoing support in bringing the application forward and noted that all who had been involved had a shared vision for the best outcome.

Members will see that a rigorous approach was taken to ensuring the highway safety scheme has no adverse impact on road safety. It should also be noted that an unprecedented diversity net gain score of above 35% would be achieved which shows the significant investment in ecology.

In addition, a comprehensive section 106 agreement ensures the heritage restoration must take place ahead of disposal and this was supported. He explained that it was so important to the applicant that everyone benefits from this scheme hence why the time was right for the first time in 550 years that the public should be invited to benefit from this very special place.

Members would also note he outlined that the only objection to this well-founded application came from the immediate neighbours and was grossly outnumbered by support, despite the applicant making numerous and significant changes to the application to accommodate both the reasonable and unreasonable requests of neighbours, objections had not been withdrawn. However, it was important to not lose sight of the significance of these assets and the current planning use and likely alternatives should the application not be granted permission. We are delighted to bring almost 9 acres of agricultural land back into productive use and to contribute £15.8 million to the local economy of the restoration phase and more than £1,000,000 a year going forward.

He concluded by saying that this was an excellent application recommended for approval by officers, that represented an outcome that is best for site, best for jobs in the economy, best for severely at-risk heritage assets and best of the ordinary people of County Durham.

In response the Principal Planning Officer advised that it was important for the committee to be aware that all sites have a history planning or otherwise and any decision made should be based on the recommendation as it is presented, not on what has been put forward in the past.

He went on to explain that the application was unusual in that it was one of a small handful of this nature that the authority would decide upon in its history and ultimately there was complex planning arguments to be considered. He further explained that the application was submitted towards the back end of 2020 and the application was being put before members in the summer of 2021, longer than a statutory time period for a planning application as it was important to carefully consider reports provided and consultation responses. In addition, numerous site visits had been undertaken.

With regards to comments made regarding highways, reference was made to the transport consultant report submitted on behalf of the objectors and this had been carefully considered by the highways officer, equally the various amendments and other changes to ecology and the noise impact from the development had been acceptable.

Councillor Jopling commented that Windlestone Hall was a lovely building, but with a chequered past and she appreciated that in order to bring it back into use, it would have to pay its way. Therefore, she felt that conversion to apartments was much better than the alternative option of hotel use. She went on to comment that she had some concerns regarding ecology, removal of trees and the 60mph into 40 mph buffer zone.

At this point N Carter, Solicitor commented that he noted the objector had indicated that the development had not been screened for Environmental Impact Assessment, however this was incorrect as the officer had screened it and concluded that it was not EIA development. In addition, he commented that issues raised regarding ecology had also been subject to extensive consultation and the level of mitigation proposed was satisfactory.

D Lewin, Traffic Management Section Manager provided an overview of the highway's findings, noting that 58.1 mph had been recorded as the average speed on this road, and whilst he appreciated the residents' concerns, he noted that many of the issues caused on this stretch of road were due to driver error and therefore a decrease in speed limit would not be deemed appropriate.

Councillor Boyes commented that in his opinion the application sought to bring sympathetic restoration to the Hall and estate which would secure the site for many years to come. Whilst he noted that there was no mention of affordable housing in the proposals, he acknowledged that the council should be pragmatic in its approach and offset this with the overriding benefits it would bring to the estate a wider area, including jobs and resources.

Councillor McKeown noted the key importance of retaining historical buildings such as this for future generations. She furthermore echoed the comments made by Councillor Boyes in relation to affordable housing and agreed that mixed settlements were important, however did appreciate that the restoration of the hall would come at significant cost. In addition, she did not consider the highways access to be unacceptable and noted that the proposals were very similar to many other stately homes across the UK.

Councillor Marshall added that whilst these assets should be protected, he did feel that the biggest losers were the residents who were impacted by the proposals and loss of amenity and woodland. He therefore asked whether access to the grounds could be mandated by way of condition. He further asked how finely balanced the financial plan for the restoration was and whether this had been verified to be accurate.

In response the Principal Planning Officer advised that the financial costs of the renovation had been carefully considered and were found to be appropriate in terms of sales value and in order to cover the bare minimum of the restoration of the hall. Regarding mandating public access, he advised that this was to be included within any permission granted.

Councillor Hunt asked what was being done to protect the privacy of residents of Ewehirst, which lay on the other side of the wall. The Principal Planning Officer advised that the layout of the development meant that there would be approximately 18/20 metres between the two properties and mitigation was proposed on the visible interfaces to improve privacy.

Councillor Bell added that he felt this was a brilliant scheme and a credit to the officers involved. He noted his deepest sympathy with the neighbours and hoped that the relationship between the objectors and applicant could be mended in the

near future. He did note one concern which was relating to events, restrictions of visitors and sustainability of the estate.

Councillor Moist added that whilst he was in broad agreement with comments made, he asked whether the public right of way could be protected to prevent people from using this as a back entrance to the estate.

In response the Principal Planning Officer advised that linked events were covered by way of condition including timed arrival and departures.

With regard to the comments made regarding secondary access he advised that all properties would be expected to use the main entrance to the estate and use of the western boundary access could be restricted by way of condition.

Councillor Boyes MOVED that the application be approved subject to the conditions contained with the report, SECONDED by Councillor McKeown.

Resolved:

That the applications be APPROVED subject to conditions listed in the report and 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.