

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/21/02707/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Conversion from ground floor retail (class E) to 2 residential holiday lets short-term lets and on upper levels 8 one and two bedroom apartments for mixed use holiday lets and C3 residential, proposed 3 storey rear extension, balconies to rear, external alterations and partial demolition.
<b>NAME OF APPLICANT:</b>	Mr Graham Thomas, BEK Developments
<b>ADDRESS:</b>	47 Newgate Street, Bishop Auckland, DL14 7EW
<b>ELECTORAL DIVISION:</b>	Bishop Auckland Town
<b>CASE OFFICER:</b>	Susan Hyde, Planning Officer, 03000 263961, Susan.Hyde@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located within the commercial centre of Bishop Auckland located on the corner of Newgate Street and Victoria Avenue. The building is a three-storey property of Victorian age, faced in stone to the front and a brick construction to the rear. On the ground floor two retail units are located, the former Burton menswear store which is now vacant, and the Post Office which is also closed. On the first and second floors additional retail, storage and office space associated with these uses is provided.
2. The site is surrounded by commercial uses, including retail and offices. To the rear an informal car park and open/undeveloped land is present. The site is located within the Bishop Auckland Conservation Area, Heritage Action Zone and also within the defined Town Centre.

#### Proposal

3. Planning permission is sought for the change of use of one of the retail units on the ground floor (the post office) to 2 no. residential holiday lets. On the first and second floor 8 no. one and two bedroom serviced apartments are proposed. It is intended that these would have a flexible use either offered as short term lets or holiday lets, falling within the C3 (dwellinghouse) use class.

4. To facilitate the use, external alterations are proposed, this includes alterations to the shopfront of the Post Office to reduce the level of glazing and the formation of access doors to serve the apartments. The former Burton's menswear retail unit to be retained is proposed to be refurbished, while timber sash sliding windows on the first and second floors are also proposed to be replaced. To the rear of the building an existing three storey off shoot would be demolished and replaced with a new three storey extension of a contemporary design. This extension would be in line with an adjacent projection on the neighbouring building and would provide living space for the apartments. Balconies are proposed to all three floors of the new extension, while Juliet balconies are also proposed to the reconfigured rear elevation.
5. This application is being reported to planning committee as it constitutes major development.

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## **PLANNING HISTORY**

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6. Planning permission DM/19/01627/FPA conversion of the first and second floors from retail A1 to seven no. 1 and 2 bedroom flats with external alterations. This permission remains extant.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. A revised National Planning Policy Framework (NPPF) was published in July 2021. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 5 Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

11. *NPPF Part 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.
12. *NPPF Part 7 Ensuring the vitality of town centres* - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from Page 73 pollution and land stability and remediating contaminated or other degraded land where appropriate.
19. *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.

## **NATIONAL PLANNING PRACTICE GUIDANCE:**

20. 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; climate change; design process and tools; determining a planning application; effective use of land; enforcement and post permission matters; healthy and safe communities; land affected by contamination; natural environment; noise; protecting the viability of town centres; use of planning conditions; and water supply, wastewater and water quality.

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

## **LOCAL PLAN POLICY:**

The County Durham Plan (CDP)

21. *Policy 1 (Quantity of Development)* outlines the levels of employment land and housing delivery considered to be required across the plan period.
22. *Policy 6 (Development on unallocated sites)* states the development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
23. *Policy 8 (Visitor Accommodation)* states that all new visitor accommodation will be supported where it is appropriate to the scale and character of the area and it is not used for permanent residential occupation. Proposals for visitor accommodation in the countryside will be supported where they are also necessary to need identified visitor need, if it is an extension to existing visitor accommodation and helps to support future business viability or is conversion of an existing building and it respects the character of the countryside and it demonstrates clear opportunities to make its location more sustainable.
24. *Policy 9 (Retail Hierarchy and Town Centre Development)* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.
25. *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.
26. *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.

27. *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.
28. *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.
29. *Policy 29 (Sustainable Design)* requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards, subject to transition period.
30. Policy 29 also required major developments to appropriately consider the public realm in terms of roads, paths, open spaces, landscaping, access and connectivity, natural surveillance, suitable private and communal amenity space that is well defined, defensible and designed to the needs of its users. Also new major residential development is required to be assessed against Building for Life Supplementary Planning Document, to achieve reductions in CO2 emissions, to be built to at least 30 dwellings per hectare subject to exceptions. All new development to achieve BREEAM minimum rating of 'very good'.
31. *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.
32. *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.

33. *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.
34. *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.
35. *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.
36. Development proposals where the primary objective is to conserve or enhance biodiversity or geodiversity will be permitted if they comply with other local plan policy. Development proposals which are likely to result in the loss of deterioration of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.
37. *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.
38. *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.
39. Residential Amenity Standards SPD (2020 Adopted version) – Provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.

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

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

40. *Bishop Auckland Town Council* – No response received
41. *Highways Authority* – Advise that location is highly sustainable being in the main a historic retail/commercial street in town and within walking distance of bus and rail stations and public car parks. The proposal is for the re-use of unused or underused (described as 'E' planning use category) floorspace. While no off street parking provision is provided this is not untypical of the area/buildings. There are parking restrictions in the immediate vicinity, including loading and disabled bays, and these will remain. In the context of the sustainable location and general support within the NPPF for the proposed change of use, no objection is made.

### INTERNAL CONSULTEE RESPONSES:

42. *Design and Conservation* – Advise that the host building is a prominent corner block which is visible from numerous public vantage points within the surrounding conservation area. It has been empty for some time and the external appearance is currently harmful to the significance of the surrounding area. On the whole this proposal works well with existing fabric and character of the building, retaining and working with the positive features to facilitate the new mixed use. The principle of the rear extension and detail is on balance acceptable, however, success will depend on detailing. On this basis conditions regarding the approval of all external materials, details of all doors and windows, details of the balconies and external finishes are requested. The approval of this proposal will assist in meeting the regeneration objectives of the wider town.
43. *Bishop Auckland Town Centre Manager* – No response received.
44. *Bishop Auckland Heritage Action Zone* - No response received
45. *Drainage* – No objections given that no additional surface water will be discharged from the site.
46. *Ecology* – No objections, subject to the conditioning of adherence to the 'Watching Brief' method statement detailed in the submitted ecology report.
47. *Environmental Health (contaminated land)* – No objection, advising that there is no requirement for a contaminated land condition.
48. *Environmental Health Nuisance* – Advise that the development relates to the introduction of several noise sensitive receptors into a formerly commercial building. As the site is situated within a mixed commercial/residential setting, noise is likely to arise from passing traffic and vocalisation of people, both during the day and night, the town can also have a vibrant nightlife. Therefore in order to mitigate future occupiers against noise it is recommended that a scheme of soundproofing shall be secured by condition.
49. *Spatial Policy* – Advise that the proposal is considered to be a main town centre use as defined by the NPPF and therefore compliant with both the NPPF and CDP, subject to other matters of detail. The proposal would also see a prominent vacant unit within Newgate Street and the town centre being brought back in to use.



50. *Visit County Durham* – No response received.

#### **PUBLIC RESPONSES:**

51. The application has been publicised by way of site notice, press advertisement and individual neighbour notification letters. No letters of representation have been received.

#### **APPLICANTS STATEMENT:**

52. No Statement Submitted

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

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

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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53. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, locational sustainability, heritage impact/design, residential Amenity, ecology, highway safety, accessible and adaptive housing and other issues.

#### Principle of the development

54. 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. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035 and is therefore considered up to date. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up to date development plan to be approved without delay.

55. Policy 6 of the County Durham Plan states that the development (including change of use) of sites which are not allocated in the Plan and are in the built up area will be permitted provided the proposal accords with all relevant development plan policies and criteria set out in the policy. This includes (relevant to this application) ensuring that development does not prejudice adjacent land uses, highway safety or result in the loss of valued facilities, makes as much use as possible of previously developed land, and it reflects priorities for urban regeneration.

56. Policy 8 of the CDP sets out a framework to support new visitor accommodation, advising that such development will be supported that is appropriate to the scale and character of the area, recognising the benefits of tourism accommodation to the County's economy.

57. Policy 9 of the CDP sets out a retail hierarchy of the County, identifying Bishop Auckland as a Sub Regional Centre reflecting its importance in serving a wide catchment within South Durham. The policy also sets out that support will be given to new town centre development that will improve choice and bring about regeneration and environmental improvements while supporting residential uses in such centres. Policy 9 also identifies primary shopping frontages which seek to promote retail uses



to protect the vitality and viability of centres. The approach of Policy aligns with Part 7 of the NPPF which seeks to support the role that town centres play in communities, by taking a positive approach to their growth, management and adaptation.

58. In assessing the proposal against the above policy context, the scheme would re-use a vacant building within the town centre, returning it to a productive use providing holiday accommodation and short term residential lets. The principal retail unit that turns the corner of Victoria Avenue and Newgate Street would also be retained and refurbished leading to an enhancement of the current frontage and would align with wider urban regeneration priorities for the town.
59. Whilst the proposal would result in the loss of a retail unit, the site is located outside of the primary shopping area, and therefore the loss of this unit would not conflict with Policy 9 of the CDP. It is also recognised that residential/tourism uses in town centres would likely lead to an increase in footfall to the town centre, sustaining their vitality and viability.
60. Overall, in principle, the proposal is considered to accord with Policies 6, 8 and 9 of the County Durham Plan, subject to consideration of the detailed criteria of the policies and other material considerations, as set out below.

#### Locational Sustainability

61. Policy 6 requires that new development has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement. Policy 21 of the CDP requires new development to deliver sustainable transport, including by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users.
62. Paragraph 103 of the NPPF states that planning should actively manage patterns of growth to support the objectives of sustainable transport, including opportunities to promote public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
63. In this respect, as set out above the site is located within the defined town centre of Bishop Auckland, within very close proximity to the bus station. There are also a range of other sustainable public transport options that link Bishop Auckland to other settlements, including a train station and direct cycle links.
64. Overall the location is considered to be sustainable for residential/tourism development in accordance with Policies 6 and 21 of the CDP and Part 9 of the NPPF.

#### Design and Heritage Impacts

65. 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 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

66. The site is located within the Bishop Auckland Conservation Area, and therefore regard is also to be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. If harm is found this must be given considerable importance and weight by the decision-maker
67. Policy 6 of the CDP requires that development in terms of scale, design, layout and location to the character, function, form and setting of the settlement. Policy 29 of the CDP outlines 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. Parts 12 and 15 of the NPPF also seek to promote good design, while protecting and enhancing local environments.
68. The application site relates to a three-storey building on a prominent corner block visible from numerous public vantage points within the surrounding conservation area. The property has been vacant for some time, and due to this and its current condition, the Council's Design and Conservation Officer considers that the external appearance of the property is harmful to the significance of the conservation area.
69. To the front elevation, limited external alterations are proposed, this includes the creation of a doorway to access the apartments utilising an existing opening that has previously been blocked up. An internal bin store would be formed with access doors concealed within the existing retail façade. It is proposed to retain the Post Office shopfront with some modifications to provide access to the ground floor holiday apartments and reduce the amount of glazing to provide some privacy for occupiers.
70. To the rear more significant changes are proposed, including the demolition of an existing three storey off shoot and the erection of a new three storey extension across part of the rear elevation. This would project in line with an existing projection on the adjacent building and would provide additional accommodation. Balconies are proposed to all three floors, while Juliet balconies also proposed to the reconfigured existing rear elevation.
71. In considering the proposed works to the front elevation, the Council's Design and Conservation Officer advises that the that the proposal works well with the existing fabric and character of the building, retaining and working with the positive features to facilitate the new mixed use.
72. In relation to the proposed works to the rear, it is advised that this element is more challenging, especially through the use of metal balconies and contemporary detailing and materials. The rear elevation is less sensitive to change and given that Bishop Auckland is in a period of transitional change, proposals such as this need to be given detailed consideration in design terms. However, on balance although the proposals would introduce a contemporary element the Councils' Design and Conservation Officer advises that principle of the rear extension is considered acceptable, dependent on the detailing of specific elements which could be controlled by condition.
73. Overall, in line with the views of the Council's Design and Conservation Officer, the development would be sympathetic to its surroundings and any harm to the Conservation area through the introduction of a more contemporary rear elevation is considered to be less than substantial and offset by the wider regeneration benefits that would occur in the town. The development is therefore considered to comply with

Policies 6, 29 and 44 of the CDP, Policies 12 and 16 of the NPPF and of the Planning (Listed Buildings and Conservation Areas) Act 1990 in this respect.

## Residential Amenity

74. Policy 6 of the CDP requires that development on unallocated sites is compatible with, and is not prejudicial to, any existing, allocated or permitted use of land. Policy 29 of the CDP requires all development to provide high standards of amenity and privacy and minimize the impact of development upon existing adjacent and nearby properties.
75. Policy 31 of the CDP seeks to support proposals only where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment. The policy sets out that developments will also need to demonstrate that future occupiers of the proposed development will have acceptable living and/or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and/or community facilities do not have any unreasonable restrictions placed upon them as a result. Development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
76. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council.
77. 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.
78. The development largely proposes a flexible use with 8 of the 10no. apartments proposed to be offered as serviced apartments which could be available on short term lets. However, for assessment purposes they are residential in nature and would result in the introduction of several noise sensitive receptors into a formerly commercially used building. As advised by the Council's Environmental Health Officer the site is situated within a mixed commercial/residential setting where noise is likely to arise from passing traffic and vocalisation of people, both during the day and night. There is also the intention to retain a retail unit on the ground floor and retail storage area in the basement.
79. No detail has been provided in relation to attenuation of noise from external sources, or from adjoining commercial use. However, it is advised that this could be dealt with by condition to ensure that the noise insulation of walls, floors, windows, roofs between the separate and adjoining properties shall be sufficient to prevent excessive ingress, egress of noise.
80. Policy 29 of the County Durham Plan requires that all new residential development will be required to comply with the Nationally Described Space Standards (NDSS). This sets out minimum floor space standards that developments should achieve, including a gross internal area of 50m<sup>2</sup> for one bed units and 70m<sup>2</sup> for two bed units. As well as setting out minimum bedroom sizes (11.5 m<sup>2</sup> and 2.75m in width). In assessing the development against these requirements, the gross internal area of all apartments fall short targets set out in the NDSS, while the sizes of some bedrooms also fall below

minimum recommended standards. In instances the short fall is 1-2m<sup>2</sup>, but in cases this does extend to a 7-8m<sup>2</sup> shortfall.

81. Whilst recognising the nature of the proposed conversion is aimed at creating serviced apartments for holiday/short term rentals, the development would fail to comply with the elements of Policy 29 of the CDP in this respect. Furthermore in reviewing the layouts there does not appear to be easy changes to the floor plans to rectify this matter. While the reduction of units would help, this would bring further complications in terms of viability and likely need for units to be split across floors. It is also recognised that some of the apartments have outdoor space in the form of balcony area and have an open outlook to the south. It is also recognised that this is a similar arrangement to the extant conversion scheme, nonetheless This harm is therefore required to be weighed in the planning balance.
82. Subject to conditions the development would achieve acceptable level of noise transfer between apartments and external noise sources in accordance with Policies 29 and 31 of the CDP. However, the apartments would fail to achieve the national minimal space standards and therefore would conflict with elements of Policy 29 of the CDP.

## Ecology

83. Policy 41 of the CDP states that proposals for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing biodiversity assets and features and providing net gains for biodiversity including by establishing coherent ecological.
84. Policy 43 of the CDP states that 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.
85. Part 15 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by ensuring there is no net loss of biodiversity.
86. A Preliminary Roost Assessment for bats and birds has been carried out which highlights that the building has several potential roost features for bats around the wall tops and roof areas of the building with a moderate potential for roosting bats. However, the applicant has clarified that no works are planned in these areas and therefore such features can be left in situ and 'as is'. No works are proposed to the loft void which would mean that if any bat roosts are present in the building they would not be impacted. In relation to the three-storey element of the building to be demolished, a watching brief is proposed, essentially allowing demolition under the supervision of a qualified ecologist.
87. The Council's Ecologist has reviewed the submitted information and raises no objections to this approach, subject to the conditioning of adherence to the 'Watching Brief' method statement detailed in the submitted ecology report.

88. Overall, the proposals would not affect any protected species, in accordance with Policies 41 and 43 of the CDP and Part 15 of the NPPF.

#### Highway Safety

89. Policy 6, of the CDP outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity. Policy 21 reiterates the requirement of Policy 6 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. 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.
90. The Highways Authority advise that that location is highly sustainable being in the main historic retail/commercial street in town and within walking distance of bus and rail stations and public car parks. The proposal is for the re-use of unused or underused (described as 'E' planning use category) floorspace. While no off-street parking provision is provided this is not untypical of the area/buildings. There are parking restrictions in the immediate vicinity, including loading and disabled bays, and these will remain. In the context of the sustainable location and general support within the NPPF for the proposed change of use, no objection is made.
91. The Council's Residential Car Parking Standards sets out that developments of this nature should provide a minimum of 8no covered secure cycle parking spaces. The applicant has advised of the intention to provide secure cycle parking in the lobby area accessing the upstairs apartments. A condition to secure this is recommended.
92. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 6, 21 and 29 of the CDP as well as Part 9 of the NPPF. Subject to conditions the development would meet the councils Parking and Accessibility Standards.

#### Affordable and Accessible/Adapted Housing

93. The Council's most up to date assessment of need is outlined within Policy 15 of the CDP, setting out the required percentage of affordable housing and tenure mix. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided. The threshold level for the provision of affordable housing in this respect is 10 dwellings. Therefore given that two of the apartments will be utilised for holiday accommodation only (and conditioned to this) the development would not trigger the need for an affordable housing contribution for offsite provision. The development would also fall below the thresholds for seeking contributions for Open Space, Sport and Recreation contributions.
94. Policy 15 of the CDP outlines on sites of 5 units or more 66% of the dwellings (5 in this instance) shall be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard unless site specific factors indicate otherwise. In this instance given the nature of the development, a conversion in a relatively constrained building, it is unlikely that the developer could fully achieve M4 (2) standard. However, a condition is recommended to be attached requiring development to aim for M4 (2) standard, this would allow some flexibility while meeting the spirit of the policy.

## Flooding and Drainage

95. The site is located within flood zone 1 and following confirmation that no additional surface water will be discharged from the site the Council's Drainage and Coastal Protection Team offer no objections to the proposals. NWL have not commented on the application. The proposed development is not considered to be at risk of flooding and would not increase flood risk elsewhere, in accordance with Policies 35 and 36 of the CDP and Part 14 of the NPPF

## Conclusion

96. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In light of the recent adoption of the CDP, the Council has an up to date development plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11 c).
97. The proposed development would facilitate the productive re-use of a vacant property in a prominent position within Bishop Auckland Town Centre, bringing additional footfall into the town centre and providing employment opportunities. The development would align with the Council's wider regeneration strategies for the town.
98. The development would result in less than substantial harm to the character and appearance of the Bishop Auckland Town Centre Conservation Area. This harm is considered to be outweighed by the public benefits of the scheme identified above.
99. The scheme would not fully meet National Described Space Standards as required by Policy 29 of the CDP, however recognising the nature of the development this harm and policy conflict is again considered to be outweighed by the benefits of the scheme.
100. No adverse impacts are identified in terms of locational sustainability, design, highway safety, wider residential amenity issues, ecology, drainage, and accessible and adaptable housing, in accordance with relevant policies from the County Durham Plan and the NPPF.
101. The development is considered to accord with the development plan as a whole and there are no material considerations which indicate otherwise. The application is therefore recommended for approval.

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## **RECOMMENDATION**

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

### Time

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.*

### Plans

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

Proposed Basement Plan	P199	07/10/21
Proposed Ground Floor Plan	P200	07/10/21
Proposed First Floor Plan	P201	07/10/21
Proposed Second Floor Plan	P202	07/10/21
Proposed Roof Plan	P203	07/10/21
Proposed West Elevation	P400	07/10/21
Proposed North Elevation	P401	07/10/21
Proposed South Elevation	P402	07/10/21

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 8, 21, 29, 31 and 44 of the County Durham Plan and Parts 2, 4, 9, 12, 15 and 16 of the National Planning Policy Framework.*

#### External Windows

- No external windows or doors shall be installed unless full details including plans at a scale of 1:20, including cross sections, details of colour finish and construction materials of the proposed windows and doors have first been submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed and retained thereafter in accordance with the approved details.

*Reason: In the interests of the appearance of the conservation area and to comply with Policies 29 and 44 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

#### Shop Front Works

- No works to the existing/proposed shop front shall commence until full details including plans at a scale of 1:20, including cross sections, details of colour finish and construction materials of the works have first been submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed and retained thereafter in accordance with the approved details.

*Reason: In the interests of the appearance of the conservation area and to comply with Policies 29 and 44 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

#### Materials

- Notwithstanding any details of materials submitted with the application no external development shall commence until details of the make, colour and texture of all construction external materials (including details of balconies and materials to be used in any repairs) have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In the interests of the appearance of the conservation area and to comply with Policies 29 and 44 of the County Durham Plan and Part 12 of the National Planning Policy Framework.*

#### Working Hours

- In undertaking the development that is hereby approved:



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 0730 to 1400 on Saturday.

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

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

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

*Reason: 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.*

#### Ecology

7. The development hereby approved shall be carried out in complete accordance with the Construction Watching Brief (Bats) Version 1 dated 30/11/2021.

*Reason: To ensure there are no adverse impacts to protected species, in accordance with Policies 41 and 43 of the County Durham Plan and Part 15 of the NPPF.*

#### M4 (2)

8. No development other than demolition, site clearance or remediation works shall commence until a scheme to detail how the development will incorporate the principles of Building Regulations M4(2) Accessible and Adaptable Dwellings has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

*Reason: In order to address housing need requirements in accordance with Policy 15 of the County Durham Plan.*

#### Cycle Parking

9. Prior to the first use of the residential element of the development hereby approved secure cycle parking shall be provided in accordance with a scheme to be first submitted to and approved in writing with the Local Planning Authority. The approved cycle parking shall be made available to all residents and retained for the lifetime of the development.

*Reason: To promote sustainable travel options in accordance with Policies 8 and 21 of the County Durham Plan and Parts 9 and 12 of the NPPF.*

#### Noise

10. No internal conversion works shall commence until a scheme of sound proofing measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to ensure that the noise insulation of walls, floors, windows, roofs between the separate and adjoining properties shall be sufficient to prevent excessive ingress. The development shall be carried out in accordance with the approved scheme and shall be permanently retained thereafter.

*Reason: In the interest of the amenity of existing and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required as a pre commencement condition to ensure that an appropriate scheme is agreed and can be implemented.*

#### Holiday units

11. The authorised use of units 1 and 2, as set out on the approved floor plans, is limited to commercial holiday accommodation only and shall not be used as a person's sole or main place of residence, or as a second home. No holiday let shall exceed a continuous period of 31 days, there shall be no return to the let by the same individual until a period of at least 14 days has elapsed between lets. The owners/operator of the development shall maintain an up-to-date record of all holiday let listings and of the names of all occupiers, including their main home addresses and contact details. This information shall be made available upon request to the Local Planning Authority.

*Reason: To ensure that the development is occupied as holiday accommodation only and in order to achieve the benefits of providing holiday accommodation in this location to comply with Policy 8 of the County Durham Plan and Part 6 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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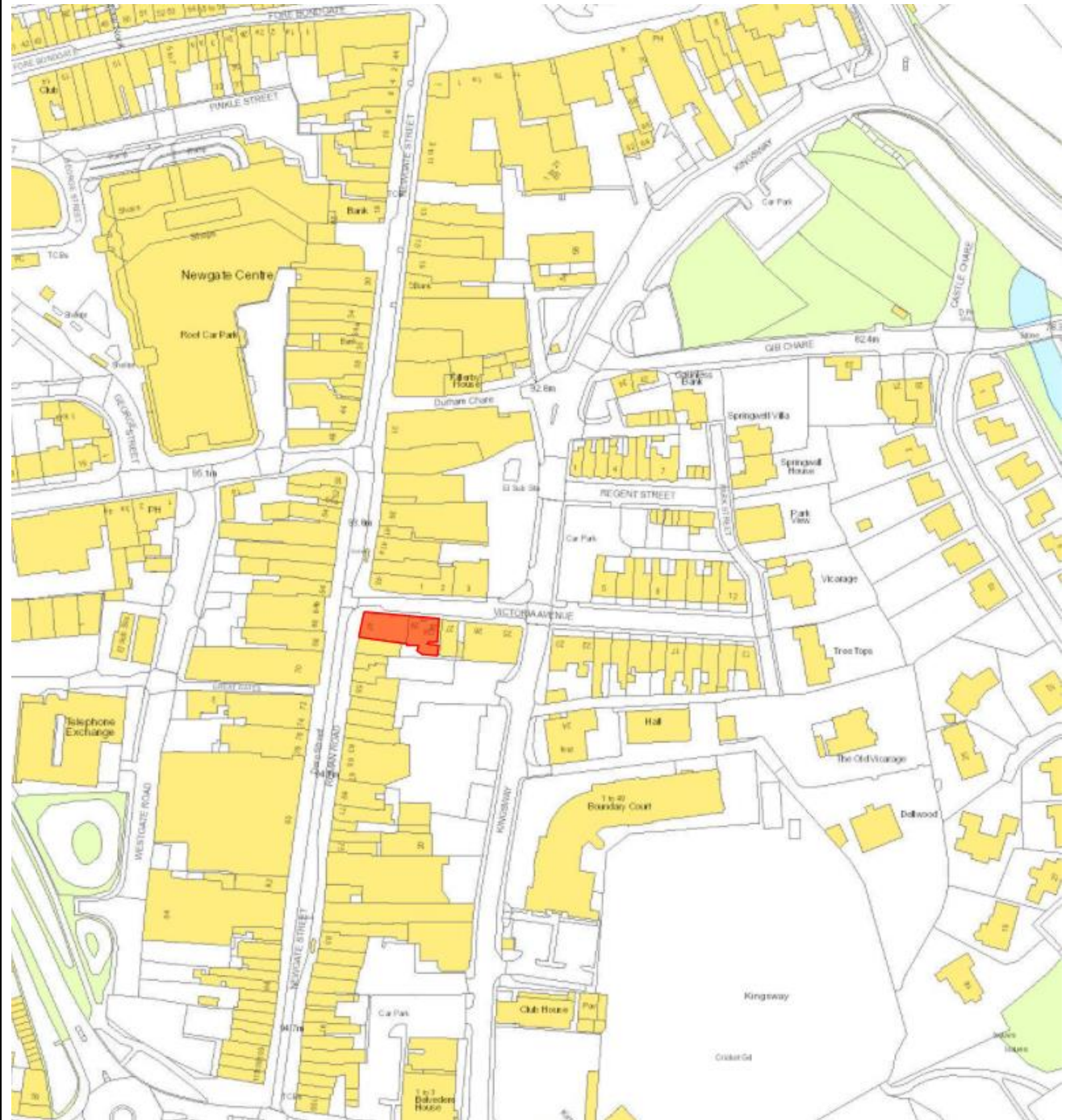
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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 Forms, Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



**Planning Services**

47 Newgate Street, Bishop Auckland, DL14 7EW

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**Comments**

**Date February 2022**