

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/22/01537/FPA
FULL APPLICATION DESCRIPTION:	Change of use of dwelling (Use Class C3) to spa facility (Use Class E(e)) including removal of existing front door and installation of new entrance door to northern elevation.
NAME OF APPLICANT:	Mr Peter Shakeshaft
ADDRESS:	The Orchard Hallgarth High Pittington Durham DH6 1AB
ELECTORAL DIVISION:	Sherburn
CASE OFFICER:	Lisa Morina Senior Planning Officer Telephone: 03000 264877 Lisa.morina@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is an existing dwelling which is an unlisted detached residential property located within Hallgarth which is a small hamlet adjacent to High Pittington. The site also falls within the Hallgarth Conservation Area.
2. The dwelling sits within generous grounds and vehicular access is taken from the front via a shared arrangement with a neighbouring dwelling. Residential properties surround the site on most sides however Hallgarth Manor Hotel sits to the north of the site and is also within the ownership of the applicant.

The Proposal:

3. Planning permission is sought for the change of use of the existing property from dwelling (falling with Class C3) to a spa facility (Class E(e)) and would include the removal and blocking up of the existing front door to be replaced by the installation of a new entrance door to northern elevation.
4. The spa would comprise café/bar facilities, beauty salon, sauna/steam rooms, lounge areas (indoor and outdoor), treatment rooms and a plant room and be occupied in direction association with Hallgarth Manor Hotel, forming an extension to the existing facility and with this in mind a footpath link is proposed from the existing manor to the host property, through which the majority of the access would be provided. The agent

has confirmed that sporadic visits will take place from the main entrance to the existing site, mainly for maintenance and deliveries. The proposed hours of operation are Monday to Saturday 0900 to 2100hrs and Sunday 0900 to 1900hrs.

5. The application is reported to planning committee at the request of Councillor David Hall who considered that due to the sensitive and historical setting of the proposals, the likely impact on local residents amenity from increased noise and other environmental impacts, the application should be determined by the planning committee.

PLANNING HISTORY

6. There is no relevant planning history on this site.

PLANNING POLICY

NATIONAL POLICY

7. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
9. *NPPF Part 4 Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
10. *NPPF Part 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 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive

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

13. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
15. *NPPF Part 12 Achieving Well-Designed Places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
17. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
18. *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.

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

NATIONAL PLANNING PRACTICE GUIDANCE:

19. 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 affected by contamination; housing and economic development needs assessments; housing and economic land

availability assessment; 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; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

County Durham Plan

20. 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.
21. Policy 8 (Visitor Accommodation) supports new and extensions to visitor accommodation provided it is appropriate to the scale and character of the area and not used for permanent residential occupation. In the countryside such accommodation would also need to meet an identified need, support business viability (if an extension) or involve conversion and should respect the character of the countryside and demonstrate how the location can be made sustainable. For chalets, camping and caravanning development and infrastructure, in addition to the above criteria the development would need to provide flood risk details, not be unduly prominent, have appropriate layouts and have sensitive materials, colours and scale.
22. Policy 10 (Development in the Countryside) states that development will not be permitted unless allowed for by specific policies in the Plan or Neighbourhood Plan or unless it relates to exceptions for development necessary to support economic development, infrastructure development or development of existing buildings. The policy further sets out 9 General Design Principles for all development in the Countryside.

Provision for economic development includes: agricultural or rural land based enterprise; undertaking of non-commercial agricultural activity adjacent to applicant's residential curtilage. All development to be of design and scale suitable for intended use and well related to existing development.

Provision for infrastructure development includes; essential infrastructure, provision or enhancement of community facilities or other countryside based recreation or leisure activity.

Provision for development of existing buildings includes: change of use of existing building, intensification of existing use through subdivision; replacement of existing dwelling; or householder related development.

23. 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.

24. Policy 29 Sustainable Design details general design principles for all development stating that new development should contribute positively to an areas' character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
25. 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.
26. 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.

Neighbourhood Plan

27. The application site is not located within an area where there is a Neighbourhood Plan to which regard is to be had.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. Highway Authority raise no objection to the proposal.

INTERNAL CONSULTEE RESPONSES:

29. Environmental Health (Noise) Section – Note the presence of noise sensitive receptors close to the application property and that the existing hotel has previously been subject to noise complaints. However, they consider the impact of the development could be appropriately mitigated subject to the imposition of planning conditions.
30. Design and Conservation Section – No objection.
31. Spatial Policy Section – Advise that the application should be considered against the requirements of policies 6, 8, 10 21, 29, 31 and 44 of the County Durham Plan concluding that CDP Policy 8 (Visitor Accommodation) and Policy 6 (Unallocated

Sites) would be supportive of the proposal, providing the case officer is satisfied that the applicant demonstrates the various criteria are met.

PUBLIC RESPONSES:

32. The application has been advertised by means of site notice, press notice and by notifying neighbouring residents by letter.
33. To date, five letters of objection have been received with the following comments:
 - The proposal would introduce commercial use into Hallgarth which is not acceptable.
 - Durham County Council's Conservation Area Appraisal for Pitlington Hallgarth states the LPA has a duty to preserve and enhance the special character of the conservation area and the commercial operations will not preserve or enhance the special character.
 - Potential impact on nearby listed buildings.
 - Concern raised over the content of the design and access statement in respect of details provided which fail to mention shared driveway etc.
 - Concern over access arrangements
 - No details have been provided in respect of plant and machinery.
 - Concern over impact on residential amenity there are already existing issues from the existing Hotel.
 - Landscape concerns specifically that trees have been removed from the site.
 - The property has been used as a commercial entity since it has been purchased.
 - Concerns that the site does not represent a sustainable location.
 - If approved conditions should be added to control the proposal.
 - Concern regarding other uses if the Spa is not successful.
 - Concern that no security is in place to protect residents.

APPLICANT'S STATEMENT:

34. The impact of the Covid 19 pandemic on the hospitality sector has been significant and caused fundamental changes to the industry. The Hallgarth Manor Hotel is now in our client's ownership who are a successful national operator of boutique hotels and spa's across the UK.
35. The Hallgarth Manor has struggled commercially as a hotel and hospitality venue for many years. It has faced closure and ownership has changed several times. Securing its future will require significant investment to provide a facility which addresses market expectations for the niche that our client has identified and successfully services elsewhere in the country. Fundamental to this is the provision of a spa facility for guests who increasingly seek this form of leisure activity as part of a 'short-break' package.
36. There is a recognised shortage of hotel accommodation in the Durham City area and the proposed development will assist in securing the future of the Hallgarth Manor Hotel. The intension is that in coming years, the Hallgarth Manor Hotel will be sympathetically redeveloped to provide a hotel spa destination which is able to provide a significant and commercially sustainable facility which will secure the future of the building as a heritage asset. Further proposals for the overall site will be the subject of future applications.

37. The applicant has investigated several options for provision of a spa facility as part of Hallgarth Manor Hotel. This includes a beauty salon, spa area incorporating internal plunge and relaxation pools, treatment rooms and relaxation rooms. The listed building status of the Manor House and curtilage and conservation area status of the area has presented challenges in providing a facility of sufficient size to accommodate the spa. The decision was therefore made to purchase the adjacent dwelling "The Orchard" and change the use of the building to accommodate the spa facility. The dwelling is able to accommodate the spa with only minor internal alterations to the building and upgrade to services which will have no material alterations in the external appearance of the building.
38. The only works subject to planning approval necessary to facilitate the proposed change of use are the installation of two new doorways in the northern elevation (Elevation C) of the building. One will provide the main access to the spa and is orientated towards the Manor Hotel. It will replace the current main entrance to the building which is located on the southern elevation. The second doorway will provide access to the internal plant area. No other external works to the building are proposed as part of this application.
39. No impact on the character and appearance of the conservation area is anticipated as a result of the proposed development. There will be no harm to the designated heritage asset which is Hallgarth Manor. The proposal will assist in sustaining the heritage asset in use as a hotel and is a positive heritage benefit in this regard.
40. Access to the dwelling is currently via the driveway from the Hallgarth House Road to the east of this site. This is a typical entrance to a large residential dwelling. There are no proposals to alter this access as part of the current application. It will be retained and used only for limited servicing of the spa facility if vehicular access is required. It is anticipated that vehicular servicing will be limited as servicing will be via the main hotel.
41. On the basis of the above, the Council is respectfully requested to respond positively to the application.

The above is not intended to list 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/applicationDetails.do?activeTab=documents&keyVal=P8X9C0GDL8J00>

PLANNING CONSIDERATIONS AND ASSESSMENT

42. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
43. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in this regard. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 219 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
44. The County Durham Plan is now adopted and is considered to represent the up-to-date Local Plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.

45. In this context, it is considered that the main planning issues in this instance relate to the principle of development, impact upon the surrounding conservation area and nearby listed buildings, residential amenity, parking, access and highway safety.

Principle of the Development

46. The site is considered to be within the countryside and as such Policy 10 of the County Durham Plan would be of relevance. Policy 10 states that development in the countryside will not be permitted unless allowed for by specific policies in the plan, relevant policies within an adopted neighbourhood plan or where the proposal relates to one or more of a list of exceptions.
47. One of the policies listed relates to development on unallocated sites and as such, policy 6 of the County Durham Plan is considered to be applicable.
48. Policy 6 states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and:
- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;
 - f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities or services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
49. In relation to criteria a) and b), the application site is currently residential and sits between an existing commercial hotel and other residential properties and therefore, is considered to be sited within a mixed use area, as such the proposed use is considered acceptable in principle.
50. There is no concern that the development would result in inappropriate ribbon development, nor that it would be considered inappropriate backland development. In addition, it is not considered that the site would result in the loss of any valued facilities in connection with criteria g. It is not considered that criteria j) is relevant in this instance.

51. Given the above, the proposal is considered acceptable in principle with regard to policy 6, subject to full assessment against the remaining criteria of policy 6 not discussed in detail above.
52. Policy 8 of the CDP is also partially relevant and relates to extensions to visitor accommodation stating, that these will be supported where it is appropriate to the scale and character of the area and it is not used for permanent residential occupation. In this instance the proposal would not create any additional bedspaces but would be used in direct association with existing visitor accommodation offered at the Hallgarth Hotel. In relation to those proposals which are within the countryside the policy states that these will be supported where it is necessary to meet identified needs or it is an extension to existing visitor accommodation and helps to support future business viability or is a conversion of an existing building, and respects the character of the countryside and demonstrates clear opportunities to make its location more sustainable.
53. In this instance the conversion of the dwelling would be occupied in direct association with the existing hotel accommodation to the north but would not deliver any additional bedspaces as noted, being used solely to provide additional services in the form of a spa, lounge, café/bar and sauna and steam rooms. Nevertheless, it is noted that in terms of assessment against the requirements of policy 8 the proposal would be appropriate to the scale and character of the area which already includes the hotel and would not be for permanent residential accommodation (although it is noted that this is already the case given the existing lawful C3 use). In relation to criteria c to f it is noted that the development would comply with criteria d in that it represents both a conversion and an extension to existing visitor accommodation (in the sense that it will widen the range of services available at the existing hotel) and as such would help support future business viability. Assessment against criteria e) and f) are contained elsewhere in this report.
54. In summary the development is considered to accord with the aims of policy 8 of the CDP and is acceptable in principle.

Residential Amenity

55. CDP Policies 6 and 31 seek to prevent development that would have an unacceptable impact upon the amenity of existing neighbouring residents and only allow development where adequate amenity for future occupiers is provided. Section 11 Paragraph 119 of the NPPF requires planning decisions to ensure healthy living conditions and paragraph 124 emphasises the importance of securing healthy places. Paragraph 174 of section 15 requires decisions to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution such as noise pollution.
56. Paragraph 185 seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In terms of noise, paragraph 185 advises that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
57. Concern has been raised by residents that the proposal would have an adverse impact from increased noise and in doing so note that existing noise from the Hotel currently causes disturbance. Specifically, residents raised concern at the potential for noise nuisance occurring through the use of the external terrace area which is

currently present on the existing dwelling and a lack of information with regards to the need for any external plant/machinery.

58. The EHO has confirmed that the existing hotel has been, and is, subject to noise complaints relating to events held on the existing grounds and as such would give rise to concern in relation to the appropriate management of the facility in relation to ensuring protection of neighbouring amenity as well as potentially giving rise to statutory nuisance. As such the Environmental Health Section requested further information and as a result the applicant confirmed the precise nature of the use of both the existing hotel and the proposed conversion.
59. In summary, this clarified that access for customers/guests would be via a proposed new pathway leading from the Hallgarth Manor Hotel; that the existing driveway access would be limited to occasional use for delivery/service vehicles, that the proposed hours of operation are Monday to Saturday 0900 to 2100hrs and Sunday 0900 to 1900hrs and that there would be no requirement for kitchen extraction plant, as the intention is to provide bar meals, prepared within the hotel kitchens, or small-scale bar snacks prepared within the new development.
60. The Council's EHO has reviewed the information, and despite noting that the presence of existing noise complaints relating to events held on the existing grounds to some extent questions the current management of the facility, nevertheless advises that although noise from the commercial use of the premises may give rise to statutory nuisance to neighbouring sensitive receptors, any impact could be mitigated to within acceptable levels subject to the imposition of planning conditions.
61. Those conditions are listed at the end of this report but in summary relate to restriction of the proposed use to Class E(e), restriction to the hours of use of between 0900 to 2100 hours Monday to Saturday and 0900 to 1900 on Sundays and Bank Holidays, no use of the outside area by patrons between the hours of 1900 and 0900 on any day and no recorded or live music played within the interior of the building other than background music, no amplified music or live music to be played in any exterior area of the property at any time and that the rating level of noise emitted from any fixed plant/machinery be restricted to within acceptable levels as defined by the appropriate British Standard.
62. Subject to the conditions stated above, the development is not considered to have an unacceptable impact upon the residential amenity of surrounding noise sensitive receptors in accordance with the aims of policies 29 and 31 of the CDP and Part 15 of the NPPF.
63. Safety concerns have also been raised by residents who are concerned that there would be no security in place. Whilst the dwelling is set within a small hamlet which includes residential dwellings, the property is well related to the hotel of which it will be directly occupied in association with, and it is considered that this can be satisfactorily managed without adverse impact upon the safety and security of adjacent residential occupiers. Whilst some concern has been raised in relation to management of the current facility assurances have been provided by the current operator that this can be managed effectively. With regard to previous noise complaints whilst these are not material to the consideration of the current application the applicant has advised that the proposed spa facility is part of an overall masterplan to move the focus of the hotel away from events that can be noise generating and is developing proposals to remove the function room facilities and replace these with additional hotel residential accommodation subject to consultation with the Local Planning Authority.

64. In summary, whilst the concerns surrounding potential noise impact are noted for the reasons detailed in the report, it is considered that these can be overcome with the addition of appropriate planning conditions, to the extent that the development would not have an unacceptable impact upon the residential amenity of the surrounding neighbours in accordance with policies 29 and 31 of the County Durham Plan and Part 15 of the NPPF.

Impact on conservation area and nearby listed buildings

65. Local Authorities have a duty to preserve or enhance the character or appearance of the Conservation Area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 of the same Act requires a similar duty to have special regard to preserving Listed Buildings or their setting or any features of special architectural or historic interest which it possesses. This requires Local Planning Authorities in the exercise of their planning function with respect to any buildings or other land in Conservation Areas and Listed Buildings to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
66. Policy 44 of the CDP 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.
67. This approach displays a broad level of accordance with the aims of Part 16 of the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
68. Policy 29 relating to sustainable design states that all proposals will be required to achieve well designed buildings and places having regard to supplementary planning documents and contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities; and create buildings and spaces that are adaptable to changing social, technological, economic and environmental conditions and include appropriate and proportionate measures to reduce vulnerability, increase resilience and ensure public safety and security.
69. Policy 6(d) of the CDP supports new development where it is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement.
70. Concern has been raised that the proposed change of use to commercial would have a detrimental impact on the conservation area and nearby listed buildings in that the Conservation Area Appraisal for Pittington Hallgarth states the LPA has a duty to preserve and enhance the special character of the conservation area and therefore, the commercial operations will not preserve or enhance the special character of the conservation area. In addition, concern has also been raised over the lack of information provided with regards to any plant or extraction that would be required.
71. The property in question is an unlisted detached residential property located within Hallgarth Conservation Area (CA). Underlining the character of the CA is its roots as a manor for the Priory of Durham Cathedral that may have belonged to the monastery as early as the C10 or C11, with the Prior's Hall now just low ruins and earthworks, first mentioned in 1258. From this the small hamlet slowly evolved but it remained largely untouched by surrounding mining industry in the C19 and C20. The hamlet

retains its historic plan form and a traditional rural character despite its close proximity to High Pittington, the residential expansion of which brought houses closer to the area, yet the contrast in character is conserved.

72. The Orchard does not meet the criteria to be defined as a non-designated heritage asset. It dates from the 1980s and is two storied constructed from pale brick in a modern style with a notable glass extension and roof terrace. It stands within a large garden plot on the east side of the lane with the enclosing stone boundary walls and trees within and around the site adding to the lanes rural character and contribute positively to the character and appearance of the CA in this regard.
73. The small scale of the hamlet and the compacted form of its built development means that the subject building falls within the setting of several designated heritage asset. Within 150metres of the site is a Schedule Monument, the remains of the Prior Hall, St Laurence's Church, GRI listed and one of the oldest (C12) and most architecturally significant churches in the Durham Diocese. There is the GRII listed gate piers and gates at the entrance of the Church with two GRII listed tombs and a GRII listed war memorial within the churchyard, finally is the C18 GRII listed Hallgarth Manor Hotel.
74. The subject building is not identified within the adopted CA character appraisal as one that contributes positively to the designated heritage assets special historic and architectural interest. The appraisal recognises that both The Orchard and neighbouring Chestnut Lodge, are modern that do not reflect the historic buildings within the hamlet, stating they make a neutral contribution to the CA. For the same reasons The Orchard makes a neutral contribution to the setting of the scheduled monument and listed buildings identified above, as it does not affect how the heritage values of these heritage assets are experienced, understood or appreciated, and the building being modern it has no important historical connection.
75. The proposal to change the residential property into a spa would involve very minor external alterations to the building elevations in the form of changing two existing doors. This would sustain the domestic/residential appearance of its exterior and its neutral status within the CA. No plant or extraction is proposed. The proposed change of use would not be in keeping with the residential uses in this small hamlet but neither would it be considered out of keeping given the long-established presence of the adjacent hotel.
76. In respect of the concerns raised by residents in this regard, it is noted that conservation areas exist to protect the special architectural and historic interest of a place predominantly expressed by the areas built form, historic development and the fabric handed down from the past. The proposed change of use would nether impact upon any special architectural built or historic element, nor would it devalue the areas historic interest relating to its original establishment as a manor of the Priory of Durham dating back to the C10 and the buildings associated with it, along with the historic buildings that evolved around it, that defines the areas principle historic character today.
77. While the appraisal identifies other important aspects as being its rural character, remoteness, and its farming links, such attributes would be unharmed. Building and land uses do contribute to the character and sense of a place, but given the small hamlet is a mixture of residential, active commercial (hotel) that hosts conferences, events, and weddings, and ecclesiastical, the proposed change of use of a single building would not be considered harmful to that character.
78. The proposal is also considered to have the potential to provide a heritage gain in terms of expanding the hotels customer offer and increasing its economic viability that

will in theory support its continued use, general maintenance and upkeep, that is important in conserving the listed buildings historic fabric and significance.

79. Concern was initially raised regarding the pedestrian access and if this would result in any of the historic wall being removed however, the current boundary between the Manor and the host property as viewed on site by the case officer has been noted as a mix of hedging and fencing/gated therefore, this overcomes this concern, therefore the introduction of an access is not considered to have a detrimental impact.
80. Taking all the above into consideration it is considered that the proposal would not have a detrimental impact upon the scale and character of the host property, nearby properties including listed buildings or the surrounding conservation area in accordance with policies 29 and 44 of the County Durham Plan.
81. In relation to Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal is considered to provide a neutral impact on the character and appearance of the Conservation Area and in terms of the listed building is considered to provide an enhancement in respect of helping to sustaining its use.

Highway Safety

82. Paragraph 34 of the NPPF requires that plans and decisions ensure developments which generate significant vehicle movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised.
83. Policy 21 of the CDP requires all development ensures that any vehicular traffic generated by new development can be safely accommodated and have regard to Parking and Accessibility Supplementary Planning Document. In addition, Policy 6(e) of the CDP states that new development will be supported where it would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
84. Concern has been raised that full consideration has not been provided in respect of the access arrangements in that it has not been mentioned that the access is shared. With this in mind the concern is that the access arrangements would not be suitable for larger vehicles to safely access the site.
85. In response the applicant has confirmed that it is not the intention to service the facility from the existing driveway and that serving will be via the hotel and on foot save for limited instances where there is occasional requirement to access the facility for furniture delivery or works to the garden area of the spa. The Highway Authority has been consulted and raises no objection to the application.
86. It is considered therefore, that a condition should be added to ensure that the users of the Spa will access the site from the Hotel only.
87. Policy 8 of the CDP includes requirement for extensions to existing visitor accommodation to demonstrate clear opportunities to make its location more sustainable. In this instance it is noted that the spa would be operated as an extension to the existing hotel which includes cycle storage provision and users of the spa would benefit from that provision. The development is therefore considered to accord with the requirements of policy 8 of the CDP in this regard.
88. For the reasons detailed above it is considered that the development would not have any adverse impact in terms of highway safety and as such would accord with policy 21 of the CDP and relevant section of the NPPF.

Other Issues

89. Concern has been raised regarding removal of trees which it is understood has occurred within the existing Hallgarth Manor site and this has been referred to the Council's Planning Enforcement Team and is currently under investigation. Nevertheless, the current proposals do not propose any works to existing trees and as such no weight can be afforded to this in determination of the current application. Should it be considered expedient to initiate formal enforcement action should a breach of planning control be identified upon conclusion of those investigations, this must be pursued independently from consideration of the current application.
90. Concern has been raised by residents regarding future use of the premises should the spa prove unsuccessful. In this regard it is noted that a condition can be included to any planning permission limiting the permitted development rights relating to changes of use and as such proposed change in this regard would require planning permission.
91. Concern has also been raised by residents that the proposal has been used as a commercial entity since it was purchased. It is understood that the site has been let as an air B&B which does not require planning approval therefore there is no planning control over this aspect. In any event it is noted that any previous unauthorized use of the property is not a material consideration to which weight can be afforded in the determination of this planning application.
92. Objectors have raised concern that if the application is approved suitable conditions should be added. A full list of planning conditions is attached at the conclusion of this report.

Public Sector Equality Duty

93. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
94. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

95. The development is considered acceptable in principle in that it would introduce an extension to existing and well-established visitor accommodation that would help ensure the future viability of the facility in accordance with the requirements of policy 8 of the CDP.
96. It is considered that subject to planning conditions to mitigate noise generated by the development the proposal could be satisfactorily accommodated without adverse impact upon the residential amenity of surrounding occupiers in accordance with the requirements of policies 6, 8, 29 and 31 of the CDP and Part 15 of the NPPF.
97. In addition, the proposal is not considered to have a detrimental impact upon highway safety in accordance with policies 6, 8 and 21 of the CDP and Part 9 of the NPPF.

98. In relation to the impact upon Hallgarth Conservation Area and adjacent listed buildings it is considered that the proposal would conserve the significance of these designated heritage assets in accordance with the aims of policy 44 of the CDP, Part 16 of the NPPF and Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990.
99. The concerns and objections raised by interested parties including neighbouring occupiers have been taken into account for the reasons detailed within the report are not in this instance, considered on balance capable of sustaining refusal of this application. The proposal is therefore recommended for approval subject to conditions listed below.

RECOMMENDATION

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

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

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

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6, 21, 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

3. The appliances used within the café/bar for the preparation of both hot and cold food and beverages shall be restricted to domestic ovens, microwaves, sandwich toasters, kettles and griddle/Panini makers, waffle grills and coffee machines.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

4. No mechanical extraction equipment shall be installed at the premises until such time as full details which should include details of the fume extraction system, a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate accordance with the current EMAQ/DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems have been submitted to and approved in writing by the Local planning authority.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. The use of the development shall be restricted to a Spa only and for no other use within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and shall be used solely in association with the existing Hallgarth Manor Hotel.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6. The use of the premises hereby approved shall be restricted to the hours of 0900hrs to 2100hrs Monday to Saturdays and 0900hrs to 1900hrs on Sundays and Bank Holidays.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

7. There shall be no use of any outside area by patrons between the hours of 1900hrs and 0900hrs on any given day.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

8. The spa hereby approved shall only be accessed via guests using the footpath from Hallgarth Manor Hotel as shown on Drawing No 220088.E03 entitled 'Proposed Site Plan'.

Reason: In the interests of protecting the residential amenity of adjacent noise sensitive receptors in accordance with policies 29 and 31 of the CDP and Part 15 of the NPPF.

9. No recorded or live music shall be played within the interior of the building other than background music (where 'background music' is defined as 'that over which a conversation can be held without raising of the voice') and no amplified sound / music or live music shall be played in any exterior area of the property at any time.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

10. The rating level of noise emitted from fixed plant/machinery on the site shall not exceed 40dB LAeq (1 hour) between 07.00-23.00 and 30dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level. All plant and equipment failing to meet those limitations shall cease to operate until such time as a scheme of additional noise attenuation measures to achieve the stated levels has been submitted to and agreed in writing by the LPA. The development shall thereafter, be carried out in accordance with the approved scheme.

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.

STATEMENT OF PROACTIVE ENGAGEMENT

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.

BACKGROUND PAPERS

Submitted application form, plans, supporting documents and subsequent information provided by the applicant

The National Planning Policy Framework (2021)

National Planning Practice Guidance Notes

County Durham Plan

Statutory, internal and public consultation responses



<p>Planning Services</p>	<p>Change of use of dwelling (Use Class C3) to spa facility (Use Class E(e) including removal of existing front door and installation of new entrance door to northern elevation at The Orchard, Hallgarth, High Pittington, Durham, DH6 1AB Application Reference: DM/22/01537/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p>Date: March 2023</p>	<p>Scale NTS</p>