



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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Application No:	DM/23/02268/FPA
Full Application Description:	Conversion of ground floor to a commercial space (Class E) and conversion of first, second and third floors into 10no. apartments (C3) with associated works
Name of Applicant:	Mr G Thomas
Address:	Masonic Hall, 25-26 Victoria Avenue, Bishop Auckland, DL14 7JH
Electoral Division:	Bishop Auckland Town
Case Officer:	Gemma Heron (Senior Planning Officer) 03000 263 944 <a href="mailto:gemma.heron@durham.gov.uk">gemma.heron@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### The Site

1. The application site relates to a large two storey detached building of stone construction located within the town centre of Bishop Auckland. The site is located on the corner of Victoria Avenue and Kingsway, to the east of the retail area of Newgate Street. To the north of the application site, beyond the highway Victoria Avenue, lies an open private parking area and commercial properties. Beyond the highway Kingsway, to the east of the site, the predominantly residential terrace of Victoria Avenue is located. To south of the site (rear elevation of the building) a service yard, along with vehicle access to the site is present. Beyond lies a car park and public square which is currently under construction. To the west of the site the linked property of 47 Newgate Street is located, which is currently being converted into holiday lets and residential units.
2. The building historically was used as a Masonic Hall but has more recently been used as a function space for private events. The building is now vacant and is in poor condition, both internally, and externally where a number of windows are boarded up on the ground floor or broken on upper floors.

3. The site is located within the Bishop Auckland Conservation Area and is identified as a non-designated heritage asset. The site sits within the setting of Listed Buildings, in particular the Grade II Listed 'The Lightfoot Institute', Grade II Listed '13-23 Victoria Avenue' and Grade II Listed '5-12 Victoria Avenue'.

#### The Proposal

4. Full planning permission is sought for the conversion of the ground floor into a commercial space (Class E), which would be used as an artist workshop/studio area. The first, second and third floors are proposed to be converted into 10no. 1-bedroom and 2- bedroom apartments.
5. In order to facilitate the conversion works it is proposed to re-instate windows and doors in existing openings on the north elevation, alongside the installation of roof lights. To the south elevation, the installation of several windows, bi-fold doors is proposed, along with and four balconies at a 1<sup>st</sup> and 2<sup>nd</sup> floor level. The building would be re-roofed in Welsh Natural Slate.
6. The service yard to the rear would be retained, to provide a small amenity area and bin storage. While the vehicular access would be retained, no in curtilage carparking is proposed.
7. The application is being reported to planning committee in accordance with the Council's Scheme of Delegation as it constitutes a major residential development in excess of 10 dwellings.

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## **PLANNING HISTORY**

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8. There are no planning applications which are relevant to this proposal.

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## **PLANNING POLICY**

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### **National Policy**

9. A revised National Planning Policy Framework (NPPF) was published in December 2023. 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.
10. *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.
11. *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.

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

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

### **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; design process and tools; determining a planning application; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; noise; planning obligations; use of planning conditions.

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

### **Local Plan Policy:**

The County Durham Plan (CDP)

21. *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.
22. *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.
23. *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.
24. *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.

25. *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.
26. *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.
27. *Policy 26 (Green Infrastructure)* states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
28. *Policy 27 (Utilities, Telecommunications and Other Broadcast Infrastructure)* supports such proposals provided that it can be demonstrated that there will be no significant adverse impacts or that the benefits outweigh the negative effects; it is located at an existing site, where it is technically and operationally feasible and does not result in visual clutter. If at a new site then existing site must be explored and demonstrated as not feasible. Equipment must be sympathetically designed and camouflaged and must not result in visual clutter; and where applicable it proposal must not cause significant or irreparable interference with other electrical equipment, air traffic services or other instrumentation in the national interest. Any residential and commercial development should be served by a high-speed broadband connection, where this is not appropriate, practical or economically viable developers should provide appropriate infrastructure to enable future installation.
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.

30. *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.
31. *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.
32. *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.
33. *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 wastewater 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.
34. *Policy 41 (Biodiversity and Geodiversity)* states that proposal for new development will not be permitted if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or as a last resort, compensated for.
35. *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.

36. *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.
37. *Policy 56 (Safeguarding Mineral Resources)* states that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area. This is unless it can be demonstrated that the mineral in the location concerned is no longer of any current or potential value, provision can be made for the mineral to be extracted satisfactorily prior to the non-minerals development taking place without unacceptable adverse impact, the non-minerals development is of a temporary nature that does not inhibit extraction or there is an overriding need for the non-minerals development which outweighs the need to safeguard the mineral or it constitutes exempt development as set out in the Plan. Unless the proposal is exempt development or temporary in nature, all planning applications for non-mineral development within a Mineral Safeguarding Area must be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development.
38. The Council's Residential Amenity Standards Supplementary Planning Document (SPD) 2023 provides guidance on the space/amenity standards that would normally be expected where new dwellings are proposed.
39. The Council's Parking and Accessibility Supplementary Planning Document (SPD) 2023 provides guidance on parking and access for new development.

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

#### **Neighbourhood Plan:**

40. There are no neighbourhood plans which apply to this application site.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **Statutory Consultee Responses:**

41. *Bishop Auckland Town Council* – No response received.
42. *Highways Authority* – Advise that the site is in a highly sustainable location within the centre of Bishop Auckland. It is accessible by sustainable travel modes within walking distance to the town's bus and train station and has regular bus routes. For car users, the location benefits from nearby public car parking site. The site is in a well-established commercial area with good links for pedestrians and cyclists to access the site. Therefore, subject to the provision of adequate cycle and bin storage and a Construction Management Plan, the development would be acceptable from a highways perspective.
43. *Historic England* – Advise that the proposal would enhance the significance of the Bishop Auckland Conservation Area to a noticeable degree. This supported

by the National Planning Policy Framework which asks that proposals that enhance conservation areas are treated favourably in the planning process.

44. *Lead Local Flood Authority* – No objection advising that there does not appear to be any alteration to the existing surface water drainage system with no additional impermeable contributing areas.

#### **Non-Statutory Responses:**

45. *Spatial Policy* – Advise on the relevant planning policies to assess the proposal. The proposal is not required to provide affordable housing as the conversion will qualify for Vacant Building Credit (VBC). A financial contribution of £17,390 should be sought for open space provision, unless it can be demonstrated that the scheme would be unviable with this contribution.
46. *Viability Team* – Advise that the submitted Financial Viability Appraisal (FVA) has been reviewed. It is advised that the values presented are sound and the scheme would be unviable if the open space contribution of £17,390 is sought.
47. *Affordable Housing Team* – Advise that the proposal is not required to provide affordable housing as the conversion will qualify for Vacant Building Credit.
48. *Archaeology* – Advise that subject to the undertaking of a building recording exercise prior to the commencement of the works, no objections are raised.
49. *Ecology* – Advise that bat surveys identify 5-day roosts within the building and as such, a Natural England Licence must be obtained prior to works commencing. Works must be undertaken in line with the mitigation set out within the Natural England Licence. To enhance the site for bat species, the inclusion of four integrated bat boxes is required to be secured via condition. The building is also suitable for bird species and nesting bird checks will be required during the nesting bird season (March to August inclusive) for any activities that have the potential to impact on nests.
50. *Education* – No response received.
51. *Environmental Health Nuisance* – Advise that the development may result in a statutory nuisance being created from noise from the workshop. However, this could be mitigated through planning conditions securing the opening times of the workshop/art gallery, the provision of acoustic glazing and ventilation and details of the separation floor between the workshop/art gallery and residential units above.
52. *Environmental Health Land Contamination* – Advise that there is no requirement for a contaminated land condition.
53. *Design and Conservation* – Advise that the Masonic Hall is a prominent unlisted building in the core of the conservation area representing the commitment of the town to philanthropy and betterment at a period in time. It is a non-designated heritage asset, a candidate for inclusion on the local list and sits in the setting of other designated and non-designated heritage assets. It currently has a negative impact on the local environment as a result of the condition of the building.



54. Securing the improvement of the building fabric and identifying a new use for the building have been long term aims of the recent Heritage Action Zone. This proposal positively addresses this aim. The principal stone elevations are restored and historic features reinstated. The rear brick elevation is transformed by the inclusion of new windows and balcony structures which cleverly also provide structural stability to the building. This elevation will be a clear distinctive intervention which does not follow the character of the building or surrounding area. That said, it is well detailed and facilitates the wider positive scheme. Overall, this proposal is welcomed for the positive impact on the building and the surrounding conservation area. Further details of materials, rooflights, doors and windows, and construction details of the balconies should be secured by condition if the application is approved.

### **External Consultees**

55. NHS – No response received.
56. Northumbrian Water Ltd – No response received.

### **Public Responses:**

57. The application has been advertised by way of a site notice, press notice and individual notification letters. No letters of representation have been received.

*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/>*

### **Applicants Statement**

58. This is a very prominent historic building in the centre of Bishop Auckland and the property's last chance of survival due to its poor repair and current grant funding that is available. While Bishop Auckland is on the rise, the cost of house sales in comparison to the large refurbishment works for historic buildings like this, are not reflected. The grant funding available from Historic England and DCC will help fill this void. An additional hole in the roof has appeared after the Christmas break, if the building does not have a new purpose fit for modern times, it will be lost.
59. The impact of residential and a commercial on the ground floor will be minimal compared to its current use class. Having more residents living in the town centre will also help to enable more footfall into the centre itself.
60. Openings hours will be standard openings; Monday to Sunday 9am to 5pm with occasional evening events and shows.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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61. 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, Scale/Design and Impact upon the Historic Environment, Highway Safety, Residential Amenity, Infrastructure and Open space provision, Affordable Accessible and Adaptable Housing, Ecology, Flooding/Drainage, Ground Conditions, Sustainability and other matters.

## Principle of Development

62. 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) constitutes the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
63. Paragraph 11c of the NPPF requires applications for development proposals that accord with an up-to-date development plan to be approved without delay. Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
64. Accordingly, the proposal will need to be assessed against the most up to date development plan for the area, the County Durham Plan 2020 and the National Planning Policy Framework as well as relevant SPDs and guidance.
65. CDP Policy 6 states that the development (including change of use) which are not allocated in the plan or a Neighbourhood Plan (i) within a built-up area; or (ii) outside the built-up area but well-related to a settlement will be permitted where they accord with all relevant development plan policies, and which:
  - a. *are compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land;*
  - b. *do not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;*
  - c. *do 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. *are appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement;*
  - e. *would not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;*
  - f. *have 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. do 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. minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;*
  - i. where relevant, make as much use as possible of previously developed (brownfield) land; and*
  - j. where appropriate, reflect priorities for urban regeneration.*
66. In the considering the criteria of CDP Policy 6, the site lies within the settlement and town centre of Bishop Auckland which complies with the requirement to be within the built-up area. The criteria of CDP Policy 6 likely to be most relevant to the proposal would be criterion 'a', 'd', 'e', 'f', 'i' and 'j'.
67. Turning to criterion (a), the surrounding land uses are a mix of commercial and residential within a town centre location. The introduction of an additional Class E use to the ground floor with residential above would be consist with the wider land uses which surround the site to meet (a).
68. In regard to criterion (d), compliance with this will be assessed in detail under 'Scale/Design and Impact upon the Historic Environment' section of this committee report. In relation to criterion (e), this will be fully assessed under 'Highway Safety' section of this report and criterion (f) will be assessed under 'Locational Sustainability' of the report. The proposal will make use of previously developed land which would comply with criterion (i). As the proposal will bring a building back into use, which is a key building of interest within the Heritage Action Zone, this reflects criterion (j) of CDP Policy 6.
69. In addition to the above policy, CDP Policy 9 seeks to protect and enhance sub-regional centres (which includes Bishop Auckland) by supporting new town centre development where this will improve choice and bring about regeneration and environmental improvements. This approach is reflected in the National Planning Policy Framework under Part 7 which advises that planning policies and decision should support the role that town centres play at the heart of local communities.
70. In this respect, the latest town centre survey highlights that Bishop Auckland has a vacancy level of 27.7% (105 vacant commercial units) within the town centre. The vacancy rate remains one of the highest in County Durham is almost double above the national vacancy rate.
71. It is considered that the use of the ground floor as an Artist's Studio/Workshop would fall under the Class E Use class and would be considered as a 'Main Town Centre Use' as defined by the National Planning Policy Framework. Although no end user has been identified it is considered that there is a realistic prospect of the refurbishment of the unit would facilitate the occupation of a currently vacant building. Therefore, the principle of providing an artist's studio/workshop within a town centre location would be supported under Policy 9 of the County Durham Plan and Part 7 of the NPPF.

72. Overall, in principle the development is considered to comply with Policies 6 and 9 of the County Durham Plan subject to consideration of the details of criterion (d), (e) and (f) of Policy 6 as undertaken below.

#### Locational Sustainability of the Site

73. CDP Policy 6 criterion (f) requires that developments on unallocated sites have 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. CDP Policy 21 requires all developments to deliver sustainable transport 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. CDP Policy 29 requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
74. The NPPF sets out at Paragraph 109 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 114 of the NPPF summaries that appropriate opportunities should be taken to promote sustainable transport modes.
75. In considering this the development against the above policy context, Bishop Auckland is identified as a 'Sub Regional Centre' within the County Durham Plan. These settlements are considered to have significant levels of floor space within their defined centre boundaries and have several major national multiplier retailer represented. They are the largest centres in the County and their influence extends over a wider area. Bishop Auckland served Spennymoor, Crook and much of the rural west.
76. In considering the services within Bishop Auckland as a Sub Regional Centre, it has a range of shops, schools, services and healthcare facilities within the settlement which serve the settlement itself, alongside Spennymoor, Crook and the rural west. It is considered there are facilities and services within the settlement to serve the development proposed.
77. In relation to access to public transport, the Chartered Institute of Highways and Transportation 'Proving for Journeys on Foot' document contains suggested acceptable walking distances for pedestrians to access facilities and services. In terms of access to bus routes, a walk of 400 metres falls within the 'desirable' range.
78. In this respect, the site is within the town centre and there are a wide range of public bus stops within 400 metres. This includes the Bishop Auckland Bus Station which is approximately 300 metres from the site which has a range of regular bus services to settlements within the County including to Durham city, Spennymoor and Crook. The proposal complies with the Chartered Institute of Highways and Transportation 'Proving for Journeys on Foot' document.

79. Overall, the site is within the town centre of Bishop Auckland which is identified as a Sub-Regional Centre in the County Durham Plan. The site has access to facilities, services, and public transport. Established bus services, walking, and cycling routes would give future residents alternative options to the private motor car to access services and facilities. Therefore, the application site is within a sustainable location in accordance with Policies 6, 21 and 29 of the County Durham Plan, and the National Planning Policy Framework.

#### Scale/Design and Impact upon the Historic Environment

80. CDP Policy 6 criterion (d) requires that development on unallocated sites is appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
81. CDP Policy 29 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. In total, CDP Policy 29 sets out 18 elements for development to be considered acceptable, including: buildings being adaptable; 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.
82. CDP Policy 44 sets out that in relation to Conservation Areas, there shall be respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials and detailing). It continues to outline that a balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets.
83. Part 12 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
84. Part 16 of the NPPF states: *'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).'*
85. Paragraph 209 in Part 16 of the NPPF states: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
86. In respect of the Bishop Auckland Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The Act also sets out at Section 66 that special regard should be had to preserving the setting of listed buildings.

87. As outlined above, the Council's Design and Conservation Officer advises that the site is a prominent unlisted building within the core of the Bishop Auckland Conservation Area and is identified as a non-designated heritage asset. The building is a candidate for inclusion on the local list and sits in the setting of other designated (Grade II Listed 'The Lightfoot Institute', Grade II Listed '13-23 Victoria Avenue' and Grade II Listed '5-12 Victoria Avenue') and non-designated heritage assets. It was constructed around 1877 as a Temperance Hall. Architecturally it derives its features from the High Gothic revival style and the influence of John Ruskin. Whilst the building makes a positive contribution to the historic and architectural interest of the Conservation Area, its dilapidated condition is a concern that has a negative impact on the local environment and therefore on the character and appearance of the Conservation Area.
88. The work of the recent Heritage Action Zone within Bishop Auckland, aimed to secure the improvement of the building fabric and identify a new use for the building. This proposal is considered to address these aims.
89. In reviewing the overall design and impact upon non-designated and designated heritage assets, Historic England and the Council's Design and Conservation Team have been consulted.
90. The Design and Conservation Team comments that the proposal restores the principal stone elevation with the reinstatement of the building's historic features. It is recognised that the rear brick elevation is transformed by the inclusion of new windows and balcony structure which also provide structural stability to the building. This elevation will be a clear distinctive intervention to the building in the wider Conservation Area which does not follow the character of the building or surrounding area. However, this elevation is well detailed, and it would facilitate the wider positive scheme. It is considered that the proposal will have a positive impact on the building as a non-designated heritage asset and the surrounding conservation area.
91. Historic England comment that the repair and alterations to the decorative stone main elevations are sensitive and will do much to enhance the building and its townscape value. The blank brick elevation is a contrast to the stone elevations and modern in character. The balconies are an untypical feature for the conservation area but their dual use as a structural support is a clever way to deal with the underlying structural issue.
92. Based on the significance of the building within the Conservation Area, it is reasonable and necessary for further details of the materials, rooflights, doors, windows, and balconies to be secured via planning conditions.
93. Overall, based on the support from Historic England and the Design and Conservation Team, the proposal would enhance the significance of the Bishop Auckland Conservation Area and would bring a non-designated heritage asset back into a viable use, enhancing the setting of nearby listed buildings. Therefore, the proposal would comply with Policies 6 (d), 29 and 44 of the County Durham Plan, Parts 12 and 16 of the National Planning Policy Framework and the aims of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Highway Safety/Access

94. CDP Policy 21 outlines that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity, expecting developments to deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, CDP Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes. CDP Policy 6 criterion (e) require development to not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
95. The Council's recently adopted Parking and Accessibility SPD sets out parking standards for new developments but recognises that applicable standards may be reduced on a case by case basis, particularly where a development is in an accessible location.
96. The NPPF sets out at Paragraph 114 that safe and suitable access should be achieved for all users. In addition, Paragraph 115 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe.
97. The site is accessed via Kingsway to the direct east and Victoria Avenue to the north. The proposal does not include the provision of any on-site car parking with residents being reliant upon sustainable modes of transport and surrounding car parking facilities.
98. The Highways Authority advised that while no car parking provision is proposed, the site is within a highly sustainable location with access to sustainable travel modes. The lack of in curtilage car parking is therefore accepted and the Highways Authority do not raise an objection to the application, subject to conditions to secure a Construction Management Plan, bin collection details and details of cycle parking.
99. Overall, the proposals comply with the Councils Parking and Accessibility SPD (2023), Policies 6, 21 and 29 of the County Durham Plan, and Part 9 of the National Planning Policy Framework in relation to highway safety and access.

## Residential Amenity

100. CDP Policy 31 states that all new development that has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours 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.
101. 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.
102. A Residential Amenity Standards Supplementary Planning Document (SPD) has been adopted by the Council, which recommends that dwellings should benefit from private, usable garden space of at least 9 metres long.

103. The Residential Amenity Standards SPD also sets out separation distances for new development to comply with. It states that a minimum distance of 21.0 metres between habitable room windows, where either dwelling exceeds single storey, and a minimum of 18.0 metres between habitable room windows and both dwellings are single storey should be achieved. Where a main facing elevation containing a habitable room window is adjacent to a gable wall which does not contain a habitable room window, a minimum distance of 13.0 metres shall be provided where either dwelling exceeds single storey or 10.0 metres where both dwellings are single storey.
104. In considering the development, the scheme is the conversion of an existing building with established openings to the north and east elevation. As the building is existing and its position remains the same, there will be no adverse issues regarding overshadowing or an overbearing impact.
105. Regarding overlooking, the openings in the north and east are existing and the proposal will re-instate these. There will be the introduction of new openings, including balconies to the south elevation which new to this elevation. The openings to the north and east elevation are existing openings which will have an outlook over the highway, followed by existing residential development to the east and an existing car park and mixed-use building to the north. The new openings to the south will have an outlook over an existing area of land which is in a state of disrepair which has recently received planning permission to be a public square and car park. Given these arrangements, whilst there would be the installation of new openings to the south elevation, there would be no adverse issues regarding overlooking.
106. In regard to the requirements for garden space for residents as set out under the Residential Amenity Standards SPD it is recognised that there would be no private amenity space for the future occupiers of the development. In considering this, it would be preferable for the scheme to include a space for residents, however, as the scheme is the conversion of a building, it would not be possible to be facilitated in this case. Whilst this is a deficiency in the application, this needs to be considered in the planning balance against the positives of bringing a building in a state of disrepair back into viable use as a recognised NDHA and within its prominent position in the Bishop Auckland Conservation Area. It is also recognised that it is common for town centre developments to have limited amenity space, relying on a variety of provision in such locations. For example, there is recent planning approval for a public square and car park to the immediate south of the site.
107. The site is within a mixed-use area which includes both commercial and residential settings. In this context, the Council's Nuisance Action Team have been consulted on the application. They advise that the development may result in a statutory nuisance being created from potential noise from the workshop to the ground floor. However, they advise that this can be mitigated through planning conditions to control the opening times of the workshop/art gallery, the provision of acoustic glazing and ventilation and details of the insulation to be installed between the workshop/art gallery and residential units above.
108. Overall, subject to conditions, the proposals are considered to provide an acceptable standard of amenity for existing and future residents, according with



Policies 29 and 31 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

#### Infrastructure and open space provision

109. CDP Policy 25 supports securing developer contributions where mitigation is necessary to make the development acceptable in planning terms including for social infrastructure such as education and health facilities.
110. CDP Policy 26 outlines that new residential developments will be required to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA) 2018. Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
111. In relation to open space provision, the Council's Open Space Needs Assessment (OSNA) 2018 is considered the most up to date assessment of need. It identifies the five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), sets out requirements for public open space on a population pro rata basis and whether provision should be either within the site, or through a financial contribution towards offsite provision, in lieu taking into consideration factors such as the scale of the development, existing provision within suitable walking distances and the level of contribution sought.
112. In this respect, the proposal would need to make a financial contribution of £17,390.00 in relation to off-site open space, to mitigate its impacts. However, the applicant has submitted a Financial Viability Appraisal (FVA) to demonstrate that providing this financial contribution would result in an unviable scheme.
113. Paragraph 58 of the NPPF sets out that '*It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into use.*' This approach is also reflected in CDP Policy 25 which states that Planning applications which do not propose policy compliant levels of affordable housing and/or obligations necessary to mitigate the impact of development will need to be supported by a robust viability assessment.
114. In this respect the Council's Viability Team have assessed the Financial Viability Assessment, following due scrutiny and challenging some of the assumptions based in the appraisal, they advise that the findings and conclusions are sound. Based on the FVA, the scheme would be unviable and undeliverable if a contribution towards open space was sought
115. Whilst the lack of an offsite contribution is regrettable, the viability position has been robustly tested and subsequently accepted, consequently, the proposal is considered to comply with Policies 25 and 26 of the County Durham Plan in relation to infrastructure and open space provision.

## Affordable, Accessible and Adaptable Homes

116. CDP Policy 15 requires applications for 10no. or more units to provide a percentage of Affordable Housing provision which is accessible, adaptable and meets the needs of those residents unable to access the open housing market. The application site is located within a low value area where 10% of the approved units must be provided for affordable home ownership. Since the CDP was adopted, the Government's First Homes policy has come into force and requires a minimum of 25% of all affordable housing units secured through developer contributions to be First Homes. The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF.
117. The Council's Spatial Policy Team advise that as the development involves the conversion of a building, the proposal would be eligible for vacant building credit. Considering this, no affordable housing is required to be secured via Section 106 for the application.
118. CDP Policy 15 also states that in order to meet the needs of older people and people with disabilities, on sites of 5 units or more, 66% of dwellings must be built to Building Regulations Requirement M4 (2) (accessible and adaptable dwellings) standard. Furthermore, on sites of 10 or more, a minimum of 10% of the total number of dwellings on the site should be of a design and type that would increase housing options of older people. These properties should be built to M4(2) standard and would contribute to meeting the 66% requirement set out above. They should be situated in the most appropriate location within the site for older people. Appropriate house types considered to meet this requirement include:
- Level access flats;
  - Level access bungalows; or
  - Housing products that can be shown to meet the specific needs of multi-generational family.
119. CDP Policy 15 continues to state: *'Where it can be demonstrated that site specific factors such as vulnerability to flooding, site topography, other circumstances which may make a site less suitable for older persons house types or properties built to M4(2) (accessible and adaptable standard) or where step free access cannot be achieved or is not viable, then the requirements will not be applied on all or part of the site as appropriate.'*
120. In this regard, the proposal utilises an existing building which is a non-designated heritage asset that causes harm to the Bishop Auckland Conservation Area in its current state. The application does not propose to build any of the units to meet the M4(2) standards. The existing access to the building is via existing steps from the footway and to achieve step free access would result in the significant alteration to the existing openings on the north elevation which are worthy of retention in the context of the Conservation Area. Therefore, in this case, it is considered that there are valid site specific circumstances which allow deviation from the policy, while also recognising the positives of the scheme in bringing a derelict building back into use.

121. Overall, the proposal would benefit from vacant building credit and would not require any affordable housing to be secured via a Section 106 agreement. The scheme would not deliver M4(2) compliant dwellings, however there are site specific circumstances in this case to allow deviation from the policy.

## Ecology

122. Paragraph 180 d) of the NPPF advises that decisions should minimise impacts on and provide net gains for biodiversity. In line with this, CDP Policy 41 seeks to secure net gains for biodiversity and coherent ecological networks. Policy 43 relates to protected species and nationally and locally protected sites. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them.
123. The presence of protected species is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on Local Planning Authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations to determine whether a licence is likely to be granted. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that favourable conservation status of the species must be maintained. Brexit does not change the Council's responsibilities under the law.
124. The proposal has been accompanied by a Bat and Bird Report and identified that a Natural England Bat Licence will be required for the work as in total five-day roosts with a maximum count of five common pipistrelles bats were found.
125. The Council's Ecology Team advise that the methodologies and conclusions of the submitted report are sound and agree that a Natural England Bat Licence will be required to facilitate the development. It is further advised that four integrated bat boxes would be required to enhance the site for bat species which would also deliver a biodiversity net gain for the development. This could be secured via a planning condition requiring these details to be submitted and agreed in writing.
126. In respect of the three derogation tests contained in the Habitat Regulations, the refurbishment and replacement of the roof would be critical to deliver the conversion of the non-designated heritage asset. The building is currently in a state of disrepair and causes harm to the Bishop Auckland Conservation Area and the development would represent a positive enhancement in respect of the historic environment and would bring back the building into a viable use. The development is therefore considered of overriding public interest, while there are no viable alternatives in lieu of the required works. It is also considered that subject appropriate working method and habitat creation the conservation status of the species will be maintained and secured.

127. The building is also suitable for bird species and nesting bird check will be required during the nesting bird season for any activities which have the potential to impact upon nests. An informative will be included on the planning consent to inform the applicant of this.
128. Subject to adherence to the mitigation statement outlined in the Bat and Bird Report, the proposal will be acceptable in accordance with Policies 41 and 43 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework.

#### Flooding/Drainage

129. Part 14 of the NPPF seeks to resist inappropriate development in areas at risk of flooding, directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 173 of the NPPF advises that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate applications should be supported by a site-specific flood-risk assessment. Paragraph 175 of the NPPF goes on to advise that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
130. CDP Policies 35 and 36 relate to flood water management and infrastructure. CDP Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SUDs) to manage surface water drainage. Development should not have an adverse impact on water quality. CDP Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water. CDP Policy 6 criterion f) states development should '*minimise vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding*'.
131. The Lead Local Flood Authority have been consulted as part of the application and they advise they have no objections to the development. The scheme is the conversion of an existing building which does not result in any additional impermeable surfaces because of this application. The development will utilise the existing surface and foul drainage for the building.
132. Overall, the surface water and foul drainage for the site is acceptable and complies with Policies 6, 35 and 36 of the County Durham Plan and Part 14 of the National Planning Policy Framework.

#### Ground Conditions

133. CDP Policy 32 requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.

134. The Council's Contaminated Land Team have been consulted on the proposal and have confirmed there is no requirement for a contaminated land condition to be imposed on the consent. The site is an existing building, and the development would not include any ground works. Based on this, the proposal is acceptable from ground conditions perspective and would comply with Policy 32 of the County Durham Plan in this regard.
135. CDP Policy 56 seeks to safeguard mineral resources. Significant areas of the County fall into such mineral safeguarding areas, including the application site and wider area. Although a non-mineral development is proposed, it is not considered that the current proposals would sterilise mineral resource taking into account the scale of the site and residential setting. No objections are raised in this regard and the proposal does not conflict with Policy 56 of the County Durham Plan.

## Sustainability

136. CDP Policy 29 criterion (c) requires all development to minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation. Where connection to the gas network is not viable, development should utilise renewable and low carbon technologies as the main heating source.
137. In addition, CDP Policy 29 criterion (o) requires all major residential development to achieve reductions in CO<sub>2</sub> emissions of 10% below the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on current Building Regulations.
138. CDP Policy 29 criterion (d) requires all development to minimise the use of non-renewable and unsustainable resources, including energy, water and materials, during both construction and use by encouraging waste reduction and appropriate reuse and recycling of materials, including appropriate storage space and segregation facilities for recyclable and non-recyclable waste and prioritising the use of local materials.
139. No energy assessment has been provided to demonstrate compliance with CDP Policy 29. However, the Building Regulations have changed since the submission of this application and now require all new homes to produce 31% less CO<sub>2</sub> emissions than what was previously acceptable in the Part L regulations and there have been changes to Part F in respect of ventilation with new regulations in respect of overheating and electric vehicle charging. In light of the changes to Building Regulations, the development would now need to meet this new requirement and as this is covered under separate legislation there is no need for a condition to reflect this.
140. By virtue of the recent changes to Building Regulation requirement, the proposal is considered to exceed the requirements of Policy 29 of the County Durham Plan and accords with Part 2 of the National Planning Policy Framework.

## Other Matters

### *Broadband*

141. CDP Policy 27 relates to utilities, telecommunications and other broadband infrastructure and requires any residential and commercial development to be served by a high-speed broadband connection and where this is not appropriate, practical or economically viable, developers should provide appropriate infrastructure to enable future installation.
142. In considering this policy requirement, due the location of the development, there would be existing high-speed broadband availability in the area to comply with CDP Policy 27. A condition is recommended requiring the precise broadband details to be submitted and the proposal therefore accords with Policy 27 of the County Durham Plan.

#### Public Sector Equality Duty

143. 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.
144. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## **CONCLUSION**

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145. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan which is the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision making, this means approving development proposals that accord with an up-to-date development plan without delay.
146. Regarding the principle of the development, the proposal is considered to comply with Policies 6 and 9 of the County Durham Plan as an unallocated site within the Bishop Auckland town centre.
147. The site has access to facilities, services, and public transport, established bus services, walking, and cycling routes would give future residents alternative options to the private motor car to access services and facilities. Therefore, the application site is within a sustainable location in accordance with Policies 6, 21 and 29 of the County Durham Plan, and the National Planning Policy Framework.
148. The development would enhance the significance of the Bishop Auckland Conservation Area and would bring a non-designated heritage asset back into a viable use. Therefore, the proposal would comply with Policies 6 (d), 29 and 44 of the County Durham Plan, Parts 12 and 16 of the National Planning Policy Framework and the aims of Planning (Listed Buildings and Conservation Areas) Act 1990.

149. In terms of highway safety, based on the locational sustainability of the site, there is no need to provide on-site parking for residents. The proposal would comply with Policies 6, 21 and 29 of the County Durham Plan and Part 9 of the National Planning Policy Framework in relation to highway safety and access.
150. In terms of the residential amenity, the proposal, subject to conditions, is considered to provide an acceptable standard of amenity for existing and future residents, according with Policies 29(e) and 31 of the County Durham Plan and Parts 12 and 15 of the NPPF.
151. Regarding affordable housing and developer contributions, the proposal would benefit from vacant building credit and would not require any affordable housing to be secured. The scheme would not deliver M4(2) compliant dwellings, however there are site specific circumstances to justify deviation from the policy in this respect. Regarding open space, it is concluded that the scheme would be unviable and undeliverable if a contribution towards open space was sought. Consequently, the proposal complies with Policies 25 and 26 of the County Durham Plan in relation to infrastructure and open space provision.
152. In relation to ecology, subject to adherence to the mitigation statement outlined in the Bat and Bird Report, the proposal will be acceptable in accordance with Policy 41 of the County Durham Plan and Paragraph 180 of the National Planning Policy Framework.
153. The proposed development has generated little public interest, with no letters of objection having been received.
154. 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:

1. The development 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 accordance with the following plans and documents:

Proposed ground floor plan	XX-DR-A-01000 Rev 4	13/09/23
Location plan	XX-DR-A-00001 R2	28/07/23
Proposed block plan	XX-00-DR-A-00003 - R2	28/07/23
Proposed east elevations	XX-00-DR-A-02001 - R2	28/07/23
Proposed north elevations	XX-00-DR-A-02000 - R2	28/07/23
Proposed south elevations	XX-00-DR-A-02002 - R4	28/07/23

Proposed Section DD	XX-00-DR-A-03003 4	04/08/23
Proposed section AA	XX-00-DR-A-03000 3	04/08/23
Proposed first floor plan	XX-00-DR-A-01001 4	04/08/23
Proposed second floor plan	XX-00-DR-A-01002 4	04/08/23
Proposed section CC	XX-00-DR-A-03002 3	04/08/23
Proposed section BB	XX-00-DR-A-03001 3	04/08/23
Proposed third floor plan	XX-00-DR-A-01003 3	04/08/23

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 9, 15, 19, 21, 26, 27, 29, 31, 32, 35, 36, 41, 43, 44, 56 of the County Durham Plan and Parts 2, 4, 5, 6, 8, 9, 12, 15, 16 of the National Planning Policy Framework.*

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
  1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
  2. Details of methods and means of noise reduction/suppression.
  3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
  4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
  5. Designation, layout and design of construction access and egress points.
  6. Details for the provision of directional signage (on and off site).
  7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
  8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
  9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
  10. Routing agreements for construction traffic.
  11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
  12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.



13. Management measures for the control of pest species as a result of demolition and/or construction works.

14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

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

4. No development shall commence until a Level 2 Building Record in accordance with 'Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice 2016' has been undertaken. This shall be submitted to and approved in writing by the applicant and approved by the Local Planning Authority prior to the commencement of the works.

*Reason: To safeguard any Archaeological Interest in the site, and to comply with Policy 44 of the County Durham Plan and Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.*

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

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

6. Notwithstanding any details of the materials submitted with the application, prior to any works being undertaken to the roof, samples of the roofing materials shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

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

7. Prior to their first installation on the site, construction details of the balconies including materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

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

8. Prior to the first occupation of any of the residential units, a scheme detailing the precise means of broadband connection to the site has been submitted to and agreed in writing by the local planning. Thereafter, the development shall be carried out in accordance with the agreed detail.

*Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan.*

9. Prior to the first occupation of the any of the residential units hereby approved, details of bin stores and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevation plans and details of the materials. The bin stores and cycle storage shall be constructed in accordance with the approved details and be made available prior to the occupation of the development to which they relate.

*Reason: In the interests of visual amenity and highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.*

10. Prior to the first occupation of any of the residential units hereby approved, details of the sound proofing measures between the ground floor and first floor shall be submitted to and approved in writing. The development shall be carried out in accordance with these details and the sound proofing measures maintained for the life time of the development.

*Reason: In order to protect the residential amenity of the site and surrounding area in accordance with Policy 31 of the County Durham Plan.*

11. Prior to the first use of the ground floor 'Class E' unit, details of the units opening hours shall be submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the agreed opening hours.

*Reason: In order to protect the residential amenity of the site and surrounding area in accordance with Policy 31 of the County Durham Plan.*

12. The development hereby approved shall be carried out in accordance with mitigation detailed within the 'Noise Assessment' Report Reference: 10842.1 Rev A by Apex Acoustics. Any mitigation installed shall be maintained for the lifetime of the development.

*Reason: In order to protect the amenity of future occupants from noise in accordance with Policy 31 of the County Durham Plan.*

13. The development shall be carried out in accordance with the mitigation and working practices contained within 'Bat and Bird Report' Version 2 dated July 2023 by RH Ecological Services.

*Reason: To conserve protected species and their habitat in accordance with Policy 41 and 43 of the County Durham Plan.*

14. Prior to the first occupation of any of the residential units, details of 4no. bat boxes to include their location and their type shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

*Reason: In order for the development to meet biodiversity net gains as outlined in Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

15. 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.

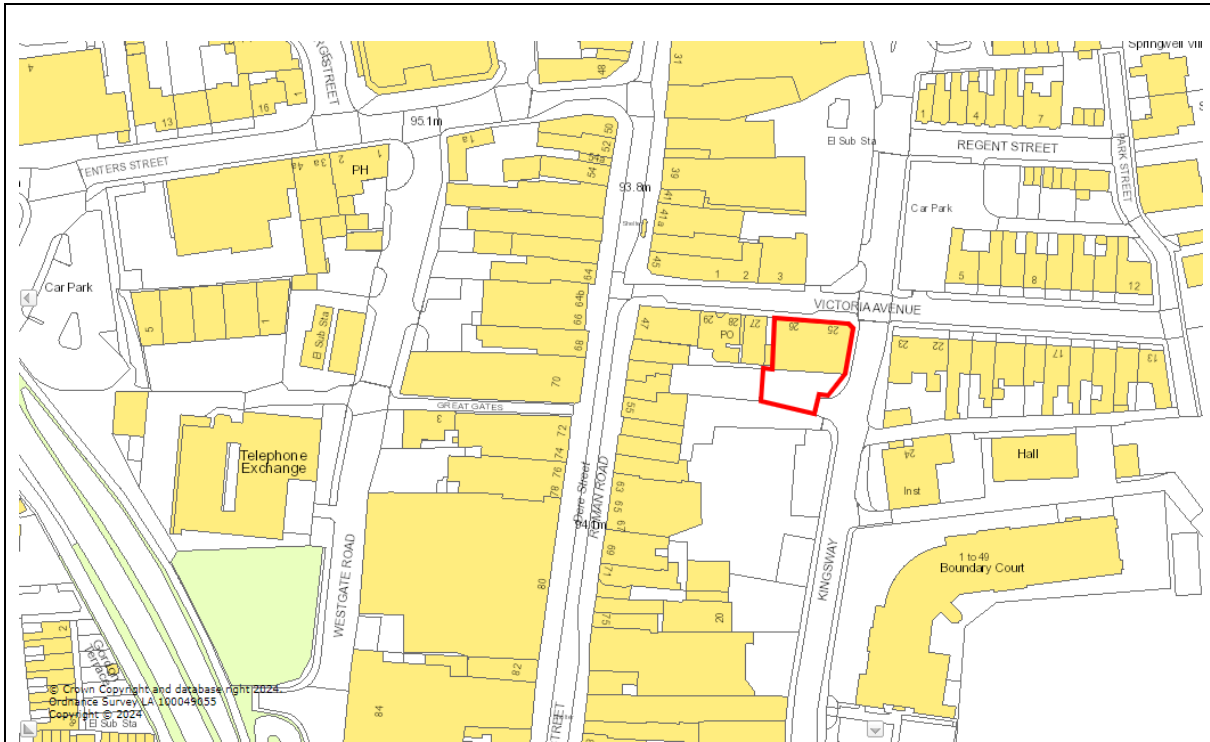
*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.*

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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) 2020  
Parking and Accessibility SPD 2023  
Residential Amenity Standards Supplementary Planning Document 2023  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



<p><b>Planning Services</b></p>	<p>Conversion of ground floor to a commercial space (Class E) and conversion of first, second and third floors into 10no. apartments (C3) with associated works</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of His 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          2023</p>	<p>Comments</p>	
	<p>Date:</p>	<p>22<sup>nd</sup> February 2024</p>