

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	3/2012/0424 and 3/2013/0051
<b>FULL APPLICATION DESCRIPTION:</b>	Demolition of Bedford Lodge and construction of 66 houses and associated works and Listed Building Consent to demolish Bedford Lodge
<b>NAME OF APPLICANT:</b>	Meadale Group Ltd
<b>ADDRESS:</b>	Bedford Lodge, South Church Road, Bishop Auckland
<b>ELECTORAL DIVISION:</b>	Bishop Auckland
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application relates to the former BBH Windings factory site located to the east of South Church Road in Bishop Auckland which extends to some 1.6 hectares. The site is bound to the north by residential dwellings in Salisbury Place and to the east is an area of open space. To the south is the Bishop Auckland to Darlington railway line and to the west across South Church Road lies an Asda supermarket and car park. Bishop Auckland town centre lies approximately 250m to the west of the site.
2. The site has been cleared of former industrial buildings with the exception of Bedford Lodge which is an early 19<sup>th</sup> century building, originally constructed as a villa. The building is Grade II listed and was latterly used as office accommodation in association with the industrial use of the site. It is currently in a significant a state of disrepair, and fire damaged and has been the subject of significant amounts of vandalism in recent years and concern from neighbouring residents about its condition and associated anti-social behaviour.
3. Planning permission and Listed Building Consent are sought for the demolition of Bedford Lodge and the erection of 66 dwellings. The dwellings would be arranged around a circular distributor road, with areas of shared access and private drives. The dwellings would either be semi detached or terraced, consisting of 2 and 2 ½ storey with rooms in the roof space. Vehicle access would be taken from the existing access off South Church Road. The scheme as originally submitted involved the provision of 69 units but was amended to take into account highways requirements.

4. This application is being reported to Planning Committee as it falls within the definition of a major development.

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## **PLANNING HISTORY**

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5. The site has had the benefit of a number of planning permissions for residential development, with outline permission granted in 2004 for 98 dwellings, and subsequently, in 2007, planning permission was granted for the erection of 119 dwellings, including the conversion of Bedford Lodge. The time limit for the implementation of the permission was extended in 2011 and the permission is therefore still extant. No affordable housing was provided as part of the approved scheme. Permission for residential development in various forms has therefore been in place since 2004, but remains unimplemented.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
7. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal.
8. *Part 1 – 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.
9. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
10. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
11. *Part 7 – Requiring Good Design.* 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.

12. *Part 8 – Promoting Healthy 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. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
14. *Part 11 – 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 and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
15. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

#### **LOCAL PLAN POLICY:**

16. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report, however, the following policies of the Wear Valley Local Plan are considered relevant.
17. *Policy GD1 (General Development Criteria)* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
18. *Policy BE1 (Protection of Historic Heritage)* Seeks to conserve the historic heritage of the area by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
19. *Policy BE4 (Setting of a Listed Building)* Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.

20. *Policy BE17 (Areas of Archaeological Interest)* Requires a pre-determination archaeological assessment where development affects areas of archaeological interest. Where possible the remains will be preserved in-situ.
21. *Policy H3 (Distribution of Development)* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map, development will be allowed provided it meets the criteria in Policy GD1 and conforms to the other policies of the plan.
22. *Policy H15 (Affordable Housing)* The Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing.
23. *Policy H22 (Community Benefit)* On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
24. *Policy H24 (Residential Design Criteria)* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
25. *Policy RL5 (Sport and Recreation Target)* For every 1 hectare of land developed residential purposes, at least 1300 square metres of land should directly be made available on or off-site for sporting or recreational use as part of the development or developers will be expected to make a contribution to the provision of such facilities.
26. *Policy T1 (Highways)* Sets out that all developments which generate additional traffic will be required to fulfil Policy GD1 and; provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

*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://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=69842>

27. The emerging County Durham Plan is at the next stage of consultation in Pre-Submission Draft form, ahead of Examination in Public in Spring 2014. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. To this end, the following policies contained in the Pre-Submission Draft are considered relevant to the determination of the application:
28. *Policy 3 (Quantity of New Development)* sets out the levels of development required over the plan period in order to meet the needs and aspirations of present and future residents of County Durham. At least 31,400 new homes of mixed types, size and tenure are required.
29. *Policy 4 (Distribution of Development)* sets out the broad distribution patterns for new development across the County, and in particular sets out a housing allocation for south Durham of 10,420, of which 2350 are to be provided in Bishop Auckland.

30. *Policy 29 (Existing Housing Commitments)* sets out that housing development will be approved on sites where an existing planning permission lapses during the Plan period provided that the proposal accords with relevant policies of this Plan and that there has been no material change in circumstances that precludes development.
31. *Policy 31 (Addressing Housing Need)* sets out qualifying thresholds and requirements for affordable housing provision together with the provision of a range of specialist housing.
32. *Policy 44 (Historic Environment)* sets out that development which would lead to total loss of significance of a designated heritage asset will not be permitted unless the substantial harm or loss is proven to be necessary to achieve substantial overriding public benefits, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and, the harm or loss is outweighed by the benefit of bringing the site back into use.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

33. *Bishop Auckland Town Council* raises no objection to the proposed development.
34. *Highway Authority* offers no objections in principle to the development of the site, while advising that proposed parking provision is now acceptable following amendments to the scheme. A condition is recommended requiring the provision of the highway improvement works detailed in the submitted scheme.
35. *English Heritage* considers that the proposal must be assessed against paragraph 133 of the NPPF to show that the loss of the building is necessary to achieve public benefit. If the Council is satisfied that the evidence is there to show that the demolition of the building is necessary to achieve the public benefit, and is minded to approve consent, then it is recommended that conditions are applied to ensure that the demolition of the building is closely tied to the start of new development and that the building is adequately recorded prior to its demolition.
36. *Environment Agency* offers no objection to the scheme subject to the control of the means of surface and foul water drainage being submitted.
37. *Northumbrian Water Limited* has no objections subject to the submission of a detailed scheme for surface water management
38. *Network Rail* offers no objections to the scheme but consider that further details of external lighting are secured by condition.
39. *Police Architectural Liaison Officer* has provided design advice.
40. *Coal Authority* has no objections and considers that the land can be made safe from previous coal mining activity.

### **INTERNAL CONSULTEE RESPONSES:**

41. *Design and Historic Environment Section* considers the loss of the listed building regrettable but in this instance the public benefit outweighs its loss.

42. *Spatial Policy Section* considers that the development of the site for residential purposes is acceptable in principle.
43. *Landscape Section* raises concerns regarding the parcel of land to the east of the site, recommending that this should be brought into council ownership to contribute to a wider amenity area. It is also advised that careful consideration should be given to the boundary treatments of the site.
44. *Archaeology Section* notes the previous site history and particular circumstances surrounding development of the site and recommends that a scheme of archaeological work be implemented prior to development commencing to cover evaluation, mitigation and publication of any findings. Having regard to earlier assessments undertaken on the site such works can in this instance be covered by planning conditions.
45. *Access and Rights of Way Section* advises that a nearby Public Right of Way would be unaffected.
46. *Ecology Section* has no objections, subject to the proposed mitigation measures.
47. *Environmental Health* advises that a condition relating to the restriction of working hours on site should be imposed, along with appropriate measures to mitigate noise from the adjacent railway.
48. *Contaminated Land Section* recommends the imposition of conditions requiring further site investigation, subsequent remediation and submission of validation information thereafter.
49. *Arboricultural Officer* offers no objection but highlights that the proposed remediation proposes a level increase of 600mm of top soil, which may impact on trees.

**PUBLIC RESPONSES:**

50. The application has been publicised by way of press and site notices, and individual notification letters to neighbouring residents.
51. Three letters of representation have been received in response, that express concerns about the development in terms of the impacts upon highway safety and the difficulties vehicles will encounter exiting the site onto South Church Road. One respondent is nonetheless welcoming of new housing in the area.

**APPLICANTS STATEMENT:**

52. The principle of residential development on the application site is established and has been subject to a number of previous planning permissions. This includes an extant planning permission of the wider site for the erection of 119 apartments and the conversion of Bedford Lodge.
53. The regeneration benefits of granting planning permission for the erection of the dwellings on site are clear. The NPPF confirms that the public purpose of the planning system is to contribute to the achievement of sustainable development including the three key roles, economic, social and environmental.

54. On an economic basis the development will stimulate the regeneration of the area, provide jobs for local contractors during construction works, and increase spending from residents in the locality. In a social role the scheme will deliver high quality starter homes in a sustainable location. In an environmental role the scheme will bring back into use a vacant unused site, deliver high quality design that enhances the built environment.
55. Overall the development proposals will deliver new homes in a sustainable location as advocated by the National Planning Policy Framework and clearly constitutes sustainable development.

*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:*

<http://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=69842> and  
<http://planning.wearvalley.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=72155>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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56. 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 principal material planning considerations raised relate to the principle of development, the viability of the scheme, loss of a heritage asset, visual amenity of surrounding area, highway safety, amenity of adjacent land uses and ecological interests.

### The Principle of Development

57. The application site is located within the defined settlement limits of Bishop Auckland, as set out in the Wear Valley Local Plan, and as such, within these settlement limits, Policy H3 sets out that windfall housing development will be considered acceptable in principle. Policy H3 is considered consistent with the National Planning Policy Framework in this respect which also encourages the reuse of land in accessible locations. In considering the accessibility of the site, it is considered that it performs well, being located in Bishop Auckland within close proximity to the town centre and the range of services and amenities provided, whilst being well connected to existing transport links. The site is therefore considered a suitable and sustainable location for new residential development.
58. In terms of the Pre-Submission Draft version of the emerging plan, Policy 4 sets out the distribution of housing in terms of the housing requirement across the County, and more specifically, distributes some 2350 houses for Bishop Auckland as part of the overall requirement. This distribution includes existing housing commitments, and as such, takes account of the application site in terms of its extant permission for 119 units. The site is part of the housing commitment and has already been included in the allocation process by virtue of Policy 29 of the emerging plan and it was therefore considered unnecessary to specifically allocate the site for residential development. This is reflected at Policy 30 insofar as the 2350 distribution comprises around 750 in specific site allocations, with the remainder coming from commitments such as the application site. The redevelopment of the site for residential development is therefore wholly consistent with the emerging plan in this respect.
59. Subject to a detailed analysis of the impacts of the development, the redevelopment of the site for residential purposes is therefore considered acceptable in principle, being compliant with the NPPF, extant Local Plan Policy and the direction of the emerging plan.

## Viability

60. Local Plan Policy H15 sets out that where a relevant local need has been established, the inclusion of an appropriate element of affordable housing will be required within a scheme. Such a requirement is replicated in the NPPF. As part of the emerging plan a significant amount of work has been put into assessing and evidencing the need of affordable housing throughout the county and the likely delivery of this through development proposals, while ensuring developments remain viable. Policy 31 of the emerging plan sets a target figure for the provision of 10% of proposed dwellings to be provided as affordable housing within the South Durham area, including Bishop Auckland.
61. In addition to this, Local Plan Policies RL5 and H22 seek to secure offsite contributions, where necessary, to improve/provide outdoor sporting and recreational facilities. However, no affordable housing or sporting/recreation contributions are proposed as part of the scheme, and the applicant has put forward an argument that in doing so, the development proposed would be economically unviable.
62. Paragraph 173 of the NPPF outlines the importance of viability as a material planning consideration, setting out that developments should not be subject to obligations which threaten their ability to be viably developed. To ensure viability, the costs of any requirements applied to development, such as affordable housing, should when taking account of the normal cost of development, still provide a competitive return to a willing land owner and developer to enable the development to be delivered. Paragraph 160 also advises that Local Planning Authorities must consider the needs of businesses and any changes in circumstances, identifying and addressing barriers to investment and delivery of housing, including viability issues.
63. On a development of this nature it would be expected that a developer would demand a profit of in the region of 20% of the development value of the site. Such a profit is considered to not be excessive as it aligns with the evidence contained within the Council's Affordable Housing & CIL Development Viability Study. A competitive profit for a developer is required to be factored into the consideration of the viability of a scheme and is effectively a cost to be taken out of the gross development value of the site and is a factor which can affect the ability of a development to pay for planning contributions. Detailed advice has been sought on this matter from the Assets and Spatial Policy Sections, who have considered in detail the submitted development appraisal for the site, including challenging the assumptions made, comparing baseline costs against industry standards and reviewing the likely income generated from the development. As such, once the amount paid for the site and development costs are taken from expected sale values from the site then only around a 13% developers profit would actually be achieved, excluding affordable housing or other contributions. The scheme is therefore economically unviable regardless of additional contributions or affordable housing.
64. Having regard to the advice within the NPPF, the development profit is considered to not constitute an adequate return on the site. Nevertheless, the developer is keen to bring the development forward. Although the policy requirements and Open Space Needs Assessment support the requirements for financial contributions, in this instance given the viability issues surrounding the site it is recommended they be waived to allow the development to be delivered on the site and bring forward a previously-developed site in a wholly sustainable location.



## Loss of heritage asset

65. Local Plan Policies BE1 and BE4 seek to preserve the historic environment, particularly the setting and character of Listed Buildings, and reflect the requirements of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF also seeks to conserve or enhance heritage assets in a manner appropriate to their significance, while Policy 44 of the emerging plan sets out circumstances whereby total loss of significance can be justified. In this instance the heritage asset can be identified as the Grade II building of Bedford Lodge. The building is a two storey property of stone construction, built between 1839 and 1847 by local mine owners. The building is, at present, in a poor state of repair with a large part of its roof structure missing, ground floor windows blocked up and its interior largely disintegrated. However, there is some remaining architectural significance relating to the shell of the building, with its doorways and window openings conveying classical symmetry. The building also has a historical connection with the local coal industry.
66. This scheme seeks planning permission and listed building consent to demolish Bedford Lodge to facilitate the proposed residential development. In considering this matter against the relevant planning policy context, it is noted that paragraph 130 of the NPPF outlines that where there is evidence of deliberate neglect or damage to a heritage asset the deteriorated state of the asset should not be taken into account when considering its loss. However, it is recognised that while the asset has fallen into a state of disrepair, this can be attributed to extensive instances of vandalism and antisocial behaviour, which the applicant has tried to take address by blocking up means of access into the building to prevent further instances occurring.
67. The NPPF also outlines that the loss of a listed building should be resisted unless there are substantial public benefits that outweigh the loss. This is reflected in Policy 44 of the emerging plan. In this instance the applicant has put a case forward on the basis that the regeneration of the site itself would have public benefits, together with the provision of heritage compensation contribution of £50,000 towards the safeguarding of a Listed Building in the vicinity of the site, and thirdly, the removal of the building itself, which generates significant anti-social behaviour and health and safety concerns. All of the aforementioned benefits are considered legitimate in relation to the site and its redevelopment can only serve to enhance the area.
68. Consideration does however, also need to be given to whether the loss heritage asset is necessary in order to deliver the development and secure the above gains. The loss of a designated heritage asset is always regrettable and the retention and conversion of the Listed Building would always be the preferred option. Although the scheme proposed is currently unviable, the developer nevertheless intends to bring the development forward. Options have also been explored to retain the existing building, incorporating a residential development but due to the costs associated with bringing the building back into use and the loss of a number of units needed to ensure its retention, it would be not be economically viable for the site to be developed with the listed building retained. Permission has been granted for residential development on the site with the conversion of the listed building, but clearly these permissions have not been implemented due to the economic climate.
69. Although regrettable, the loss of the Listed Building in this instance, particularly in its current form, would allow a development to come forward, regenerating the site and enhancing the area. The proposed £50,000 contribution would also allow the council to attract additional external funding to help safeguard Laurel House, a listed building in the immediate vicinity on the King James school site.

70. It is considered that in overall terms, the public benefits associated with the development as a whole, is considered to outweigh the loss of the listed building, in compliance with Paragraph 133 of the NPPF and Policy 44 of the emerging plan. However, it is recommended that a condition is imposed requiring that phase 1 of the development (12 of the dwellings) are commenced prior to the demolition of the Listed Building, in order to ensure that the loss of the building does not occur without securing the benefits of the redevelopment of the site. Such an approach would be wholly consistent with Paragraph 136 of the NPPF and Policy 44 on the emerging plan, which seeks to ensure that the loss of the whole or part of a heritage asset does not occur without taking all reasonable steps to ensure the new development, will proceed after the loss has occurred.

#### Visual amenity of surrounding area

71. The application site is located within a predominately residential area, bordering onto an open amenity area to the east. Local Plan Policies GD1 and H24 require that developments should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area. This is reflected within section 7 of the NPPF which sets out that good design is a key aspect of sustainable development, and is indivisible from good planning. To this end, significant negotiations have been held with the applicant through the assessment of the application in order to seek improvements to the quality of the scheme, particularly in terms of the layout. Following the conclusion of these negotiations, it is considered that the revised scheme represents the most viable and practical use of the development site and would represent an appropriate, workable layout. The proposed house types are also considered to be attractive and commensurate with the surrounding housing stock.

72. When viewed from outside the site, it is considered that the proposed development would have an acceptable impact, representing a substantial improvement on the appearance of the current derelict condition of the application site. Existing mature trees on the boundaries of the site would be retained and protected during the development, and appropriate consideration has been given to this by the Arboricultural Officer.

73. To the east of the site is an area of open space covered by scrub vegetation owned by the applicant, this area does not form part of the development site. While it would be desirable for the ownership and management of this area to be undertaken by the council, this would have a resource and finance issue for both the council and developer. Given the viability pressure associated with the site's development, this has not been secured through this application. Notwithstanding this, there are links from the development into this amenity area which could informally extend into wider amenity areas. Although no specific works are intended within this area the applicant has agreed that it should be covered within a proposed 10 years landscape management plan for the site, details of which would be submitted for agreement via planning condition.

74. A significant level change means that the proposed development will be visible from the adjacent Public Right of Way. The Landscape Section advises that careful consideration should be given to the treatments of the boundary of the site in this location, likewise to the highway South Church road. It is therefore proposed to attach a landscaping condition requiring full details of the landscaping of the site, in particular reference to boundary treatments. It is expected that soft boundary treatments would be utilised. On balance, it is considered that the proposed development would have a positive impact on the character and appearance of the surrounding area.

## Highway Safety

75. Local Plan Policy T1 requires that development proposals achieve a satisfactory means of access onto the wider highway network. Concerns have been raised by local residents in relation to existing difficulties experienced by drivers turning onto South Church Road, and that such difficulties would be experienced by prospective residents. The development would be served off South Church Road via the existing site access, while an internal highway will be arranged in a circular manner, with areas of shared surfacing and driveway.
76. In considering the proposed access arrangements, consultation has been undertaken with the Highway Authority who raises no objection to the scheme following amendments, considering that the parking level is acceptable given the central location of the site and proximity to the town centre.
77. Highway improvements are, however, sought in relation to the site entrance and within the highway of South Church Road, which is reflective of improvements sought in relation to previous planning permissions granted for residential development on the site. Subject to these works being implemented, it is considered that a safe and satisfactory means of access would be provided in accordance with Policy T1.

## Impact on amenity of adjacent residents and future occupants

78. Local Plan Policies GD1 and H24 highlight that residential developments should protect the amenities of neighbouring uses. In considering this matter, the site layout would achieve minimum separation distances of 20m between habitable room windows to existing adjacent properties. Although slightly below the 21m distance advocated in the Local Plan, a significant adverse affect on residential amenity would not result, and this relationship is considered acceptable. The existing trees on the boundary of the site also help screen views between the existing and proposed development.
79. During construction there would be noise and disturbance created, however a condition is recommended to limit the working hours on site, together with a scheme of dust suppression.
80. In reviewing the internal layout, it is considered that future occupants would have adequate areas of private amenity space, without experiencing an unacceptable level of overlooking. Approximately 12m from the southern boundary of the site lies the Bishop Auckland to Darlington railway line, which would have an effect on the level of residential amenity that prospective occupiers of properties bordering the railway line would have. The Environmental Health Section consider that the developer could mitigate the impact of noise generated to an acceptable level, and future residents would also be readily aware of the proximity of the properties to the railway line. It is therefore recommended that an acoustic assessment is secured by condition and subsequent mitigation implemented on site.

## Ecology

81. Paragraph 11 of the NPPF requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant has submitted ecology survey report and assessed the potential impacts of the development on protected species.

82. In considering this report in detail the Ecology Section offers no objection to the scheme subject to the implementation of the mitigation set out in the report. Therefore, it is considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010.

#### Other Issues

83. Paragraph 103 of the NPPF and Local Plan Policies H24 and GD1 require consideration be given to issues regarding flooding particularly from surface water run-off while requiring that developments adequately dispose of foul water. Accordingly, consultation has been held with the Environment Agency and Northumbrian Water Limited, who offer no objections subject to a condition to control surface water run off and means of foul drainage.

84. Local Plan Policy E24 sets out the requirements for an appropriate programme of archaeological investigation, recording and publication has been made. Although it is generally encouraged that such an assessment is carried out prior to determination, in this instance, and following discussions with the Archaeology Section, it is considered that the matter can be controlled through the imposition of appropriate conditions. This would also include a condition to ensure that the listed building is suitably recorded prior to its demolition.

85. Given that the site is changing to a more sensitive use, the Land Contamination Section recommends the imposition of conditions requiring the carrying out of a site investigation to identify the extent of any contamination given the previous industrial use of the site. An initial survey has not been identified significant contaminants.

86. Planning plays a key role in helping to reduce greenhouse gas emissions, and minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development as set out in the NPPF. The development would be expected to achieve at least 10% of its energy supply from renewable resources. No details have been supplied to show how this would be achieved, and as such, a condition is therefore considered appropriate to require details to demonstrate how energy efficiency is being addressed and to show the on-site measures to produce a minimum of 10% of the total energy requirements of the development from renewable energy sources.

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## **CONCLUSION**

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87. The redevelopment of the application for residential purposes is considered acceptable in principle, representing a sustainable form of development, whilst providing for an appropriate mix of housing in an accessible location which will enhance the character of the area, particularly given the sites present condition.

88. Although the scheme would result in the loss of a Listed Building, it is considered the wider public benefit that the development would bring to the area, would outweigh its loss. The viability of the scheme has also been robustly tested and in this instance it is considered appropriate to waive affordable housing and off-site recreation contributions, again considering the wider benefits of the re-development of this site.

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## RECOMMENDATION

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That the applications 3/2012/0424 and 3/2013/051 be **APPROVED** subject to the entering into of a Section 106 Obligation to secure a financial contribution of £50,000 to compensate the loss of the Listed Building to be directed to help safeguard a Listed building in the vicinity of the application site and subject to the following conditions:

Conditions applicable to 3/2012/0424:

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

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

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

DRWG no. 12-1066.01 rev A14, Received 14<sup>th</sup> May 2013  
DRWG no. 12-1066.04 rev A1, Received 10<sup>th</sup> October 2012  
DRWG no. 12-1066.07 rev A2, Received 10<sup>th</sup> October 2012  
DRWG no. 12-1066.05 rev A1, Received 10<sup>th</sup> October 2012

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, BE1, BE4, BE17, H3, H24 and T1 of the Wear Valley Local Plan.*

3. The demolition of Bedford Lodge shall not commence until four dwellings have been substantially completed.

*Reason: To secure the benefits necessary to justify the loss of the Listed Building, in accordance with paragraph 136 of the National Planning Policy Framework.*

4. No dwelling hereby permitted shall be occupied until the proposed vehicular access and highway improvement works have been completed in accordance with the details shown on Capita Symonds drawing No. 700-140307 Revision: Rev O.

*Reason: In the interests of highway safety, in accordance with Policy T1 of the Wear Valley Local Plan.*

5. Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of any external surface or hard standing of the development hereby approved including external walls and roofs of the building have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall also include full details of the colour of any render and its finish. The scheme shall be carried out thereafter in accordance with the agreed details.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with Policies GD1 and H24 of the Wear Valley Local Plan.*

6. No development shall commence until an Arbocultural Implications Assessment has been submitted to and approved in writing with the Local Planning Authority. Such an assessment shall include, full details of tree protection measures in accordance with BS 5837 (Trees in relation to construction) and take account of any proposed level changes or remediation works on the site. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the preservation of trees and visual amenity having regards to Policy GD1 of the Wear Valley Local Plan.*

7. The development hereby approved shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of any development on site. The scheme shall provide details of: the planting of trees and / or shrubs (including species, sizes, numbers and densities) to reinforce the southern and eastern boundary of the site; the provision of screen fences or walls; any movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development; full details of any hard standing or footway proposed making provision for permeable surfacing; and, a landscape management and maintenance scheme.

The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 years following planting.

*Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the surrounding area, in accordance with Policies GD1 and H24 of the Wear Valley Local Plan.*

8. No development shall commence until details of a scheme for the management and maintenance of all areas of open space within the development including land to the east of the site for a minimum ten year period has been submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed scheme.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1 and H24 of the Wear Valley Local Plan.*

9. Notwithstanding the submitted information and prior to works commencing a detailed scheme for the disposal of foul and surface water, utilising soakaways where appropriate, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme thereafter.

*Reason: In the interest of the adequate disposal of surface water in accordance with Policy GD1 of the Wear Valley Local Plan.*

10. No development approved by this permission other than the digging of foundations and preliminary site excavation shall take place until a scheme to minimise energy consumption has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation of the dwellings.

*Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Wear Valley Local Plan.*

11. No development shall commence unless in accordance with the mitigation detailed within the Bat Risk Assessment Report Survey Report compiled by Dendra Consulting received 5<sup>th</sup> February 2013 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

*Reason: To ensure the preservation and enhancement of species protected by law in accordance with Policy GD1 of the Wear Valley Local Plan and part 11 of the National Planning Policy Framework.*

12. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area in accordance with a brief issued by the County Durham Archaeology Section;
- ii) an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;
- iii) proposals for the preservation in situ, or for the mitigation through investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and,
- v) notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

*Reason: To comply with Policies BE1 and BE15 of the Wear Valley Local Plan and paragraph 135 of the National Planning Policy Framework.*

13. Prior to first occupation, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission

*Reason: To ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible in accordance with paragraph 141 of the National Planning Policy Framework.*

14. Notwithstanding the submitted information, no development shall commence until details of the means of access, including the layout, construction details, and surfacing have been submitted to and approved in writing by the Local Planning Authority, and the dwellings hereby approved shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

*Reason: In the interests of highway safety in accordance with Policies GD1 and T1 of the Wear Valley Local Plan.*

15. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local planning authority in writing until condition D has been complied with in relation to that contamination.

#### *A. Site Characterisation*

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and to establish whether remedial works are required to treat areas of shallow mine workings. . The contents of the scheme are subject to the approval in writing of the Local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; and, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### *B. Submission of Remediation Scheme*

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### *C. Implementation of Approved Remediation Scheme*

The approved remediation scheme shall be carried out prior to the commencement of development. The Local planning authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local planning authority.



#### *D. Reporting of Unexpected Contamination*

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local planning authority in writing. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local planning authority in accordance with condition C.

#### *E. Long Term Monitoring and Maintenance*

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local planning authority, and implemented in accordance with the agreed scheme thereafter.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Paragraph 120 of the NPPF.*

16. Notwithstanding the submitted information, no development of phase two of the scheme hereby approved shall commence, until a detailed acoustic mitigation scheme addressing noise and vibrations generated from the adjacent railway line, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and the measures shall be fully implemented before the dwellings are brought into use and shall be retained in perpetuity.

*Reason: To protect the residential amenity of future residents from the adjacent industrial use to comply with Policy GD1 of the Wear Valley Local Plan.*

17. Operations associated with the construction phase of the development hereby approved shall only be carried out within the hours of 08:00 to 1800 on Monday to Friday, and between 0800 and 1300 on Saturdays. No construction works shall be carried out on bank holidays and Sundays.

*Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley Local Plan.*

18. Prior to the commencement of the development a scheme for dust minimisation and dust control shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

*Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley Local Plan.*

Conditions applicable to 3/13/00031:

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 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. No demolition works shall be undertaken until the implementation of an appropriate programme of building recording/analysis has been agreed in writing with the local planning authority, in accordance with a written scheme of investigation. This should be submitted by the applicant and approved by the Planning Authority.

*Reason: The building is of national architectural/historical significance and the specified works are required to record features of interest, and provide a full and accurate record for the public benefit in accordance with Section 12 of the National Planning Policy Framework.*

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## **REASONS FOR THE RECOMMENDATION**

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1. The redevelopment of the site for housing and the demolition of the listed building is considered to comply with Policies GD1, BE1, BE4, BE17, H3, H24 and T1 of the Wear Local Plan (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004). The development is also considered to be sustainable development when assessed against the National Planning policy Framework
2. In particular the development was considered acceptable on balance, representing a sustainable form of development, whilst providing for an appropriate mix of housing in an accessible location which will enhance the character of the area, particularly given the sites present condition. Although the scheme would result in the loss of a Listed Building, it is considered the wider public benefit that the development would bring to the area, would outweigh its loss.
3. Whilst concerns have been raised regarding the access into the site and level of parking, the council's highways officers have fully assessed the scheme and subject to the proposed highways improvement works it is considered that it would not impact on highway safety.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner to seeking to resolve issues during the application process.

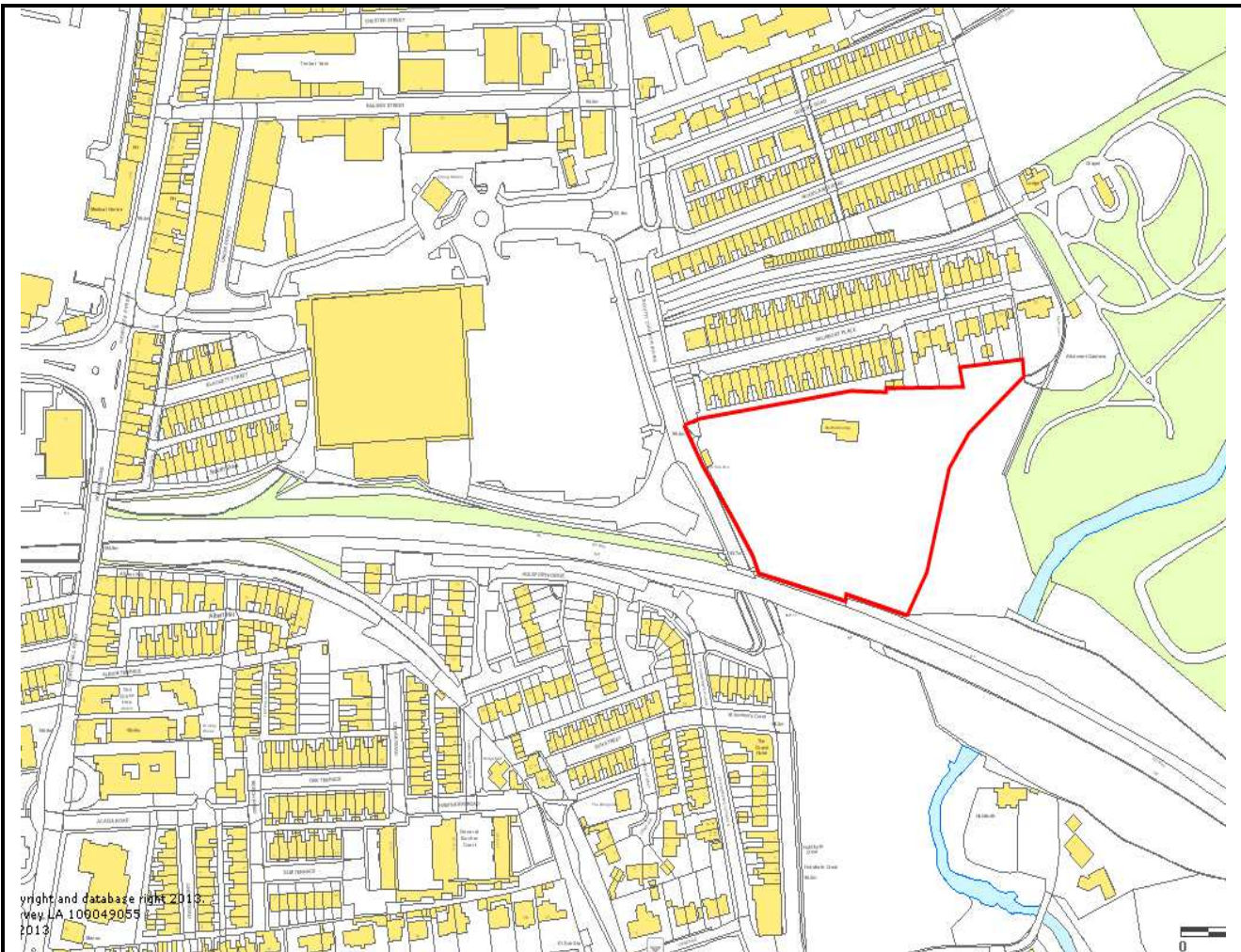
# BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents  
 National Planning Policy Framework  
 Wear Valley Local Plan

County Durham Plan (pre submission version) and  
 Affordable Housing & CIL Development Viability Study  
 Planning applications 3/2007/0667 and 3/2007/0277

Statutory responses from Bishop Auckland Town Council, Highway Authority, English Heritage, Environment Agency, Northumbrian Water Limited, Network Rail, Police Architectural Liaison Officer and Coal Authority

Internal responses from Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Access and Rights of Way Section, Environmental Health, Contaminated Land Section, Ecology Section, and Arboricultural Officer



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**Planning Services**

Demolition of Bedford Lodge and construction of 66 houses and associated works and Listed Building Consent to demolish Bedford Lodge (3/12/00424 and 3/13/0051)

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**Comments**

**Date** 17 October 2013

**Scale** 1:1250