

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2012/0336 & PL/5/2012/0337
FULL APPLICATION DESCRIPTION	Part residential conversion into 6 dwellings, 2 new dwellings and 4 apartments
NAME OF APPLICANT	Aquarium developments
SITE ADDRESS	Dalton Pumping Station, The Waterworks, Cold Hesledon, Murton, Durham.
ELECTORAL DIVISION	Murton
CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. This application site is located at Dalton Pumping Station, a Grade II* Listed Building, and the grounds within which it is set. The site is outside of any settlement boundary in Cold Hesledon to the east of Murton and the south of Seaham, therefore it is technically classed as being in the countryside. It is not within a conservation area and not included on English Heritage's Register of Heritage at Risk. The associated Lodge which is outside of the application site, is also a Grade II listed building. It is not included in a Site of Special Scientific Interest, Site of Nature Conservation Importance or Local Nature Reserve.
2. The site, which is rectangular, has some tree coverage mainly to the north east and south west of the site with mainly agricultural land beyond to the north, east and south. Immediately to the west, across the B1432, is Cold Hesledon Industrial Estate and beyond that, across the A19 is the Dalton Park shopping outlet.
3. The architecture of the Pump House remains largely intact, with the lodge house, workers cottages and stable surviving to the north. Traces of the original built topography of the site can still be seen including the cooling ponds and reservoir.
4. Designed by Thomas Hawksley and built in 1873, the Pumping Station includes an imposing Venetian Gothic engine house and attached industrial ancillary buildings which are of significant architectural merit. The engine house still contains visually dramatic but non-operational pumping equipment. The attached boiler house and coal store are empty.

5. The complex remains an important landmark in the development of the region's nineteenth century industries and the associated expansion of its urban populations. It is one of a network of finely designed pumping stations that drew water from the underlying magnesium limestone geology to serve the expanding urban populations which were a consequence of the expansion of north east coast collieries and manufacturing industries.

Proposal:

6. This proposal seeks full planning permission and listed building consent for the conversion of the listed building into 6 residential units including external alterations, the erection of 2 dwellings and 4 apartments on land adjacent to the listed building with associated highway works and landscaping.
7. The residential conversion centres on the Coal Store, Boiler Room and two stores on either side of the chimney/stairwell, the Pump House and stairwell/chimney would not be affected by the development. The residential conversions are entirely within the confines of the existing pumping station buildings. Dwellings one to four (within the coal house/boiler room) have an internal area of approximately 192m² over two storeys whilst dwellings five and six (within the wings of the chimney tower) have an internal area of approximately 108.5m² over two storeys.
8. Externally, one new residential unit is a single storey, 3/4 bedroom dwelling with an internal floor area of 166m², the other would be a two storey dwelling with an internal floor area of 220m². The remaining four units would be 2 bedroom apartments, each with a floor area of approximately 105m². Both of the detached properties and the two ground floor apartments would benefit from private, walled garden areas.
9. The materials and details proposed for the new dwelling units are lightweight, contemporary and distinct and would contrast from those used in the original pumping station buildings. This would allow the new dwellings, and its enclosed shared areas, to create a new identity that is distinct and obvious as a new addition to the site.
10. The existing vehicular access from the B1432 would remain, as would the access road outside of the site. This would be however, extended to serve parking areas and driveways to serve the dwellings.
11. In recent years the unoccupied status of the pumping station has left its continued welfare at risk, primarily from vandalism and theft. Therefore, as part of the development proposals, the applicant intends to make financial contributions toward the repair and maintenance of the pump house and its equipment. It is also intended that the pump house and equipment be made open to the public and handed over to a charitable trust in order to ensure public access and secure its long term future. The applicant has begun the process of drafting a Section 106 legal agreement with the Council's Legal Officers in this regard.
12. This application is being reported to committee as it is classed as a major development.

PLANNING HISTORY

13. In 1991 Listed Building Consent to demolish the Pumping Station was refused given the importance of the building.
14. In 1994 planning permission was granted for the change of use of the building into a public house, restaurant and function rooms. This has never been commenced due to viability and funding issues.

PLANNING POLICY

NATIONAL POLICY:

15. 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.
16. 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 are considered relevant to this proposal:

17. *Part 1* - 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 of a low carbon future.
18. *Part 4* - 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.
19. *Part 6* - To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
20. *Part 7* - 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.
21. *Part 8* - 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.

22. *Part 10* - 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.
23. *Part 12* - Conserving and Enhancing the Historic Environment. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

LOCAL PLAN POLICY:

District of Easington Local Plan

24. *Policy 1*- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
25. *Policy 3* - Development limits are defined on the proposal and the inset maps. Development outside 'settlement limits' will be regarded as development within the countryside. Such development will therefore not be approved unless allowed by other policies.
26. *Policy 18* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat.
27. *Policy 35* - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
28. *Policy 36* - The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
29. *Policy 37* - The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).

Policy 66 - Developers will be required to make adequate provision for children's play space and outdoor recreation in relation to housing development of 10 or more dwellings. Provision may be secured elsewhere if it is inappropriate to make provision at the development site.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

EMERGING POLICY:

30. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
31. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
32. *Policy 35 (Development in the Countryside)* – Sets out that new development will be directed to sites within built up areas, or sites allocated for development, whilst the countryside will be protected from inappropriate development.
33. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
34. *Policy 44 (Historic Environment)* – Development will be required to conserve the fabric, character, setting and cultural significance of designated and non-designated heritage assets and to seek opportunities to enhance structures and areas of significance throughout County Durham. Developments that promote the educational, recreational, tourism or economic potential of heritage assets through appropriate development, sensitive management, enhancement and interpretation will be permitted.
35. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

36. Murton Parish Council offer their full support to the proposals.
37. English Heritage consider the application acceptable on the basis that an appropriate costed condition survey is submitted in order to justify the quantum of development,

advice is taken from Council Conservation Officers and that the applicant enters a Section 106 agreement which ensures the repair of the building.

38. Northumbrian Water (who occupy part of the site) do not object subject to conditions ensuring that there are no adverse impacts on the water supply, that unrestricted access is maintained, that apparatus is protected and that a scheme is submitted to ensure future residents are not affected by on site activities.
39. Natural England have no objections to the proposals subject to a mitigation and monitoring strategy for bats.

INTERNAL CONSULTEE RESPONSES:

40. Archaeology Officers have no objections to the proposals subject to conditions requiring monitoring of groundworks and recording of works to the listed building.
41. Design and Conservation Officers support the principle of the development and have worked with the applicant to secure amendments to the scheme. Conditions are requested to ensure materials are acceptable.
42. Ecology Officers raise no objections subject to the mitigation contained in the ecology report.
43. Highways Officers have requested amended plans which have since been received and therefore offer no objections to the proposals.
44. Environmental Health Officers have no objections to the proposals.
45. Sustainability Officers request a condition securing renewable energy or carbon reduction measures to be incorporated into the scheme.
46. Tree Officers do not object subject to a replanting scheme along the western boundary of the site.
47. Landscape Officers do not support the proposals as they state that the character and setting of the listed building has not been fully considered and that the existing open space will be fragmented.

PUBLIC RESPONSES:

48. The Victorian Society welcome the principle of the development although raise concerns regarding the new build element of the proposals and the impact on the setting of the listed building. They also state that the long term future of the engine house and tower must be ensured.
49. One letter has been received from a member of the public involved in industrial archaeology who fully supports the proposals.

APPLICANTS STATEMENT:

50. The former Dalton pumping station in Cold Hesledon is a Grade II* Listed Building that was constructed during the 1870's for the Sunderland and South Shields Water

Company to improve water quality and extend water provision in the surrounding area.

51. Whilst much of the existing building is now an empty void the engine house still contains the visually impressive and intact but non-operational engine machinery.
52. Designed by Thomas Hawksley in Venetian Gothic Revival style the building(s) are visually interesting and have some historical significance in terms of 19th century Victorian industrial architecture. The engines are of particular significance being a pair of 72" single-acting, non-rotating beam, superheated steam Cornish engines required specifically to pump water from the extra well depth of over 400 feet below the surface.
53. Dalton pumping station is one of five designed by Thomas Hawksley for Sunderland and South Shields Water Company and along with Tees Cottage and Ryhope these are the only three that remain, the other two buildings having been converted to residential use.
54. Dalton pumping station was privately acquired in 1994 from the Sunderland and South Shields Water Company when the building was deemed surplus to requirements following the construction and operation of a new pumping station located elsewhere within the overall site.
55. Generally, the condition of the building is in good order following an extensive programme of grant-aided works funded by English Heritage between 1997-1999 that secured the structural integrity of the building and provided for consolidation works to the fabric of the building including: reroofing; making good the brickwork; internal floors and front steps; replacing all of the windows; repairing rainwater goods; and general painting and decoration, sufficient to allow its removal from the Heritage at Risk register.
56. However, proposals originally put forward to change the use of the building to a pub and restaurant has not materialised and in the interim period the pumping station building has remained vacant and this continued lack of occupancy again presents a real risk to the fabric of the building from theft, vandalism and general weathering unless a permanent sustainable future for the building can be secured.
57. In order to protect the long term future of the building and in particular the engine house machinery discussions have been held with planning officers over an extended period in order to secure a satisfactory form of enabling development that would see the building safeguarded by being brought back into use and remove the potential risks to the building if no new enabling use can be secured.
58. To that end an enabling scheme has been put forward for the redevelopment of the void elements of the building to create 6 residential conversion units and an additional 6 new units comprising a single detached dwelling and a complex of 5 apartments.
59. It is considered the redevelopment proposals will restore and preserve the historic fabric of void element of the existing building will restore and preserve the historic fabric of the existing building. In terms of the new build element of the enabling development proposed this is restrained and is of a simple contemporary design that complements and minimises the likelihood of significant harm to the setting of the pumping station.

60. This enabling development will secure the long term future historic integrity of the building with the benefits of securing an established and on-going future programme of maintenance and repair, retention of the engine house and machinery and future public access to the engine house safeguarded by legal agreement under s106 of the Town and Country Planning Act 1990 including any contribution to community benefit measures.

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

PLANNING CONSIDERATION AND ASSESSMENT

61. Local planning authorities (LPA's) must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
62. In this instance, given that the applications seek full planning permission and listed building consent, the main relevant considerations are the principle of the development, the impact on heritage assets, highways issues, ecology and archaeology. Of particular relevance are the accordance with the saved policies from the District of Easington Local Plan, the Governments National Planning Policy Framework (NPPF) and the emerging County Durham Plan.

Principle of the development

63. The key principle issues arising from this proposal which require due consideration in the determination of the application are the degree of accordance with existing and draft proposed policies, the benefits of the scheme and whether it is justifiable to permit an application on this site to come forward.

Degree of accordance with existing and draft proposed policies

64. This proposal seeks full planning permission and listed building consent for conversion of the Grade II Listed Dalton Pumping Station into 6 dwellings along with 2 new dwellings and 4 apartments.
65. From a Spatial policy perspective, it is considered that the key issues in relation to this application are:
- a) The extent to which the proposed development accords with the existing development plan for the area;
 - b) The extent to which the proposed development is in accordance with the emerging County Durham Plan; and,
 - c) The extent to which the proposed development is consistent with Government planning for housing policy objectives set out in the National Planning Policy Framework (NPPF), with particular regard towards delivering a wide choice of high quality homes, which widens opportunities for home ownership and helps create sustainable, inclusive and mixed communities.

66. This scheme proposes housing development on brownfield land that is located outside of the nearest existing settlement boundary of Murton to the west. There are no specific landscape designations relevant to the site although as previously stated the pumping station is Grade II Listed. Sites located outside of boundaries are treated against 'countryside' policies and objectives, and there is a general presumption against allowing development beyond a settlement boundary (Policy 3). Consequently, in strict planning policy terms the development of the site for housing (in whole or in part) would be in conflict with the District of Easington Local Plan.
67. As a consequence of the conflict with the District of Easington Local Plan there would need to be other 'material considerations' to justify a departure from that policy. In this respect the National Planning Policy Framework (NPPF) is far less restrictive than the Local Plan which specifies (Policy 67) that only previously developed land can come forward for housing development on sites which are located within defined settlement boundaries. The NPPF seeks to boost significantly the supply of housing and expects Local Planning Authorities to help deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (Para's 47 – 55). Therefore the key matter relates to directing development to suitable and sustainable locations.
68. The site is situated just outside of the settlement boundary which runs along the A19 to the west, 500 metres to the west beyond the A19 is the Dalton Park Factory Outlet which has planning permission for a supermarket, cinema, hotel and food and drink units. Closer to the application site is a small industrial estate and there are some residential properties to the north of the site. There are also bus stops directly outside the site
69. In view of these matters it is considered that although the site does not form part of an existing settlement, given the relatively small scale nature of the development and the proximity to public transport and nearby employment uses and retail development at Dalton Park, the site can be considered to be in a fairly sustainable location for residential development.

Benefits of the scheme

70. As mentioned previously, this building was Designed by Thomas Hawksley and built in 1873, the Pumping Station includes an imposing Venetian Gothic engine house and attached industrial ancillary buildings which are of significant architectural merit. The engine house still contains visually dramatic but non-operational pumping equipment.
71. The complex remains an important landmark in the development of the region's nineteenth century industries and the associated expansion of its urban populations. It is one of a network of finely designed pumping stations that served the expanding urban populations which were a consequence of the expansion of north east coast collieries and manufacturing industries.
72. In recent years the unoccupied status of the pumping station has left its continued welfare at risk, primarily from vandalism and theft. Therefore, as part of the development proposals, the applicant has begun the process of drafting a Section 106 legal agreement with the Councils Legal Officers in order to secure the long term future of the pumping station. In this regard it is intended to carry out a condition survey of the pumping equipment and tower and have any necessary repairs carried out. In addition, the pumping equipment and tower would be taken over by a

charitable trust who would maintain the building and open it to the public as both a visitor and educational attraction. A financial contribution would also be made to the charitable trust. These commitments would all be secured through a section 106 legal agreement before planning permission is granted.

73. Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. In addition, paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
74. In light of the above it is considered that the benefits of this scheme which would see the building repaired, maintained and opened to the public are substantial given the importance of the heritage asset, and should be given significant weight in the determination of this planning application.
75. As such, subject to technical matters being addressed there are no planning policy objections to the principle of the development subject to the applicant first entering into an appropriate Section 106 legal agreement.

Impact on Heritage Assets

76. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to pay 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 Council's Design and Conservation Officer has discussed the principle of residential development on the site at length with the applicant and fundamental issues raised about the impact on the setting of the listed buildings and harm to the historic landscape have been raised. An enabling development argument has also been discussed, essentially linking the profit from the new development to support conversion and reuse of the pumping station which is not economically viable as a standalone project. The applicant has not submitted a full enabling development case with their current application, although reference is made to the importance and condition of the pumping station and reference made to future charitable trust use of the engine house.
77. If this were a standalone application for housing development, the Design and Conservation Officer would oppose this development because of the likely detrimental impact on the setting of the pumping station. However if a mechanism such as a s106 agreement could be used to redirect the profits from the new development to the restoration project; to control phasing of works so that the new development was not carried out in isolation leaving the listed building still redundant; and to provide for public access to the pumping station; Design and Conservation Officers would not object to the principle of development. In short, the harm to the setting of the pumping station would be offset by ensuring its long term preservation through active reuse and retention of significance as a group heritage asset of architectural, historic and landscape interest. It is therefore considered that the principle of the works to allow for long term retention of the building is acceptable and the more specific details are discussed below.

Design Issues

78. The residential conversion centres on the Coal Store, Boiler Room and two stores on either side of the chimney/stairwell, the Pump House and stairwell/chimney would not be affected by the development. The residential conversions are entirely within the confines of the existing pumping station buildings. Dwellings one to four (within the coal house/boiler room) have an internal area of approximately 192m² over two storeys whilst dwellings five and six (within the wings of the chimney tower) have an internal area of approximately 108.5m² over two storeys.
79. Externally, one new residential unit is a single storey, 3/4 bedroom dwelling with an internal floor area of 166m², the other would be a two storey dwelling with an internal floor area of 220m². The remaining four units would be 2 bedroom apartments, each with a floor area of approximately 105m². Both of the detached properties and the two ground floor apartments would benefit from private, walled garden areas.
80. The materials and details proposed for the new dwelling units are lightweight, contemporary and distinct and would contrast from those used in the original pumping station buildings. This would allow the new dwellings, and its enclosed shared areas, to create a new identity that is distinct and obvious as a new addition to the site.
81. Design and Conservation Officers have requested amendments to the plans which would ensure that the central apartment block is lowered in order that it aligns with the eaves level of the workshops to the listed building which would now allow fuller views of the listed building across the site, these amendments have been received.
82. Design and Conservation Officers have no objection to the contemporary design concept of the new development, or the selected materials but would recommend that a planning condition be applied requiring further details of the external materials to be submitted before development commences.
83. In addition to the Councils Design and Conservation Officers, English Heritage have been consulted on the proposals.
84. English Heritage have commented that the conversion of the listed building into residential units is acceptable in principle subject to the legal agreement and therefore would not object to the principle and general approach.
85. With regard to the new development they consider that any development within the grounds will detract from the openness of the formal landscape garden around the listed building and so impact negatively upon its setting. They state that whilst mitigation can be achieved through density, scale and design a degree of harm to the significance of the listed building will result and justification in terms of an overriding public benefit will be required in line with the NPPF. In this case, the repair of the listed building is a public benefit and the failure of a previous commercial scheme suggests that residential development is a realistic option in the current economic climate.
86. English Heritage would consider the application acceptable if a condition survey and appraisal are submitted, materials and design detail are appropriate, and the applicant enters into a legal agreement which ensures the repair of the building is secured as part of the development. It can be confirmed that all of these issues raised will be addressed before development commences by way of either conditions or as part of a legal agreement.

87. Therefore it is considered that the proposals would be acceptable in terms of the impact on heritage assets and would be in accordance with part 12 of the NPPF.

Highways issues

88. Highways Officers have been consulted as part of the proposals and have negotiated amended plans which have addressed issues relating to road widths and visibility splays. In addition conditions have been requested which would require improvements to the bus stop facilities outside of the site along with construction of footpaths linking the site to the bus stops.
89. On the basis of the amended plans received and subject to these conditions the proposals are considered to be acceptable from a highways point of view and therefore the proposals would be in accordance with saved policy 36 of the District of Easington Local Plan and part 4 of the NPPF.

Ecology

90. The presence of a European Protected Species (EPS) is a material planning consideration. The Conservation of Habitats and Species Regulations 2010 make it an offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a license from Natural England. Accordingly, the Regulations have established a regime for dealing with derogations in the form of a licensing system administered by Natural England.
91. Notwithstanding the licensing regime, the Local Planning Authority must discharge its duty to have regard to the requirements of the Regulations/Directive in the exercise of its functions. A Local Planning Authority failing to do so would be in breach of the Regulations. Specifically, where a likely interference to a European Protected Species is identified, the LPA must consider whether a developer might obtain an EPS licence from Natural England, which in turn calls for an application of the derogation tests. The derogation tests are threefold as follows:
- That there is no satisfactory alternative
 - That the population of the species will be maintained at a favourable conservation status in their natural range
 - That there are imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment
92. The applicant has submitted a habitat survey which has been assessed by the Council's ecology officers. The survey has found that a bat roost is present on the site. Bats are a European Protected Species and therefore there is a requirement to obtain a licence from Natural England which has been highlighted by Natural England.
93. In applying the derogation tests, it is considered that there is no satisfactory alternative that would enable to long term retention of the heritage asset.; in carrying out the conversion of the existing building, or indeed any conversion of the building, any bats present will be disturbed. . To do nothing to the building is not an option as the long term future, maintenance and preservation would surely fail resulting in the loss of a vaualbe heritage asset. It is considered that the proposed development is a

viale solution that has been the result of a number of years consideration, and that it will bring about overriding public and environmental benefits. In particular, the benefits of securing the long term future of the heritage asset and opening it to the public are significant.

94. A condition will be required which would ensure construction is carried out in accordance with the recommendations in the submitted habitat survey. It is also advised that no works should be carried out until an EPS Licence has been obtained. Subject to this condition, it is considered that the proposals would be in accordance with saved policy 18 of the Local Plan and part 11 of the NPPF. It is also considered that as there is a possibility of a EPS licence being granted, the LPA has discharged its duties under the Directive and Regulations.

Archaeology

95. In terms of the archaeological requirement, monitoring of any groundworks would be necessary as significant pipework associated with the working phase of the site (19th century) is believed to be located in the area where the new dwellings are proposed. Furthermore recording work would be required before changes can be made to the fabric of the structures proposed for conversion.
96. On the basis of the above, Archeology Officers have no objections to the proposals subject to conditions requiring and archaeological mitigation strategy being submitted and a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy being deposited at the County Durham Historic Environment Record.
97. Subject to these conditions it is considered that the proposals would accord with part 12 of the National Planning Policy Framework which seeks to protect sites with archaeological potential

Section 106 contributions

98. The proposed scheme does not include the provision of open space therefore monies towards open space and recreational facilities in the area is being offered as part of the scheme. This contribution will be £500 per unit, therefore totalling an amount of £6000. This contribution will be secured through a section 106 legal agreement.
99. This will help to support and improve facilities within the surrounding locality for the benefit of occupiers of the additional properties and also existing residents of the local community. The proposal would be in accordance with policy 66 of the local plan.

CONCLUSION

100. The National Planning Policy Framework advises that there should be a presumption in favor of sustainable development such as this identified allocation. However the proposed new housing development would have some adverse impact on the setting of the pumping station which is a Grade II Listed building, however this adverse impact is not considered to be substantial.
101. In order to offset this adverse impact on the heritage asset there would need to be an over-riding public benefit in line with the NPPF. In this case, the applicant has

agreed to enter into a Section 106 legal agreement in order to secure the long term future of the pumping station. In this regard it is intended to carry out a condition survey of the pumping equipment and tower and have any necessary repairs carried out. In addition, the pumping equipment and tower would be taken over by a charitable trust who would maintain the building and open it to the public as both a visitor and educational attraction. A financial contribution would also be made to the charitable trust along with a contribution toward play provision in the Electoral Division. These commitments would all be secured through a section 106 legal agreement before planning permission is granted.

102. In light of the above, officers consider that the benefits of the scheme outweigh the impacts on the setting of the listed building, although these impacts are not considered to be substantial. Therefore, although there is conflict with saved policy 3 of the District of Easington Local Plan it is considered that the proposals are in accordance with the NPPF and on this basis officers recommend approval.

RECOMMENDATION

That application ref PL/5/2012/0336 be **APPROVED** subject to the following conditions and subject to the entering into of a Section 106 legal agreement to secure the provision of:

- i. A condition survey and any subsequent necessary repairs
- ii. A scheme detailing the charitable trust and financial contributions
- iii. A scheme which details the phasing of the development
- iv. £6000 contribution toward enhancement or provision of play facilities in the Murton Electoral Division.

Conditions:

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

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

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

Tree Protection Plan ref TPP-A dated 22.12.09, Pumping Station Proposed Level 00 2376 B-10, Pumping Station Proposed Level 01 2376 B-11, Pumping Station Proposed Elevations 2376 B-20 Rev B, Pumping Station Proposed Elevations 2376 B-21 Rev B, Unit 01 Proposed Plans & Elevations 2376 B-35 Rev A, Proposed Site Sections 2376 B-51 Rev D, Unit 6 Proposed Plans & Elevations 2376 B-37 Rev A, Units 01-06 Proposed Roof Plans 2376 B-38 Rev A, Units 02-05 Proposed Plans & Elevations 2376 B-36 Rev B, Proposed Street Elevation 2376 B-52 Rev B, Existing/Proposed Roof Plans to Pumping Station 2376 B-25, Proposed Site Plan 2376 B-100 Rev F.

Reason: To meet the objectives of saved Policies 1, 18, 35, 36 and 37 of the Easington District Local Plan and parts 1, 4, 7, 8, 10 and 12 of the NPPF.

3. No dwellings shall be occupied until the existing public transport facilities on both sides of the B1432, in the vicinity of the Dalton Pumping Station, have been improved in accordance with details to be submitted too and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable transport in accordance with part 4 of the National Planning Policy Framework.

4. No dwellings shall be occupied until such time as a 1.8 metres wide footway has been constructed linking the site entrance to the southbound bus stop on the B1432 in accordance with details to be submitted too and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable transport in accordance with part 4 of the National Planning Policy Framework.

5. Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer and within Zone I of a currently designated groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment in accordance with part 11 of the National Planning Policy Framework.

6. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and

monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer and within Zone I of a currently designated groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment in accordance with part 11 of the National Planning Policy Framework.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters which needs to be managed in accordance with part 11 of the National Planning Policy Framework.

8. No development approved by this permission shall be commenced until a scheme for the protection of the well (North Well) in the redundant Pumping Station (North Engine House and Pumping Station) on the application site from contamination/infiltration from foul waters has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the agreed protection scheme has been constructed and completed in accordance with the approved plans. Thereafter, the scheme shall be retained throughout the lifetime of the development.

Reason: To prevent pollution and contamination of the public water supply in accordance with part 11 of the National Planning Policy Framework.

9. Development shall not commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to ensure safe, unobstructed and unhindered access through the application site to South Engine House and Pumping Station at all times. The scheme shall provide details of the laying out vehicle parking, turning and manoeuvring, signage and demarcations to warn drivers that access to the main entrance point to South Engine House and Pumping Station is required to remain unobstructed at all times. Thereafter, the scheme shall be retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to ensure that the statutory undertaker has safe, unobstructed and unhindered access at all times to carry out essential operational and maintenance activities arising from the South Engine House and Pumping Station (Water Works), in accordance with saved policies 1, 35 and 36 of the District of Easington Local Plan.

10. Development shall not commence until a scheme to safeguard the amenity of the users of the proposed development from the operational and maintenance activities carried out at the South Engine House and Pumping Station (Water Works) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been fully implemented in accordance with the approved details which shall thereafter be retained in perpetuity.

Reason: To ensure the future occupiers of the residential units are not subject to unacceptable nuisance due to essential operational and maintenance activities arising from the South Engine House and Pumping Station (Water Works) in relation to users of the proposed development, in accordance with saved policies 1, 35 and 36 of the District of Easington Local Plan.

11. No development approved by this permission shall be commenced until a scheme to ensure unrestricted access to the statutory undertakers water and sewer apparatus at all times has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the scheme has been constructed and completed in accordance with the approved plans.

Reason: To ensure unrestricted emergency access the statutory undertakers water and sewer apparatus at all times in accordance with saved policies 1, 35 and 36 of the District of Easington Local Plan.

12. No development shall commence until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those trees/hedges/shrubs scheduled for retention and removal; shall provide details of new and replacement trees/hedges/shrubs; detail works to existing trees; and provide details of protective measures during construction period. The works agreed to shall be carried out within the first planting season following completion of development of the site and shall thereafter be maintained for a period of 5 years following planting. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

13. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

14. 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 mitigation strategy document that has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.

- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii) Post-fieldwork methodologies for assessment and analyses.
- iv) Report content and arrangements for dissemination, and publication proposals.
- v) Archive preparation and deposition with recognised repositories.
- vi) A timetable of works for each phase in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

Reason: To comply with paragraph 141 of the NPPF because the site is of Archaeological interest.

15. Prior to first occupation, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy for that phase shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraph 141 of the NPPF because the site is of Archaeological interest.

16. No development shall be commenced until details of trees, shrubs and hedges which are to be retained along with measures for their protection throughout the development are submitted and approved in writing by the Local Planning Authority. The protection measures shall be in accordance with the relevant British Standard and shall be fully implemented in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with saved Policies 1 and 35 of the District of Easington Local Plan.

17. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within part E of the bat survey prepared by Dendra consulting Ltd dated 17th August 2011.

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

18. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policies 1 and 35 of the Easington District Local Plan and Part 10 of the NPPF.

19. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents shall take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works shall be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity in accordance with the aims of Policies 1 and 35 of the District of Easington Local Plan.

RECOMMENDATION

That application ref PL/5/2012/0337 be **APPROVED** subject to the following conditions:

Conditions:

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

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

2. The development hereby approved shall be carried out only in accordance with the approved plans and specifications contained within:

Pumping Station Proposed Level 00 2376 B-10, Pumping Station Proposed Level 01 2376 B-11, Pumping Station Proposed Elevations 2376 B-20 Rev B, Pumping Station Proposed Elevations 2376 B-21 Rev B, Proposed Site Sections 2376 B-51 Rev D, Proposed Street Elevation 2376 B-52 Rev B, Existing/Proposed Roof Plans to Pumping Station 2376 B-25, Proposed Site Plan 2376 B-100 Rev F.

Reason: To meet the objectives of saved Policies 1, 18, 35, 36 and 37 of the Easington District Local Plan and parts 1, 4, 7, 8, 10 and 12 of the NPPF.

3. Notwithstanding any details of materials submitted with the application no development shall commence until details of the external walling, roofing materials and hard surfacing have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with saved Policies 1 and 35 of the Easington District Local Plan and part 11 of the NPPF.

4. 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 mitigation strategy document that has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.

- iii) Post-fieldwork methodologies for assessment and analyses.
- iv) Report content and arrangements for dissemination, and publication proposals.
- v) Archive preparation and deposition with recognised repositories.
- vi) A timetable of works for each phase in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

Reason: To comply with paragraph 141 of the NPPF because the site is of Archaeological interest.

- 5. Prior to first occupation, a copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy for that phase shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with paragraph 141 of the NPPF because the site is of Archaeological interest.

- 6. The development hereby approved shall be carried out in full accordance with all ecological mitigation measures, advice and recommendations within part E of the bat survey prepared by Dendra consulting Ltd dated 17th August 2011.

Reason: To conserve protected species and their habitat in accordance with the objectives of saved Policy 18 of the Easington District Local Plan and part 11 of the NPPF.

- 7. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents shall take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works shall be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity in accordance with the aims of Policies 1 and 35 of the District of Easington Local Plan

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- National Planning Policy Framework
- County Durham Plan Submission Draft
- Consultation Responses



Planning Services

Proposed Part residential conversion into 6 dwellings, 2 new dwellings and 4 apartments

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Comments

Date September 2014