

# COMMITTEE REPORT

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## APPLICATION DETAILS

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**APPLICATION NO:** DM/15/01121/FPA

**FULL APPLICATION DESCRIPTION:** Conversion of Public House to 10 No. apartments and erection of 4 No. dwellings

**NAME OF APPLICANT:** Mr John Wade

**ADDRESS:** The North Briton, 23 High Street, Aycliffe Village, Newton Aycliffe

**ELECTORAL DIVISION:** Aycliffe East

**CASE OFFICER:** Steven Pilkington, Senior Planning Officer,  
03000 263964, [steven.pilkington@durham.gov.uk](mailto:steven.pilkington@durham.gov.uk)

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site relates to the North Briton Public House and its curtilage, which is located centrally within Aycliffe Village. The site is broadly L shaped and the part two storey and single storey building fronts on to the A167. The building itself is in a sound condition however it is currently boarded up and together with appearance of the car park to the south and east creates an unsightly feature within the street scene.
2. The site is surrounded by predominately residential properties, although a hairdressers adjoins the main building to the north. The site is accessed directly off the A167 and also from an un-adopted highway on North Terrace to the rear on the approach to the village green. A level change of approximately 2m is evident between the application site and the land to the east which steps sharply down to the village green. The application site is located within the Aycliffe Village Conservation Area.
3. Planning Permission is sought for the conversion of the public house to form 10no. apartments (consisting of 5 studio's, 4 x 1 bed and 1 x 2 bed units). The conversion would involve minimal internal alterations although stud walls would be erected in certain areas to subdivide spaces. Existing window openings would be utilised, with some additional openings created in the eastern elevation. The existing hardstanding area in front of the single storey function room and the existing car park would be utilised to provide parking for the apartments.

4. It is also proposed to erect 4no. 3 bed terraced properties to the rear of the site on raised land, fronting onto the village green. The development block would measure approximately 25m in length by 9.5m in width, with a maximum height of 9.1m and would provide accommodation over two floors. The dwellings would have pitched roofs and be traditional in appearance with sash style windows, lintels over windows and doors and incorporate chimney detailing. The properties would be rendered with colour washed brick gables and the roofing material would be a red pantile. Small gardens would be provided to the west of the dwelling, which would also incorporate parking areas. The main vehicular access to the dwellings would be gained from the entrance to the A167 which would be resurfaced.
5. This application is being reported to Planning Committee as it falls within the definition of a major application

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## **PLANNING HISTORY**

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6. There is no relevant planning history to this application

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. 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.
8. 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.
9. *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.
10. *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.
11. *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.

12. *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.
13. *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.
14. *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.
15. *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.
16. *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.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

17. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government and is referenced where necessary within the report.

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

18. 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 Sedgfield Borough Local Plan are considered relevant.

19. *Saved Policy E1 – Landscape Protection and Enhancement* – Sets out that the distinctiveness of landscapes is dependent upon the combination of different elements, including, trees, woodlands, the scale of fields and the nature of these boundaries, style of buildings and local features. In order to maintain the diversity of the landscape character, decisions on use and management of land should take account of these features.
20. *Saved Policy E11 – Safeguarding sites of Nature Conservation Interest* – Sets out that development detrimental to the interest of nature conservation will not be normally permitted, unless there are reasons for the development that would outweigh the need to safeguard the site, there are no alternative suitable sites for the proposed development elsewhere in the county and remedial measures have been taken to minimise any adverse effects.
21. *Saved Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
22. *Saved Policy E18 – Preservation and Enhancement of Conservation Areas* – Requires that development proposals preserve or enhance the character and appearance of Conservation Areas
23. *Saved Policy E22 – Reuse of buildings forming part of the boroughs heritage* – Sets out support for the repair and reuse of buildings which form part of the heritage of the borough or significantly contribute to the environmental quality of the locality by normally allowing proposals for appropriate uses that accord with other policies of the plan and their future.
24. *Saved Policy H8 – Residential Frameworks for larger villages* – Outlines that within the residential framework of larger villages residential development will normally be approved.
25. *Saved Policy H17 – Backland and Infill Housing Development* – Sets out that housing development on backland and infill sites will normally be approved providing a satisfactory means of access and adequate parking provision can be achieved, satisfactory amenity and privacy levels for both the new development and adjacent dwellings can be provided and the development is commensurate with the character of the surrounding area.
26. *Saved Policy H21 – Conversion of a building to Flats and Bedsits* – Sets out that planning permission will normally be granted for the creation of flats and bedsits providing living conditions are satisfactory for residents, there is adequate off street car parking.
27. *Saved Policy L1 - Provision of sufficient open space to meet the needs of for sports facilities, outdoor sports, play space and amenity space*- Requires a standard of 2.4 ha per 1,000 population of outdoor sports and play space in order to bench mark provision.
28. *Saved Policy L2 -Open Space in New Housing Development* - sets out minimum standards for informal play space and amenity space within new housing developments of ten or more dwellings equating to 60sqm per dwelling.
29. *Saved Policy D1 – General Principles for the layout and design of new developments* – Sets out that 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.

30. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
31. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
32. *Saved Policy D5 – Layout of housing development* – Requires that the layout of new housing development should provide a safe and attractive environment, have a clearly defined road hierarchy, make provision for appropriate areas of public open space either within the development site or in its locality, make provision for adequate privacy and amenity and have well designed walls and fences.

#### **EMERGING PLAN:**

33. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Sedgefield Borough Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
34. Paragraph 216 of the NPPF says that 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse.

*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://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf>  
and  
<http://durhamcc-consult.limehouse.co.uk/portal/planning/>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

35. *Highway Authority* – Offer no objections to the proposal subject to a number of minor amendments to the site plan in relation to the allocation of parking provision. Subject to these amendments it is advised that level of car parking would comply with the 2014 residential parking standards and the proposed access is adequate to serve the development.
36. *Northumbrian Water Limited* – Request a condition requiring details of foul and surface water disposal to be submitted.
37. *Great Aycliffe Town Council* – Offer no comments or objections.

#### **INTERNAL CONSULTEE RESPONSES:**

38. *Design and Historic Environment Section* – Offer no objection to the conversion of the public house advising that the works are considered to be sympathetic to the existing character and appearance of the 1930's building. Concerns are raised regarding the lack of soft landscaping and amenity space for the development as a whole and the amount of parking to the front of the building. Concerns are also raised regarding the loss of the trees on the site which are considered to contribute to the setting and character of the Conservation Area. The trees would also help and assimilate the proposed development. It is advised that the proposed dwellings are sympathetically designed however features such as bay windows and a staggered roof line could be considered.
39. *Landscape Section* – The proposal will result in the loss of three mature Swedish Whitebeam trees which make a significant contribution with group amenity to the south west corner of Aycliffe Village Green. It is advised that they complement the attractive public open space and substantially contribute to the setting of the Conservation Area. It is also advised that the trees would help to mitigate and assimilate the proposed development which would otherwise be more conspicuous due to different levels in this part of the village green. It is recommended that the proposed dwellings be set back from the trees and for them to be incorporated into the development.
40. *Arboricultural Officer* – Advises that the trees on site are in good health and if retained then an Arboricultural Impact Assessment and tree constraints plan should be developed in accordance with BS5837:2012.
41. *Archaeology Section* – Advise that there is potential for areas of in situ archaeological deposits due to the previous historic uses of the site. A small scale on site evaluation should be undertaken to determine the level of preservation and significance of any architectural remains. It is advised that this is carried out prior to the determination of the application.
42. *Contaminated Land Section* – Advise that as there would be a more sensitive end use further consideration should be given to potential land contamination issues to be secured by condition.
43. *Ecology Section* – Following the submission of a bat emergence survey, it is advised that the development is unlikely to impact on protected species. No objections are therefore raised subject to the proposed mitigation measures detailed in the submitted ecological survey.

44. *Environmental Health Unit* – Offer no objections in principle to the development, but in order to protect future residents from road noise, it is recommended that a noise impact assessment is undertaken and any mitigation measures secured by condition. It is also recommended that a scheme of soundproofing between units is covered by condition and that working hours on site are restricted to protect the amenities of surrounding residents.

#### **PUBLIC RESPONSES:**

45. The application has been publicised by way of press and site notice, and individual notification letters to neighbouring residents. Two letters of objection have been received raising the following points:-
- Potential loss of privacy and amenity due to the proximity of the new build dwellings to residential properties where there would be ready views. The dwellings would cause a loss of light and create an over shadowing effect while the level differences on site will further exacerbate the dwellings impact.
  - The dwellings would be prominent when viewed from within the Village Green and would diminish the striking view into the centre of the village. The loss of the 3 mature trees will visually spoil and attractive area.
  - The use of brick in the construction of the dwellings is considered inappropriate, while the type of style of the properties are not considered sympathetic.
  - Traffic generated from the development, especially at peak times would result in a loss of highway safety, particularly given the proximity to a busy junction. The level of car parking is inadequate and does not take into account visitors, some of the apartments only have one space where many households have two cars. Inadequate parking facilities within the village are a major issue.
  - The limited infrastructure and lack of local amenities in the village do not support further housing.
  - Insufficient archaeological investigation has been carried out on the site.

#### **APPLICANTS STATEMENT:**

46. There are three Public Houses in Aycliffe Village, namely, The County, The Telegraph and The North Briton, All three are now within the same ownership. When The County was purchased in January 2008, it was a failing business. The current Owner injected significant capital into the business, introduced new management and created a viable Gastro Pub of some renown. In 2009 the adjacent property, 12 The Green was purchased and was converted into 7 Bed & Breakfast Rooms. The Gastro Pub and the Rooms are now a single, viable business. The Rooms are generally occupied every week night from Industrialists visiting Newton Aycliffe Business Park.
47. The Telegraph was purchased in November 2014 and again this was a failing business. This Public House is modest in size and is essentially a traditional 'Local'. Again the Owner has made substantial investments in renovating the building. The North Briton was also purchased in November 2014 as a failed business. It is a large building and occupies a dominant position within the Aycliffe Conservation Area and is immediately adjacent to the A167 and has a large car park.
48. Aycliffe Village cannot sustain three Public Houses. The investments in The County and The Telegraph, along with good management has satisfied a demand within the immediate area. Consequently, the only viable option is to redevelop the building

and the large car park to residential use. It is proposed to convert the North Briton into 10 No small apartments whilst providing 4 No three bedroom terrace houses on the large car park. In this way the character of the Village will be maintained by conserving an iconic building.

*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://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NML9FKGDKCI00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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49. 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 planning issues raised relate to the principle of development, visual amenity and impact on the Conservation Area, highway safety, amenity of adjacent land uses, ecological interests and other issues.

### The Principle of Development

50. The application site is located within the defined settlement limits of Aycliffe Village, where saved policy H8 of the Sedgefield Borough Local Plan outlines that planning permission for housing development will normally be approved provided that there is no conflict with the provisions of the plans environmental, open space or design policies. Saved policy H21 of the Local Plan also offers support for the conversion of existing buildings to flats and bedsits subject to achieving satisfactory living conditions for residents and providing adequate off street car parking.
51. 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. It is considered that the general approach of policies H8 and H21 in terms of directing development to settlements best able to support it and the reuse of buildings is consistent with the NPPF and the promotion of sustainable development.
52. This is carried forward in the Emerging County Durham Plan under policy 15 which outlines that development on sites in built up areas will be permitted providing the development is appropriate in location and function of the settlement. Only limited weight can be afforded to this policy given the status of the County Durham Plan. However the proposal is considered to provide an appropriate scale of development for this site, consistent with the settlement's size and proximity to Newton Aycliffe where there is a wide range of accessible work opportunities, health facilities, schools, shopping and leisure facilities.
53. Overall it is considered that the development would meet the key locational aims of the NPPF and is in principle in accordance with saved policies of the Sedgefield Borough Local Plan and emerging County Durham Plan.

### Visual Impact and Impact on Conservation Area

54. Local Plan policy E18 seeks to preserve the historic environment, particularly the character and appearance of Conservation Areas. Policy E22 sets out support for the repair and reuse of buildings which form part of the heritage of the area. The NPPF also seeks to conserve or enhance heritage assets in a manner appropriate to their significance. These policies reflect the requirements of Section 72 of the



Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having special regard to the character and appearance of conservation areas.

55. The application site relates to a vacant public house and associated curtilage of hardstanding car park and grassed area to the side and rear. The pub is an unlisted building, but is considered to be a non-designated heritage asset due to its character and prominent setting within the Conservation Area. The proposed dwellings would front directly out into the heart of the Conservation Area, over the Village Green. The impact of various elements of the development on the Conservation Area is appraised in turn below.

#### Conversion of the Public House

56. In assessing the impact of this part of the development, the Council's Design and Conservation Section advise that the conversion works are sympathetic to the existing character and appearance of the 1930's building due to the limited intervention involved. The reuse and retention of this building would have a positive impact on the character and appearance of the Conservation Area. Some concerns are raised regarding the lack of soft landscaping surrounding the building and the introduction of parking on the front hardstanding. Small areas of soft landscaping are proposed to the front of the converted building and elsewhere along the frontage. However this could be improved upon along with the introduction of a suitable boundary treatment along the A167 to help screen parked vehicles. A condition requiring a comprehensive landscaping scheme to be produced and agreed is therefore recommended.
57. Overall it is considered that the proposed conversion works and use are sympathetic to the existing building and therefore maintain its contribution to the character and appearance of the Conservation Area in this location.

#### Proposed new housing development

58. The proposed new dwellings would front onto the village green which is located to the east of the site. The rear elevations would face back towards the A167, set back 30m from the roadside. This is a common arrangement for properties fronting the Village Green. While offering suggestions in relation to fenestration detail and the possibility of intruding a staggered ridge line, the Council's Design and Conservation Officer advises that the houses are sympathetic in design terms to this part of the Conservation Area. The existing car park area offers little to the character and appearance of the Conservation Area, due to the amount of hardstanding and its untidy appearance. The development of this site would result in a visual improvement. Moreover it would be read as a natural extension to the existing development along The Green, although sitting slightly higher and further back. The proposed materials and general detailing of the properties is considered appropriate to the surrounding area.
59. In order to accommodate the dwellings and create an outlook the scheme proposes the removal of 3 Swedish Whitebeam Trees. These are located on sloping land on the eastern boundary of the site and on the edge of the village green. The Council's Landscape Section advise that these trees make a significant contribution to the character of the south west corner of Aycliffe Village Green and Conservation Area due to their group amenity value. It is also advised that the trees would help to mitigate and assimilate the proposed development which would otherwise be more conspicuous due to different levels around this part of the Green. Concern about the loss of the trees has also been raised by the Councils Design and Conservation Section.

60. Revisions to the scheme have been explored with the developer to retain all or some of the trees. In this respect consideration has been given to setting the proposed dwellings back from the trees. However this would significantly reduce the depth of the rear gardens of the dwellings, due to the required parking and access arrangements. Because of the group nature of these trees selected removal and cut back was also considered inappropriate. In addition this would still not provide future occupants with a satisfactory outlook and would likely impact on the marketability of the dwellings. The applicant states that without these four dwellings the conversion and retention of the Public House could not be secured due the limited profitability in the scheme. Compensatory tree planting and landscaping is however proposed to the south west of the site adjacent the A167 which has a hard visual edge and would benefit from landscaping.
61. Whilst the trees are of landscape value, they are located on the margins of the village green and are not considered to be an integral element to its essential character. The submitted arboricultural report also identifies that the trees have a 20 year life expectancy which is not disputed by the Council's Arboricultural Officer. On balance, therefore while the views of the Councils Landscape Section are fully appreciated, it is considered that the impact of the removal of the trees on the setting and appearance of the Conservation Area would be less than substantial when considered against the other merits of the scheme. The scheme would result in a viable reuse of a vacant heritage asset which makes a positive contribution to the Conservation Area due to its prominence and social connection. The development of the site also provides the opportunity to upgrade the stark visual impact of the existing hardstanding area, that would be softened with additional planting along the A167 frontage.
62. Overall the development is considered to have an acceptable impact on the character and appearance of the Aycliffe Village Conservation area in accordance with policies E18 and E22 of the Local Plan and part 12 of the NPPF. Conditions in requiring the submission of a comprehensive landscape scheme and to control the finer detailing of the dwelling are recommended, along with the requirement for the conversion works to be commenced before the final dwelling is occupied. This is to ensure the benefits of the development as a whole are secured.

#### Highway Safety and accessibility

63. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation.
64. The Public House is currently served by a customer car park accessed from the A167. This would be retained and would serve as the main vehicular access to the development. An additional existing secondary access from North Terrace is proposed to be reconfigured to provide vehicular access and parking for one of the dwelling houses.
65. In considering the scheme the Highways Authority raise no objections to the access arrangements due to width of the access serving the site and its lawful use. It is also advised that the level of car parking across the development would conform to 2013 DCC Residential Parking Standards. Subject to minor amendments to the allocation of the parking bays no objections are raised in relation to highway safety. An amended plan has been received detailing the requested amendments.
66. While acknowledging the concerns raised by local residents regarding the level of parking provision on the site and the suitability of the access, based on the advice of

the Highways Authority a reduction in highway safety would not arise. The proposal is therefore considered to comply with policy D3 of the Local Plan in this respect.

#### Impact on amenity of adjacent residents and future occupants

67. Local Plan Policy D5 highlights that residential developments should protect the amenities of neighbouring uses and future occupants. Objections have been raised regarding the impact of the new dwellings on adjacent residents.
68. In assessing the development in this respect, direct views from habitable rooms from the new dwellings would not be achievable to any neighbouring property due to the orientation of surrounding dwellings and the use of blank gable walls. Any views achievable would be at obscure angles and therefore would not significantly reduce the levels of residential amenity experienced. The level difference between the application site and adjacent residential properties would emphasise the scale of the dwellings. However surrounding properties either do not look directly out at the development site or are located a minimum of 20m away facing a gable wall. This is in excess of the minimum 14m advocated in the local plan and considered acceptable even when factoring in the level difference. It is considered that the proposed dwellings would not have a significant overshadowing or overshading effect given the orientation of dwellings and the pathway of the sun.
69. In relation to the conversion of the public house, views would be available to the rear of the properties of the Green. However these would be at a minimum distance of 21m, in line with the separation distances set out in the Local Plan. A similar distance would be achievable to the opposite elevation on High Street/A167.
70. The Council's Environmental Health Unit has recommended conditions relating to working hours and construction activities. However, these are matters which the planning system cannot reasonably prevent or control and there are controls outside of planning that deal with noise nuisance and other disturbance, which would be more appropriate than planning conditions.
71. Limited amenity space would be provided for the future residents of the apartments, however given the accessibility of the site to wider amenity areas this is not considered sufficient reason to resist the application. In accordance with saved policy L2 of the Local Plan the developer is willing to make a contribution of £7000 towards providing and enhancing off site sporting and recreation facilities in the area. This would need to be secured through a S106 agreement which the developer has indicated a willingness to enter into.
72. The Environmental Health Unit offer no objections in principle to the development, however in order to protect future residents from road noise, it is recommended that a noise impact assessment be carried out and implement mitigation measures to be secured by condition. This is likely to consist of improved glazing in the apartments. Further conditions are also recommended to require details of sound proofing to be installed to prevent the transfer of noise between the units and adjacent commercial use. This is considered reasonable to safeguard residential amenity given the number of units proposed and the existing fabric of the building.
73. The Council's Land Contamination Officer advises that the development would result in a more sensitive end user and therefore a site investigation secured by condition would need to be undertaken along with necessary remedial work.
74. Overall it is considered that the proposed development would not significantly impact on the level of amenity or privacy experienced by neighbouring residents that would

warrant refusal of the planning application. It is also considered that future residents would experience an appropriate level amenity subject to implementing measures to mitigate noise generated by the restaurant use. The scheme is considered to comply with policy D5 in this respect.

## Ecology

75. Paragraph 11 of the NPPF and policy E11 of the Local Plan requires that local planning authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential impacts of the development on protected species, namely bats. This report concludes that there is a low risk of any protected species being located on the site.
76. The Ecology Section offers no objection to the scheme subject to the implementation of the mitigation measures set out in the report. It is therefore considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these.

## Flooding and Drainage

77. The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment. In consideration of the application Northumbrian Water raise no objections to the scheme, recommending a condition requiring the submission of details of foul and surface water drainage.

## Other Issues

78. In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has undertaken a desk based assessment, although it is advised that further invasive site investigation works should be undertaken to determine the level of preservation and significance of any architectural remains. While it would be desirable to secure this prior to determination part of the development relates to conversion works and existing hardstanding's. It is considered that the risk of any remains being found on site that would preclude development is very low and therefore is it considered appropriate to require further investigation and recording by condition.

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## **CONCLUSION**

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79. The proposed scheme has been assessed against relevant policy documents and other material considerations and it is concluded that the development would represent development in a sustainable location, that would bring a vacant building back into a productive reuse, contributing to housing mix in the area in line with the key aims of the NPPF.
80. While the loss of three trees is regrettable, it is considered that the overall visual improvement resulting from the development would outweigh the harm caused by their loss. Some replacement replanting is proposed and overall the development would have a positive impact on the character and appearance of the conservation in

accordance with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

81. The development would be served by an appropriate means of access and would provide sufficient car parking in line the established parking standards such that highway safety issues would not arise.
82. The development would not significantly impact on the amenities of the neighbouring residents, while future residents would experience an appropriate level amenity subject to implementing measures to mitigate road noise.
83. The scheme would not constitute a breach of the Conservation of Habitats & Species Regulations 2010 and the Planning Authority can satisfy its obligations under these, subject to the implementation of the mitigation measures set out in the submitted reports.
84. There are no material consideration which indicate the scheme should be determined otherwise and therefore the application is recommended for approval.

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## **RECOMMENDATION**

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That the application is **Approved** subject to the completion of a satisfactory Section 106 Legal Agreement to secure a financial contribution of £7,000 towards the provision/maintenance of open space and recreation facilities in the locality and the following conditions:

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

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

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

Amended Site Plan, Drwg no. HN/40314 (20) 01 Rev A  
Proposed Elevations, Drwg no. HN/40314 (10) 04A  
Proposed Elevations 2, Drwg no. HN/40314 (10) 05A  
Proposed Ground Floor Layout, Drwg no. HN/40314 (10) 01A  
Proposed First Floor Layout, Drwg no. HN/40314 (10) 02A  
Proposed Houses Elevations 1, Drwg no. HN/40314 (10) 30  
Proposed Houses Elevations 2, Drwg no. HN/40314 (10) 31  
Proposed Houses Layout Plans, Drwg no. HN/40314 (10) 32

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies E18, E22, H17, D1, D2, D3 and D5 of the Sedgefield Borough Local Plan.*

3. The fourth dwellinghouse hereby approved shall not be occupied until the conversion works in relation to the public house have commenced in accordance with a phasing scheme to be first submitted to and agreed in writing by the Local Planning Authority.

*Reason: To secure the benefits associated with the conversion works in the interests of the character and appearance of the Conservation Area in accordance with policy E18 of the Sedgefield Borough Local Plan.*

4. Notwithstanding any details of materials submitted with the application, details of the external walling (including render colour) and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the construction of any external wall of the dwellings hereby approved. 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 policies E18 and D1 of the Sedgefield Borough Local Plan.*

5. Prior to conversion works hereby approved commencing a sound proofing scheme to mitigate the transfer of noise between units and the adjoining commercial use shall be submitted to and approved in writing by the Local Planning Authority. The soundproofing scheme shall be implemented in accordance with the approved details thereafter.

Reason: In the interests of the residential amenity of future occupants in accordance with policies H21, D1 and D5 of the Sedgefield Borough Local Plan.

6. Prior to the first occupation of the apartments hereby approved, an acoustic report, in accordance with BS 8233 and the WHO Guidelines on community noise, shall be submitted to and been approved in writing by the Local Planning Authority. The report shall establish whether sound attenuation measures are required to protect future residents from the transferral of sound from road traffic noise and detail appropriate mitigation measures. The approved mitigation scheme shall be implemented prior to the first occupation of the apartments hereby approved and permanently retained thereafter.

*Reason: In the interests of the residential amenity of future occupants in accordance with policies H21, D1 and D5 of the Sedgefield Borough Local Plan.*

7. Notwithstanding the submitted plans full details including materials and colour of all new or replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area in accordance with policies E18, D1 and D5 of the Sedgefield Borough Local Plan

8. Prior to the commencement of development a detailed scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide detail for:-

- The planting of trees and / or shrubs (including species, sizes, numbers and densities) to improve the appearance of the development
- The provision of any fences or walls (including retaining walls)
- Full details of any regrading or alteration of levels on the site.
- Full details of the surfacing any hard standing proposed

The approved landscaping scheme shall be implemented and completed in accordance with the approved details in the first planning season following the substantial completion of the development.

*Reason: In the interests of the appearance of the area and to comply with policies E18 and D1 of the Sedgefield Borough Local Plan.*

9. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels of the proposed new buildings and those of existing neighbouring buildings shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed entirely in accordance with any subsequently approved submission.

*Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with policies E18 and D1 of the Sedgefield Borough Local Plan.*

10. No development shall commence until a scheme for the provision of surface and foul water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the details.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance with saved policy D1 of the Sedgefield Borough Local Plan and part 11 of the National Planning policy Framework.*

11. Notwithstanding the provisions of Class A, B, C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no external alterations, including extensions and formation of windows shall be undertaken at the dwellings hereby approved.

*Reason: In the interests of visual amenity and in order to safeguard the residential amenity of neighbouring properties having regards to Policies D1 and D5 of the Sedgefield Borough Local Plan.*

12. No development shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- 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. Postfieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
- iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- v. Provision to be made for archive deposition of the analysis and records of the site investigation
- vi. A timetable of works in relation to the proposed development
- vii. Monitoring arrangements, including the notification in writing to the County Durham 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 subcontractors and specialists, their responsibilities and qualifications.

The scheme of investigation shall be carried out in accordance with the approved details and timings prior to the commencement of the development.

*Reason: To comply saved policies BE1, BE15, BE16 and BE17, and section 12 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at the decision to approve the application has sought to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents

National Planning Policy Framework

Sedgefield Borough Local Plan

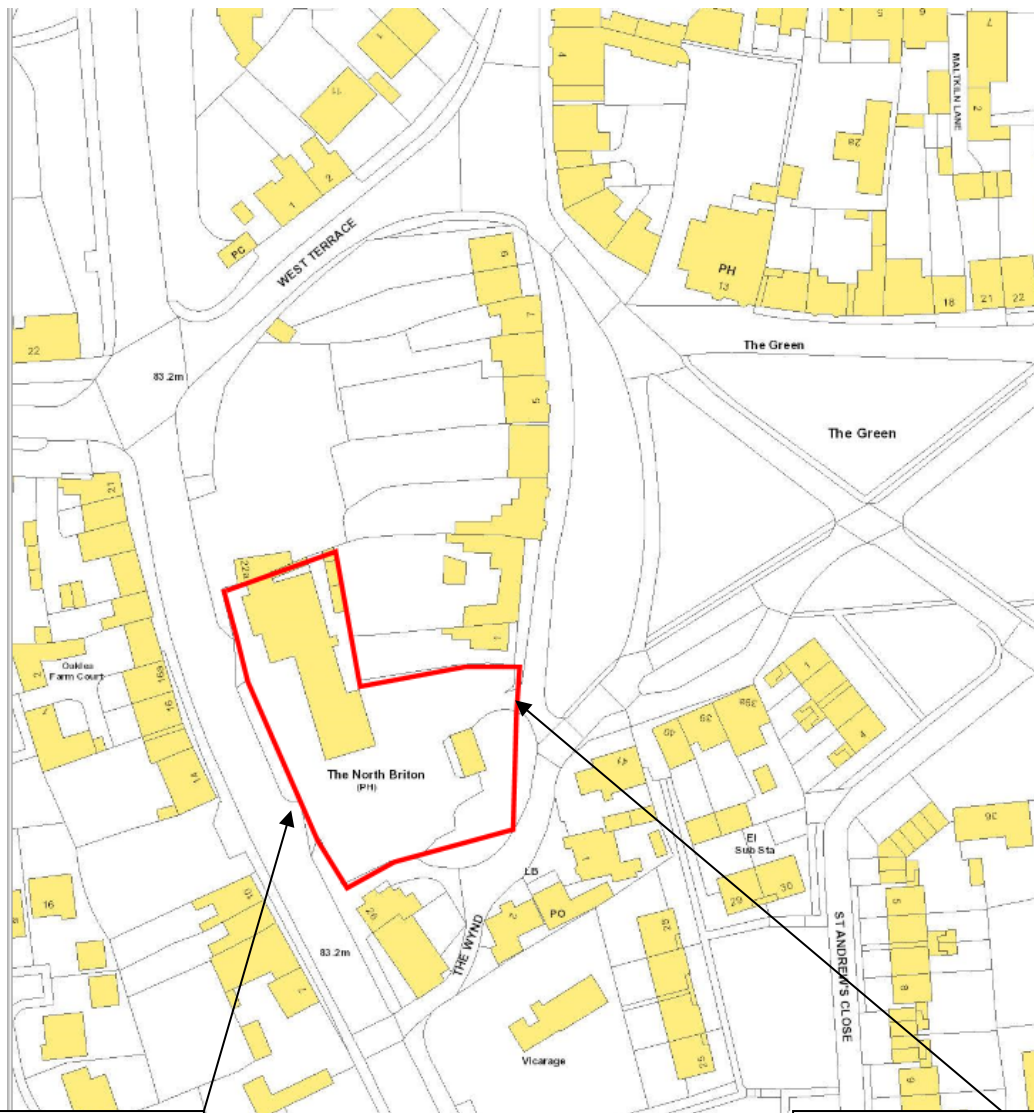
Statutory responses from Highway Authority, Northumbrian Water Limited.

Internal responses from Highways Authority, Design and Historic Environment Section, Spatial Policy Section, Landscape Section, Archaeology Section, Environmental Health, Contaminated Land Section, Sustainability, Ecology Section and Arboricultural Officer.

Representations received from the public and other representative bodies

Planning application file DM/15/01121/FPA





Proposed Access

Application Site



**Planning Services**

Conversion of Public House to 10 No. apartments and erection of 4 No. dwellings

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**Comments**

**Date** 7<sup>th</sup> July 2015

**Scale** 1:1250