

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/00730/FPA
FULL APPLICATION DESCRIPTION:	Part conversion and demolition of existing school to 6 apartments and erection of 10 dwellings and associated infrastructure
NAME OF APPLICANT:	Ruttle Plant Holdings Ltd
ADDRESS:	Site Of The Former St Peters School, Main Road, Gainford, Darlington
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site measures 0.45 ha in area and relates to the buildings of the former St Peters School and surrounding hardstandings, which are located approximately 200m outside (east) of the village of Gainford, but still within the Gainford Conservation Area. The school was built in 1899, initially as an orphanage and then became a residential school home to around 100 pupils, but closed in 1983. It subsequently became a nursing home in 1986, but closed in 1998 and has been vacant since.
2. The buildings are constructed in brick with slate roofs. There are two separate ranges of buildings, which together form an L shape fronting out on to the A67 to the north of the site and returning south along the east of the site. They have been vacant for a considerable period now and are in a state of cosmetic disrepair with windows boarded up. The site sits within the countryside, but there are 3 nearby detached residential properties to the west of the site as well as a newly constructed doctors surgery further west along the road at the edge of the village.
3. The application has been amended during the course of the application reducing the number of dwellings from 26 to 16 by removing development in a field to the east of the buildings. The application now seeks full planning permission for the conversion of the northern building to create 6no. 2-bed apartments; demolition of the east range of buildings; and erection of 10no. dwellings, comprising 5no. 4-bed, 3no. 3-bed and 2no. 2-bed dwellings. The proposed new-build dwellings would be two storey, brick built and a mix of detached, semi-detached and terraced properties arranged around a new cul de sac highway arrangement. The vehicular access from the A67 would still be provided though the existing access, which would be upgraded to adoptable standards.

4. A S106 heads of terms has been submitted in respect of securing 3 affordable housing units on the site and securing an area for the provision of public open space to the east of the site.
5. The application is reported to the Planning Committee in accordance with the Scheme of Delegation because the development is classed as a major application.

PLANNING HISTORY

6. There have been 2 previous planning permissions for redevelopment of the site and buildings.
7. The first permission was 6/1984/0311/DM for partial demolition and conversion to flats, nursing home, rehabilitation centre, office and light industrial unit.
8. The most recent was 6/2008/0391/DM for a 70 bedroom assisted living development through conversion and new build residential blocks.

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.
10. *Part 1 – Building a Strong, Competitive Economy.* Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
11. *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. 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. On highway safety, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
12. *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.

13. *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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
14. *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.
15. *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.
16. *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, minimising impacts on biodiversity and providing net gains where possible; 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.
17. *Part 12 – Conserving and enhancing the historic environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY:

18. The following saved policies of the Teesdale District Local Plan are relevant to the application, however 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:-
19. *Policy GD1 - General Development Criteria* - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
20. *Policy ENV1 - Protection of the Countryside*- Within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will

need to show that they do not unreasonably harm the landscape and wildlife resources of the area.

21. *Policy ENV8 - Protecting Animal and Plant Species Protected By Law* - Development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the district.
22. *Policy ENV15 - Development Affecting Flood Risk* - Development which may be at an unacceptable risk of flooding or may increase the risk of flooding elsewhere will not be permitted.
23. *Policy BENV 4 - Conservation Areas* - Development within conservation areas will only be permitted provided a number of criteria relating to design, traffic, landscaping and servicing are met.
24. *Policy BENV11 - Sites of Archaeological Interest* - Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be approved.
25. *Policy H1A - Open Spaces Within Developments* - In new residential development of 10 or more dwellings, open space will be required to be provided within or adjacent to the development.
26. *Policy H12 – Design* - The local planning authority will encourage high standards of design in new houses and housing sites.
27. *Policy H14 - Provision of Affordable Housing within Developments* - The local planning authority will, in appropriate circumstances as identified by a needs assessment of the district, seek to negotiate with developers for an element of affordable housing to be included housing developments.
28. *Policy T2 - Traffic Management and Parking* - Car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site.
29. *Policy ECON 1 – Availability of industrial and Commercial Land* - Sets out that land will be allocated for business, general Industry and distribution uses thought the District.

EMERGING PLAN:

30. 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 and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court

Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP can no longer carry any weight.

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/media/3401/Teesdale-local-plan-saved-policies/pdf/TeesdaleLocalPlanSavedPolicies.pdf>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Highway Authority* – Following receipt of amended plans no highway objections are raised to the proposed access and highway layout subject to removing the tree adjacent to the access point. It is also advised that there would be sufficient parking provided across the development, with the exception of plot no.16 where an additional hardstanding space should be provided. It is also recommended to attach conditions requiring submission of full engineering details of the road layout.
32. *Northumbrian Water Limited* – Highlight that the sewage treatment works in Gainford are at capacity and would require upgrading to accommodate additional flows. Although no upgrade works are programmed, it is advised that should the development come forward the upgrade works would commence. A condition requiring details of foul and surface water disposal to be submitted is also requested.
33. *Environment Agency* – Advise that following more detailed survey work the site has been re-categorised as Flood Zone 1 and therefore the proposal now falls within the Environment Agency Standing advice, which includes adopting sustainable drainage methods.
34. *Gainford and Langton Parish Council* – Advise that affordable housing should be incorporated into the scheme, while 3 and 4 bedroom houses are not necessarily what the village wants; there is a desire for property for the elderly/retired. Concerns are raised regarding the green field part development of the site and potential loss of commercial and potential employment. Concerns are raised regarding the design of the properties

INTERNAL CONSULTEE RESPONSES:

35. *Planning Policy* – It is advised that the development would not accord with relevant policies of the Teesdale Local plan, representing development outside of the settlement limits of Gainford on a site allocated for employment purposes. However when assessed against all elements of the NPPF it is recognised that the development would bring the vacant building back into a productive reuse, boosting housing site in a relatively sustainable location. It is also advised that the most recent employment land review recommends deallocating the site for employment purposes. Overall it is advised that following the submission of amended plans to exclude development on the parcel of land to the east of the site no objections are raised to the scheme.
36. *Design and Conservation Section* – Following amendments to the scheme, to address concerns of developing the greenfield portion of the site, advise that the benefits associated with the redevelopment and reuse of these site would outweigh the harm caused through the demolition of part of the building. It is also advised that the layout and design of the properties are appropriate to the setting of the site and therefore no objections are raised.

37. *Landscape Section* – Advise that following the receipt of amended plans the development would have an acceptable visual impact on the whole. Concerns are however raised in regards to the potential loss of an Ash Tree adjacent to the access of the site and encroachment into the undeveloped site to the east. A detailed landscaping plan should be developed to ensure consistent landscape treatment.
38. *Sustainability Section* – Raises concerns regarding the sustainability of the site, due to the environmental and economic constraints, including distance from facilities and services, ecological impacts, potential flooding risk and connection to the gas network. However this needs to be balanced against the projected benefits in contributing to local housing need, bringing historic assets back into use, whilst supporting a prosperous rural economy.
39. *Ecology Section* – Advise that the likely presence and impact on protected species the proposals is low, subject to the proposed mitigation and compensatory measures. It is however recommended that any external lighting is agreed before its installation due to the presence of a bat roost in close proximity.
40. *Arboricultural Section* – Offers no objections but recommends that a Tree Protection Plan is secured by condition.
41. *Environmental Health Section* – Offer no objections in principle to the development, but in order to protect future residents from road noise and adjacent uses, it is recommended that a noise impact assessment is undertaken and any mitigation measures secured by condition. It is also recommended to control the working hours on site and incorporate measures to suppress noise and dust during construction.
42. *Housing Section* – Support the provision of affordable housing on site, while outlining that options for affordable rent should be explored.
43. *Contaminated Land Section* – Advise a conditional approach in relation to land contamination.
44. *Drainage and Coastal Protection* – Offer no objections providing a detailed scheme of surface water disposal is submitted limiting discharge to greenfield run-off rates.
45. *Archaeology Section* – Advise that there are no anticipated underground archaeological issues with the proposed development, however it is recommended that a proportionate level of building recording of the site prior to any demolition is undertaken.
46. *Schools Admissions Section* – Advises that there are sufficient places to accommodate additional pupils from the development.

PUBLIC RESPONSES:

47. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents. 1 letter of objection has been received raising relating to the following issues:-
 - The development is within the Conservation Area and includes the building of additional properties to the east of the access road, this is a green field site and should be protected.
 - The building should be protected and other uses explored to see it being retained rather than demolished.

- Other developments within the village have led to overspill of parking at weekends and evenings. The proposed access is dangerous due to speed entering the village, traffic calming measures should be incorporated.
- The development should provide houses for the elderly, which could provide employment within the village which has lost substantial numbers of jobs in recent years and free up larger properties within the village.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at: <http://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NKXQAJGDJXJ00>

APPLICANTS STATEMENT:

48. The existing buildings are in a very poor, neglected state which serves to undermine the character and appearance of the Gainford Conservation Area. This state will continue in the absence of a beneficial use. The site itself acts as a gateway to Gainford when travelling from the west and in its current state blights the local landscape.
49. The proposals for the site's redevelopment will result in the re-use and retention of the existing Greenacres building, which will secure its future; both preserving and significantly enhancing the character and appearance of the Gainford Conservation Area. The proposals will result in a derelict site being brought back into a beneficial use and one that will serve to improve both the immediate and wider areas; including the village of Gainford.
50. The original scheme has been substantially revised in accordance with requests from the planning officer. Development has been omitted from the field to the east. Dwelling numbers have been reduced from the 26 originally proposed to 16. The design of the proposed house types has also been improved meaning they are more befitting of the Conservation Area. Within the revised layout we have also included 3 affordable dwellings.
51. We have worked very closely with the planning officer and reached agreement on an amended scheme which delivers economic, social and environmental benefits. These benefits aren't outweighed by any adverse impacts and the presumption in favour of sustainable development should therefore be applied and we respectfully request that the recommendation be followed.

PLANNING CONSIDERATIONS AND ASSESSMENT

52. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to the principle of development, effect on the character of the Conservation Area, residential amenity, highway safety, ecology and flooding/drainage issues.

The Principle of Development

53. The proposal comprises development on previously developed land and includes the reuse of disused buildings. The site does however lie outside the development limits of Gainford and is currently allocated as industrial land in the Teesdale Local Plan. The proposal is therefore a departure to Teesdale Local Plan Policies ENV1 and

ECON1, and consideration must be given to whether there are any other material considerations and benefits to outweigh this conflict.

54. The NPPF is an important material consideration. NPPF para 17 sets out a number of core planning principles, which among other things include encouraging the effective use of previously developed land and conversion of existing buildings. Section 6 of the NPPF seeks to significantly boost the supply of housing and states housing applications should be considered in the context of the presumption in favour of sustainable development. Para 51 states local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing, provided there are not strong economic reasons why such development would be inappropriate. Para 22 states long term protection of sites allocated for employment should be avoided where there is no reasonable prospect of the site being used for that purpose and applications for alternative use should be treated on their merits.
55. It is noted that the Councils' recently conducted Employment Land Review identifies that there is a limited demand or need for employment uses on the site and as a result the industrial allocation was not going to be carried forward into the County Durham Plan (CDP). Although the CDP is currently being given no weight, the Employment Land Review represents an up to date evidence base. The site has been vacant since 1998 and no industrial use proposals have come forward in that time. The costs associated with converting or demolishing the buildings to facilitate business uses would likely have implications for viability and would/have in likelihood been a significant factor inhibiting employment uses coming forward. It is also relevant that the Conservation Area Boundary was extended in 2013 to include this site. This adds a further constraint on acceptable forms of development on the site and would be a huge discouragement to typical industrial types of development on the site. Taking all this into account, and notwithstanding the Parish Council concerns about the loss of employment land, it is considered that the site's industrial allocation within the Teesdale Local Plan is out of date and there is little prospect of the site being used for that purpose. In accordance with NPPF paragraphs 22 and 51 it is therefore appropriate to consider the site for housing purposes.
56. The housing policies of the Teesdale Local Plan, including the definition of settlement limits, date back to 2002 and are therefore considerably out of date and carry no weight. Following the recent High Court decision to quash the Inspector's Interim CDP Report the housing policies of the CDP can no longer be given any weight either. A revised CDP will be progressed in the coming months and will gather weight as it proceeds through the stages of plan preparation; however, in these circumstances the NPPF in para 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The main purpose of the NPPF is to achieve sustainable development. This includes the provision of housing, the need to move towards a low carbon economy and the need to protect and enhance the natural environment.
57. The concern of the Council's Sustainability Section in respect of the site's access to major services is noted, however, The County Durham Settlement Study identifies Gainford as a Tier 3 Local Service Centre, recognising that it has a range of local services and facilities. A development of 16 dwellings represents a small scale of development that would not undermine the Councils housing delivery strategy moving forward. It would be a scale of development commensurate with the role of Gainford in the settlement hierarchy of the County and would help to support the

vitality and viability of local services in Gainford, which also support the wider rural area, in accordance with NPPF para 55.

58. In addition, the re-use of previously developed land and buildings is consistent with the core principles of the NPPF and the aims to promote sustainable development. The site is situated in close proximity to the edge of the Gainford with good accessibility and connections into the village. There are bus stops located outside the entrance of the site and the facilities within Gainford are within walking distance along adopted footpaths with street lighting. It is therefore considered that the site is not isolated and the redevelopment proposals represent a sustainable form of development in accordance with the aims of the NPPF. This is a view shared by the Council's Planning Policy Section. It is also relevant that the site has historically had types of residential uses (boarding school, nursing home) and planning permissions have also been granted for residential development on the site, with the last being in 2008.
59. The representations from the Parish Council and a local resident have reiterated a desire to see the site used to provide accommodation for elderly persons. However, despite permission being granted previously for such accommodation it has not come forward resulting in the continuing deterioration of the site. The site has also experienced anti-social behaviour problems due its ready access and lack of natural surveillance. The proposal represents an opportunity to improve the condition of the site, which is a prominent feature on the eastern gateway approach to the village and within the Conservation Area, and bring one of the buildings back into a viable use. The development would provide 2, 3 and 4 bed dwellings catering for a range of household types. 3 of the dwellings would be affordable to meet the requirements of Teesdale Local Plan Policy H14 and would be secured by a S106 Agreement. It is therefore considered that the mix of housing proposed is acceptable and the provision of affordable housing is an added public benefit.
60. The application also now proposes to use the field immediately to the east as public open space/communal garden to serve the residential development and this would be preferable to an offsite contribution because of the site's edge of village location. The area would measure approximately 3100sqm, which is considered more than adequate to serve the development and complies with Teesdale Local Plan Policy H1a requirements, as well as the aims of NPPF Section 8 in respect of promoting healthy communities. This too would be secured through a S106 Agreement and landscaping details can be agreed by condition.
61. Taking all the above into account, it is considered that while the development of this site for housing would not conform to the development plan in respect of its industrial allocation and location outside the development limits of Gainford, the development plan is out of date in these respects and when assessed against all elements of sustainable development set out in the NPPF, it is considered that the scheme would represent an acceptable form of development. Therefore subject to a detailed assessment of the impacts of the development as appraised below, the scheme is considered acceptable in principle

Design, layout and the effect on the character of the Conservation Area

62. Local Plan Policy BEV 4 seeks to preserve the historic environment, particularly the character and appearance of Conservation Areas. This policy reflects the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of having special regard to the desirability of preserving the character and appearance of conservation areas. In Section 12, the NPPF also seeks to conserve or enhance heritage assets in a manner appropriate to their significance.

63. In considering the proposal against the above policy context, the site is located within the Gainford Conservation Area, a designated heritage asset. Gainford Conservation Area encompasses a historic village core with a village green providing a focus for the settlement. The buildings within the village centre are principally built in the 18th and 19th century consisting of modest cottages and grander properties. The application site is identified within the Gainford Conservation Area Appraisal, highlighted as having a prominent position, providing a valuable contribution to the area. The buildings on site are built in a grand late Victorian, early Edwardian style in the 1900's and represents a style and scale of architecture from the time.
64. The scheme proposes the conversion of the main building at the front of the site into 6no. apartments. This is the most important building on the site, historically and architecturally. Minor external alterations are proposed to achieve this, including the formation of new windows, replacement of windows and general repair works. The Council's Design and Conservation Section offers support for the conversion works, advising that they are sympathetic to the special character of the building.
65. The larger building to the east is to be demolished. This was the former teaching and accommodation block. The lack of architectural detailing, compared to the main frontage building, is reflective of its lesser importance. The application presents a convincing argument that the conversion of such a large narrow building is not viable. The new build dwellings to be constructed in its place would in effect serve as enabling development for the conversion and subsequent retention of the more important building on the site. The demolition would also allow an appropriate internal layout and access arrangement to be achieved. It is therefore considered that there is clear and convincing justification for the proposed demolition, in accordance with NPPF para 132. It would however be appropriate to ensure that a proportionate level of building recording was carried out prior to any demolition, as recommended by the Archaeology Section, and this can be conditioned.
66. The 10no. new-build dwellings would utilise 4 different house types to provide a mix of detached, semi-detached and terraced properties. The design of the dwellings picks up key reference points and fenestration detailing on the main building, including heavy robust eaves and chimney detailing and the materials would match the main building.
67. In appraising this element of the application the Council's Design and Conservation Section advise that the revised scheme is acceptable in terms of density and layout given site constraints and would not adversely affect the character and appearance of the conservation area or setting of the building to be retained. Neighbouring properties to the west are sufficiently far away to not be affected by window relationships. The final specification of materials will be very important and should be controlled by condition. In addition, as the scheme proposes an open plan layout, permitted development rights should be removed for enclosures forward of main elevations.
68. It is unfortunate that the Ash tree at the site entrance would have to be felled, but it is necessary in the overriding interests of highway safety and in the interests of seeing the site redeveloped. Additional tree planting can be secured in the open space area to the east to compensate for its loss.
69. Taking all of the above into account and having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposal would be acceptable in design and heritage terms and accordingly would enhance the character and appearance of the Gainford Conservation Area.

70. The proposal therefore complies with Teesdale Local Plan Policies GD1, BENV4 and H12, as well as the relevant design and heritage provisions in Parts 7 and 12 of the NPPF.

Access and highway safety issues

71. Saved Local Plan policies GD1 and T2 require 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.
72. The site is served by an existing means of access from the A67, which would be widened to adoptable standards, along with the introduction of a 1.8m wide pedestrian footway to the western side. The Highways Authority advise that this access is suitable to serve the development, subject to the maintenance of visibility splays, which would necessitate removal of the Ash tree adjacent the site entrance.
73. It is also advised that following the receipt of amendments to the scheme, the development would comply with the Council's established residential car parking standards. This is with the exception of plot no.16 where an additional hardstanding space should be provided or the garage omitted. This can be addressed by a condition. Conditions would also be necessary to ensure the retention of parking spaces and for the submission of full engineering details of the road layout.
74. Overall based on the advice of the Highways Authority the proposal is acceptable in highways terms and complies with Teesdale Local Plan policies GD1 and T2.

Ecology

75. An ecology survey has been submitted with the application. No signs of bats were detected within the buildings on the application site; however bats were observed roosting in a building to the south outside the site. Bats are a protected species. No other protected species were detected within the site and apart from the hedgerows adjacent to the site boundaries. No other BAP Priority Habitats were identified.
76. The County Ecologist has viewed the survey and has not raised any objections subject to the implementation of mitigation and compensatory measures detailed in the reports. This includes compensatory hedgerow planting, avoiding vegetation clearance during the bird breeding season and ensuring external lighting is appropriate. It will be necessary to ensure the recommendations are secured by a condition, which will also require details of any external lighting, particularly in respect of the bat roost to the south. Subject to these conditions the Council can satisfy its obligations under the Conservation of Habitats & Species Regulations 2010 and the proposal would comply with Teesdale Local Plan Policy ENV8 and NPPF para 118.

Flooding and Drainage

77. It was initially thought that the application site was located within the Environment Agency's flood zone 2. However, following further modelling and detailed surveys of the site and surrounding land, the Environment Agency has confirmed that the site is within Flood Zone 1, with the lowest risk of flooding. No objections are therefore raised from the Agency in this respect. The Council's Drainage Section have advised that subject to restricting surface water runoff to greenfield rates and securing the final drainage layout by condition, no objections are raised.
78. Northumbrian water also raise no objections in relation to surface water, again requesting that the final drainage layout is detailed by condition. In relation to foul drainage, it is highlighted that the sewage treatment works in Gainford are at capacity and would require

upgrading to accommodate additional flows. Although no upgrade works are programmed, it is advised that should the development come forward the upgrade works would commence. Based on the comments of Northumbrian Water it is considered likely that the capacity issue will be resolved, but the timing of the upgrade works is a matter for Northumbrian Water and the applicant to resolve outside of the planning system.

Other Issues

79. The Environmental Health Section has recommended conditions relating to working hours and construction activities. While recognising that the Environmental Health Section have additional controls outside of planning that deal with noise nuisance and other construction related disturbances, there would be significant demolition and remedial site works and there are neighbouring residential properties to the west, so some form of control is necessary. The issues raised by the Environmental Health Section could however all be dealt with under a single condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties. The Environmental Health Section has also recommended that upgraded glazing may be required for the new properties facing the A67 to mitigate traffic noise. These mitigation measures are minor and are likely to be easily addressed. Accordingly this can be dealt with by a condition requiring a noise impact assessment to determine the final details.
80. The Contaminated Land Section have noted that the development would result in “a more sensitive end user” but are satisfied that a conditional approach to site investigation and any necessary remedial work would be appropriate in this case.
81. Planning plays a key role in helping to reduce 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. The development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures. A condition requiring this is therefore necessary.

CONCLUSION

82. Development of this site for housing would not conform to the development plan in respect of its industrial allocation and location outside the development limits of Gainford, however, the development plan is out of date in these respects and when the proposal is assessed against all elements of sustainable development set out in the NPPF, it is considered that the scheme would represent a sustainable form of development, in accordance with the aims of the NPPF, and is therefore considered acceptable in principle.
83. The proposed re-development of the site, including the demolition, would facilitate the most significant building on the site being brought back into a viable use, and as a whole it is considered that the scheme would have a positive impact on the area and would enhance the character and appearance of the Gainford Conservation Area, in accordance with the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national and local planning policy.
84. The development would also be acceptable in relation to issues of highway safety, ecology, drainage and amenity, subject to a number of conditions.

29. All representations have been considered, however taking all matters into account, it is felt that the proposal is acceptable in planning terms subject to the suggested conditions.

RECOMMENDATION

That the application is **Approved** subject to the completion of a Section 106 Legal Agreement to secure the provision of 3 affordable housing units and the dedication of a Public Open Space area adjacent to the site.

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:

Proposed Site Plan, Drg no. 13-080 sk02 Rev F, Dated August 2015
Proposed Elevations, Drg no. 15 28 04 Rev B Dated 23.04.15
Proposed House Type A, Drg no. 13-080 1210, Dated June 2015
Proposed House Type B, Drg no. 13-080 1211, Dated June 2015
Proposed House Type C, Drg no. 13-080 1212, Dated June 2015
Proposed House Type D, Drg no. 13-080 1213, Dated September 2014

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Notwithstanding any description of the materials in the application, no development other than preliminary site excavation and remediation works shall commence until samples or precise details of the materials to be used in the construction of any external surface and hard standing of the development hereby have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BENV4 and H12 of the Teesdale District Local Plan.

4. 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 order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity of the Conservation Area, in accordance with policies GD1, BENV4 and H12 of the Teesdale District Local Plan.

5. No development approved by this permission other than demolition, preliminary site excavation and remediation works shall commence until full details of the means of access, including the layout, construction details and surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: In the interests of highway safety and setting and appearance of the Conservation Area in accordance with Policies GD1, BENV4, H12 of the Teesdale District Local Plan

6. Notwithstanding the submitted information an additional hardstanding space for plot no. 16 shall be provided or the detached garage shall be omitted, in accordance with a revised site layout plan to be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved plan.

Reason: In order to provide sufficient in curtilage car parking in the interests of highway safety in accordance with Policies GD1 of the Teesdale District Local Plan

7. Notwithstanding the submitted information, prior to the construction of the dwellings hereby approved the Ash tree adjacent to the site entrance shall be removed and the visibility splays depicted on the Proposed Site Plan, Drg no. 13-080 sk02 Rev F, Dated August 2015 shall be laid out and maintained thereafter.

Reason: In order to achieve a satisfactory access in the interests of Highway Safety highway safety in accordance with Policies GD1 of the Teesdale District Local Plan

8. No development other than demolition, preliminary site excavation and remediation works shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan based details of the following:

- Trees, hedges and shrubs scheduled for retention.
- Details of planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Seeded or turf areas, habitat creation areas and details etc.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The approved landscaping scheme shall be implemented in the first planting season following the substantial completion of the development. Trees, hedges and shrubs part of the approved scheme shall not be removed without agreement within five years.

Reason: In the interests of the character and appearance of the Conservation Area in accordance with Policies GD1, ENV1, BENV4, and H12 of the Teesdale District Local Plan.

9. No development approved by this permission other than demolition, preliminary site excavation and remedial works shall commence until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and implemented in accordance with the approved scheme and timings thereafter.

Reason: In the interest of the adequate disposal of surface water in accordance with Policy GD1 of the Teesdale District Local Plan.

10. No development approved by this permission other than preliminary site excavation and remedial works shall commence before an acoustic report, in accordance with BS 8233 and the WHO Guidelines on community noise, has been submitted to and 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 dwellings hereby approved and permanently retained thereafter.

Reason: In the interests of the residential amenity of future occupants in accordance with policies GD1 of the Teesdale District Local Plan.

11. Notwithstanding the provisions of Schedule 2, Part 2, Class A, of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no fence or means of enclosure other than hereby approved shall be erected forward of any wall of the dwellings hereby approved fronting onto a highway.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of the character and appearance of the Conservation Area, in accordance with policies GD1, BNV4 and H12 of the Teesdale District Local Plan.

12. No development approved by this permission other than preliminary site excavation and remedial works shall commence until 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 and retained while the development is in existence.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy GD1 of the Teesdale District Local Plan and part 10 of the National Planning Policy Framework.

13. No development, including demolition and preliminary site works, shall take place until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period. The Construction Management Plan shall provide for:

- i. the timing of construction works
- ii. parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. measures to control the emission of dust and dirt during construction

Reason: In the interests of residential amenity, visual amenity and highway safety in accordance with policy GD1 and BENV4 of the Teesdale District Local Plan

14. No development shall be carried out unless in accordance with the mitigation and detailed within the Ecological Survey and Assessment compiled by ERAP Consultants, Dated April 2014 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

Reason: To ensure the preservation and enhancement of species protected by law in accordance with Policies GD1 and ENV8 of the Teesdale District Local Plan and part 11 of the National Planning Policy Framework.

15. No external lighting shall be installed unless the details of the lighting have first been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and retained in accordance with the approved details.

Reason: in the interests of the visual amenity of the surrounding area and to ensure the preservation and enhancement of species protected by law in accordance with Policy ENV8 and GD1 of the Teesdale District Local Plan and part 11 of the National Planning Policy Framework.

16. No development shall commence until a programme of building recording work has been undertaken in accordance with a Written Scheme of Investigation (WSI) which shall be first submitted to and approved in writing by the Local Planning Authority. The WSI should include details of the following:
- i; Methodologies for a Level 3 EH-style building record.
 - ii; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the recording work is undertaken and completed in accordance with the approved strategy.
 - iii; Monitoring arrangements, including the notification in writing to the Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - iv; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The recording work shall thereafter be carried out in accordance with the approved details and timings. Within 6 months of the site work commencing a final copy of any reporting, publication or archiving required as part of the Written Scheme of Investigation shall be submitted to the Local Planning Authority.

Reason: To comply with saved policies BENV11 of the Teesdale District Local Plan and paragraphs 135 and 141 of the NPPF.

17. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following:

Pre-Commencement

- (a) No development approved by this permission other than preliminary site excavation and remedial works shall commence until a Phase 1 Preliminary Risk Assessment (Desk Top Study) has been carried out, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out before any development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been

considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works and timescales.

Completion

- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.

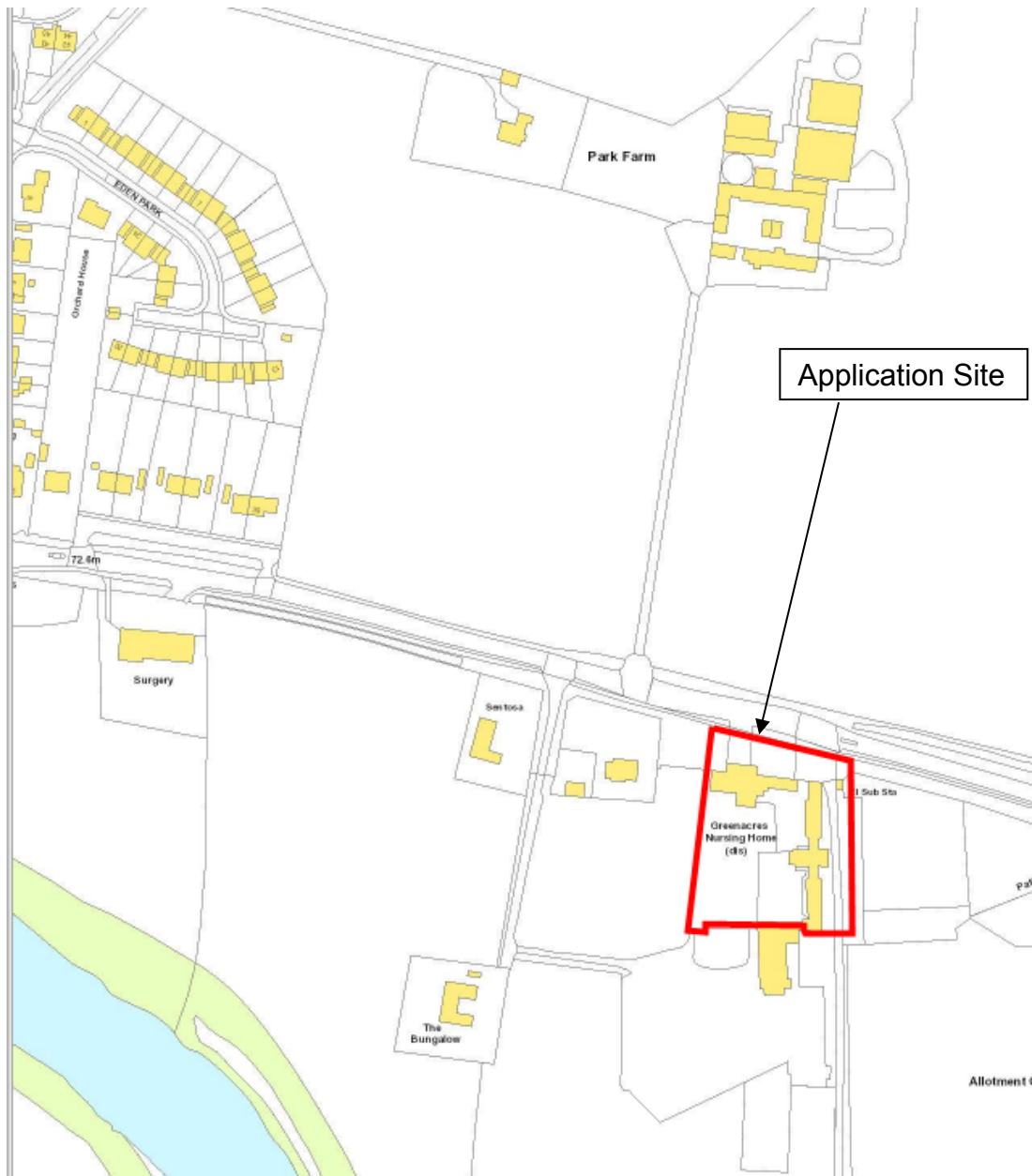
STATEMENT OF PROACTIVE ENGAGEMENT

65. In arriving at the recommendation to approve the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
Teesdale District Local Plan
National Planning Policy Framework
Consultation responses
County Durham Local Plan Submission Version
County Durham Settlement Study 2012
Employment Land Review
Application 6/2008/0391/DM





Planning Services

Part conversion and demolition of existing school to 6 apartments and erection of 10 dwellings and associated infrastructure

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Comments

Date 9th October 2015

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