

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/15/03900/FPA and DM/15/03901/LB
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of restaurant and new greenhouses within walled garden.
<b>NAME OF APPLICANT:</b>	Auckland Castle Trust
<b>ADDRESS:</b>	Auckland Castle, Market Place, Bishop Auckland, DL14 7NR
<b>ELECTORAL DIVISION:</b>	Bishop Auckland Town
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is located within the grounds of Auckland Castle, a Grade I Listed Building set within a Grade II\* Registered Park and Garden. The site is located directly to the south of the Castle, adjacent to the main entrance and the Broadwalk which provides vehicular access to the castle and public access to the parkland. The site consists of walled gardens, which are Grade II listed and measuring 1.63ha in area. To lie within the Bishop Auckland Conservation area, while the town centre lies to the north east. Commercial and residential properties are located within close proximity of the application site, a number of which are Listed.
2. There is currently no general access to the walled garden, which does not form part of the publically accessible Castle grounds. A pronounced level change across the application site is evident with the land falling 17m in a southern direction towards the river Gaunless. The site is visible from Durham Road to the west, through a tree lined embankment.

### The Proposal

3. This application seeks planning permission and listed building consent for the erection of a restaurant building and glasshouse, together with the formation of new productive winter gardens. The restaurant would primarily be used by visitors of

the Castle, Museum and Parkland and is likely to be open 9am until 4pm 7 days a week. It is also intended to hold events and functions at the site. Repair works to elements of the existing walled garden are also proposed as part of the scheme along with the introduction of a new access, formation of terraces and the removal of some historic structures, including a disused pinery/vinery.

4. The combined restaurant and greenhouse building would be enclosed within a glazed 'bubble' structure. This would consist of 13 interconnecting bubbles shapes, constructed from glass fixed over a lightweight web of steel measuring approximately 20m in length by 16.8 in width with a maximum height of 11.5m. The partially underground restaurant element would measure a maximum of 33m in length by 13.6m in width with an internal ceiling height of 3m. The restaurant would measure a total of 180sqm in area with 160sqm of kitchen and ancillary space. The greenhouse would measure 150sqm and there would be a multi-function mezzanine level (70sqm). A lift link would be provided from the adjacent elevated Boardwalk, to provide service and disabled access. The principal access would be provided via a refurbished stone stair case known as the Bishop's Stair. A secondary free standing bubble structure is proposed measuring 40m<sup>2</sup> in area to the east of the principal structure.
5. The existing Boardwalk would be cleared of vegetation and adjusted in level. It is also proposed to resurface the Boardwalk and re-introduce a camber that had been lost through previous resurfacing and repairs. The existing cobbled setts along the western edge of the Boardwalk in the proximity of the Robinson Arch would also be lifted and re-laid.
6. The development proposals form part of a number of significant schemes being developed by the Auckland Castle Trust at the present time in and around Bishop Auckland that are intended to increase the visitor attraction offer in the town. Some of the developments at the Castle are at an advanced stage having received planning permission and are intended to initiate wider heritage led Town Centre regeneration as part of the vision to make Bishop Auckland Castle a key visitor destination and sustain its long term future. This development also provides an opportunity to remove the catering facilities from the main castle itself which do not meet the current need and compromise the layout and function of the building.
7. This application is being reported to Planning Committee as it falls within the definition of a major development involving a site area exceeding 1 ha.

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## **PLANNING HISTORY**

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8. There is an extensive planning history to the site, and most recently planning permission and listed building consent has been granted for an extension and refurbishment of the castle. Planning permission has also been granted for the erection of a welcome building and viewing tower off the market place. Listed building consent has been granted for the refurbishment of elements of the existing walled garden including the repair of the perimeter brick walls.

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## **PLANNING POLICY**

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### **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), 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.
10. 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.
11. *NPPF 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.
12. *NPPF 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.
13. *NPPF 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.
14. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
15. *NPPF 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. *NPPF 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.

17. *NPPF 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.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

18. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; conserving and enhancing the historic environment; design; determining a planning application; flood risk; health and well-being; land stability; light pollution; natural environment; noise, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<http://planningguidance.planningportal.gov.uk/>

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

##### **Wear Valley District Local Plan 1997 (WVDLP)**

19. *Policy GD1 - General Development Criteria* - Identifies 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.
20. *Policy ENV4 - Historic Parkland Landscapes* – Identifies that within the areas of landscape value the council will protect and enhance the historic parkland landscapes at Auckland Castle Park. Development will not be allowed which will detract from the special historic character, landscape qualities and nature conservation interests of the parks.
21. *Policy BE1 - Protection of Historic Heritage* - Seeks to conserve the historic heritage of the area by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
22. *Policy BE4 - Setting of a Listed Building* - Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.

23. *Policy BE5 - Conservation Areas* – Sets out that the character of Conservation Areas will be protected from inappropriate development.
24. *Policy BE6 - New Development and Alterations* – Sets out that the Council will permit new development and alterations within Conservation Areas provided it preserves or enhances the character of the area in terms of scale, bulk, height, materials, colour, vertical and horizontal emphasis and design; and the proposal will use external building materials which are appropriate to the conservation area.
25. *Policy BE17 - Areas of Archaeological Interest* - Requires a pre-determination archaeological assessment where development affects areas of archaeological interest. Where possible the remains will be preserved in-situ.
26. *Policy TM1 - Criteria for Tourist Proposals* – Sets out that the Council will encourage schemes which provide tourism facilities provided that are of a scale and intensity compatible with their surroundings, can be absorbed into the landscape, safeguard nature conservation interests, can be accessed safely, adequate parking facilities are provided and the scale of the development does not affect the amenities of local residents.
27. *Policy T1 - General Policy, Highways* - All developments which generate additional traffic will be required to fulfil Policy GD1 and : provide adequate access to the developments; not exceed the capacity of the local road network; and be capable of access by public transport networks.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan>*

#### **EMERGING PLAN:**

28. 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 18 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 has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

29. *Historic England* – Has no objections, advising that the walled garden is an important element in the significance of the grade II\* registered park and garden of Auckland Park. It is advised that the proposal introduces a contemporary take on walled gardens that reflects and is sympathetic to its historic character. In doing so its contribution to the significance of the registered parkland and the public

appreciation of Auckland Castle is greatly enhanced in line with NPPF aims. Conditions are recommended to control the quality of the finished scheme.

30. *Highway Authority* – Has no objection, advising that the location is sustainable being in close proximity to the Market Place and walking distance to car parks and public transport.
31. *Northumbrian Water* - Offer no comments on the planning application.
32. *Coal Authority* – Has no objections but recommend a condition requiring further site investigation work and mitigation measures where appropriate.
33. *Bishop Auckland Town Council* – No comments received.
34. *The Garden History Society* – No comments received.

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

35. *Design and Conservation Section* – Has no objections, advising that the walled garden of Auckland Castle is an intrinsic part of the significance of the wider estate and plays a considerable role in linking together a series of spaces and in the setting of nationally significant listed buildings. Whilst the loss of rare and significant fabric in the form of the former pinery/vinery structures is regrettable, mitigation is proposed in the form of recording which will also advance the understanding of such structures and wider garden history. A clear argument of the public benefits associated with this scheme has been presented which considerably outweigh the less than substantial harm caused by the proposal ensuring conformity with NPPF guidance. The proposed design solution is a contemporary take on walled gardens and their form and evolution. It is highly ambitious and in places slightly experimental but is firmly rooted in the history of engineered garden structures which is so much a part of the history of Britain. This bold approach is to be welcomed, although the immediate impact should not be underestimated. Robust conditions are required should the application be approved to ensure that the promise of the development is delivered in reality.
36. *Landscape Section* – Has no objection advising that the development would be consistent with the character of walled gardens of this type. While the form of the new building doesn't reflect the language of the built form around it, or the rectilinear grain of the walled garden itself, it would have an organic quality that would visually associate with the tree canopies of the surrounding parkland landscape. The existing vegetation along the Broadwalk is the result of sporadic and unplanned planting which creates visual clutter and obscures the Wyatt screen, but also gives an organic foil to the surrounding architectural order. It is advised that while not part of an original design, the trees have been planted as a response to the space in the past and their loss may be strongly felt by those who have an attachment to the castle and park. It is recommended that adopting a phased approach to re-structuring the planting.
37. *Archaeology Section* – Advise that although the proposed scheme would result in substantial harm to some heritage elements of the Walled Garden, including the demolition of the pinery/vinery structures there are substantial public benefits

arising from the proposed scheme in accordance with NPPF. Conditions are recommended in relation to archaeological recording of the site,

38. *Environmental Health (Pollution Control)* – Raise concerns about the potential for noise generation from the building due to its proposed use for events and functions in addition to the intended restaurant use. It is recommended that a conditional approach be adopted requiring a noise mitigation/management plan to be submitted informed by a noise impact assessment. Conditions to control the impacts of the construction phase of the development are also recommended.
39. *Ecology Section* – Advise that the development is unlikely to impact on protected species, however the mitigation detailed in the submitted in the bat survey report should be secured by condition.
40. *Environmental Health (Land Contamination)* – Advise a conditional approach to deal with potential land contamination.
41. *Drainage and Costal Protection Section* – Advise that full details of the means of surface water drainage from the site should be controlled by condition ensuring the use of sustainable drainage techniques and limiting run off rates.

#### **PUBLIC RESPONSES:**

42. The application has been publicised by way of press and site notices, and individual letters to neighbouring businesses and residents. Two letters have been received one raising objections and one offering support for the scheme.
43. The letter of objection relates to the lack of car parking within the vicinity of the site which leads to parking on the public highway and neighbouring residential streets. It is suggested that increased traffic would make this situation worse. It is recommended that residents parking permits should be introduced.
44. The letter of support identifies that the development will retain the historic elements of the gardens but bring their use into the 21<sup>st</sup> century, attracting visitors to the town and the enjoyment of town residents.

*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://www.durham.gov.uk/article/3272/Wear-Valley-District-Local-Plan> and <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NZJNMQGDFR500>*

#### **APPLICANTS STATEMENT:**

45. Auckland Castle Trust envisage that The Walled Garden redevelopment will be one of the key elements that will drive visitor numbers for the Castle. Not only will the planted garden area be an attraction but the new greenhouse structures and dining opportunity will considerably add to the overall castle offer.
46. The Walled garden will also need to deliver a significant contribution to the overall running costs of the Castle estate and assist in making the Castle sustainable in the long term.
47. The Walled Garden is being brought back into use through a number of key steps

- a. The refurbishment of the walls, the majority of which has now been completed.
- b. The construction of a stunning modern interpretation of a greenhouse designed by the Japanese architects Sanaa along with a new restaurant.
- c. The re planting of the garden with plants, fruit trees and vegetables. The produce from the gardens will be utilised within the catering facilities across the castle estate.

48. Auckland Castle Trust are confident that The Walled Garden will add to the attractiveness of the castle to a wider audience and with the changing of the seasons and appropriate planting add to the chances of repeat visits.

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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 relate to the principle of development, visual impact and impact on heritage assets, the amenity of adjacent land uses, highway safety, ecology and other issues.

### The Principle of Development

50. Saved Policy TM1 of the Wear Valley District Local Plan (WVDLP) sets out that schemes which provide tourism facilities will be considered acceptable in principle, subject to a scrutiny of their potential impacts. These detailed impacts are assessed below, but the expansion of the existing tourism attractions in this location is considered acceptable in principle and supported by Local Plan TM1.
51. Paragraph 215 of the NPPF sets out that local planning authorities are only to afford existing local plan policies weight insofar as they accord with the NPPF (the greater consistency, the greater the weight that may be given). In this respect it is considered that policy TM1 is consistent with the NPPF which also seeks to promote tourism development in appropriate locations. Significant weight can therefore be afforded to policy TM1 in the decision making process.
52. At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the 3 dimensions of sustainable development defining these in terms of its economic, social and environmental roles. In assessing the development in this context, it is recognised that the proposal has the opportunity to significantly contribute to the economic, social and environmental roles of sustainable development.
53. The proposal is one of a number of significant schemes being developed by the Auckland Castle Trust at the present time in and around Bishop Auckland that are intended to increase the visitor attraction offer in the town. The proposed development forms an integral part of this wider package of proposals and is considered likely to have a positive impact on the vitality and viability of the town centre in line with the aims of the Local Plan and the NPPF.



54. In addition to this a key component of the Auckland Castle project is the intention to develop a sustainable strategy to contribute to the overall financial viability of the Trust's attractions going forward. The revenue generated from the proposal would be reinvested into the wider site managed by Auckland Castle Trust helping to safeguard key heritage assets, and contributing significantly to the environmental dimension of sustainable development.
55. The development of a tourist facility in this location is therefore considered acceptable in principle when assessing against Local Plan policy TM1 and has the potential to significantly contribute to the economic, social and environmental dimensions of sustainable development set out in the NPPF subject to a detailed analysis of the impacts of the development.

#### Visual Impact and Impact on Heritage Assets

56. WVDLP policies BE1, BE4 and BE5 seek to preserve the historic environment, particularly the character and appearance of Conservation Areas, the setting of Listed Buildings and the protection of historic parklands. These policies reflect the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S66 requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. S72 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. These policies are considered broadly consistent with the NPPF which seeks to conserve or enhance heritage assets in a manner appropriate to their significance and putting them to viable uses consistent with their conservation, while recognising some level of harm can be considered acceptable in the planning balance. Policies BE1, BE4 and BE5 of the WVDLP can therefore be afforded significant weight in the decision making process.
57. The Auckland Castle complex, archaeology and surrounding parkland all combine to make the site of regional and national significance. It contains numerous heritage designations including the grade I listed principal palace buildings, as well as a range of other grade I and II listed structures, the impact on which needs to be considered. The site also lies within the recently reviewed Bishop Auckland Conservation Area which is covered by an adopted conservation area appraisal. The entire site along with the associated buildings lie within the grade II\*Auckland Castle historic park and garden.
58. The walled garden itself is grade II listed that has evolved over time as gardening practices and fashions have changed. This is closely associated to the national horticulture practices of previous Prince Bishops and their growth of exotic fruits. The vinary/pinery arrangement is an example of technical innovation of its time and although this has been largely lost the remaining structures have considerable evidential value. The aesthetic value of the walled garden, in particular its contribution to wider designed views is of high value, because of the prominent location of the garden in relation to the main building.
59. In assessing the impact of the development the Council's Design and Conservation Section note that the walled garden is an intrinsic part of the significance of the wider estate. It is accepted that there will be loss of rare and

significant fabric in the form of the former pinery/vinery structures. As part of the scheme although the intended recording of the site will provide some compensation and advance the understanding of such structures and wider garden history. It is considered that a clear and convincing argument of the public benefits associated with this scheme, including the increased public access and securing heritages assets of greater significance, has been presented which considerably outweighs the less than substantial harm caused by the proposal.

60. From a design perspective the proposed building would be bold and innovative but it is considered to provide an appropriate contemporary take on walled gardens and their form and evolution. The Design and Conservation Section advise that this approach is welcomed in the context of the site although the detailing will be important and conditions are recommended to ensure that the quality of development is delivered.
61. Historic England, the statutory consultee for applications of this nature also support the scheme noting that the retention of the pinery/vinery remains was not possible in part due to the need to site the glass house away from the line of the main entrance of the Castle. It nevertheless advises that the overall impact upon heritage assets is viewed as overwhelmingly positive as the restaurant would be a key component of the new use of the site and its design is innovative and engaging. It is advised that the proposals accord with sections 58 and 131 of the NPPF, which recognises the benefits that conservation and new design can make to local communities and the economy.
62. In respect of the impact on landscape character, including the registered parkland, the Councils' Landscape Section advise that the development would be consistent with the character of walled gardens of this type. While the form of the new building doesn't reflect the language of the built form around it, or the rectilinear grain of the walled garden itself, it would have an organic quality that would visually associate with the tree canopies of the surrounding parkland landscape. On balance the effect of adding an iconic greenhouse structure to the walled garden is considered to have a beneficial impact on its character and appearance and would not be out of keeping with the character of the extended registered park. The tree clearance and reinstatement works on the Broadwalk would introduce a noticeable change to the public approach around the Castle. However the existing trees and shrubs have largely arisen out of unplanned and sporadic planting which has not had due regard to the historic setting and pattern of the Castle. The move towards earlier known lines and spaces is therefore welcomed although it is accepted that the loss of the familiar may not be universally well received by those using the Park. It is recommended that a phased approach to removal, re-structuring and planting along the Broadwalk is adopted.
63. In terms of Archaeology, Local Plan Policy BE17 and part 11 of the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. In this respect it is highlighted that the site is considered likely to yield significant archaeological evidence of past activity. Accordingly the applicant has submitted an Archaeological Evaluation, which has been informed by trial trenching and ground works. In appraising the submitted reports the Councils Archaeology Officer advises that the Auckland Castle Trust's approach to below ground archaeology and the recording of the pinary/vinary

structures is appropriate. A condition requiring further investigation and recording is recommended.

64. In appraising the scheme against the above policy context taking into account the advice of statutory and internal consultees received, it is considered that the applicant has robustly set out why the development proposals have been pursued in this form. The driving force has been the reduction of pressure on the most significant elements of the estate and the careful balancing of the need for commercial and support activities required for such a business and attraction. It is recognised that less than substantial harm would arise through elements of the development proposals, including the loss of the pinary/vinary structures and changes to the historic setting of the site. However the overall balance is considered positive and the design represents an appropriate addition to the historic environment. Through a programme of repair and restoration supplemented by the construction of new facilities, the Walled Garden would be brought back into use and opened up to the public. This would give it a long term viable use, yield an income stream for its maintenance and provide facilities that would be difficult to accommodate elsewhere in the Castle complex without causing greater harm to heritage assets of higher significance. The proposal is therefore considered to conform to policies GDP1, BE1, BE4, BE5, BE6 and BE17 of the WVDLP and part 11 of the NPPF in this respect.

#### Residential Amenity

65. Policy GDP1 of the WVDLP requires that consideration be given to the potential impacts of development on the amenity experienced by surrounding land users, particularly residential dwellings. While policy TM1 sets out that the scale and intensity of tourism facilities should be compatible with their surroundings. These policies are considered NPPF compliant with a core planning principle at paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 11 of the NPPF requires developments to avoid noise giving rise to significant adverse impact on health and quality of life.
66. In this respect the proposed building would be located approximately 100m from the nearest non-involved residential property. Concerns have been raised by the Council's Environmental Health Section in relation to the potential for noise generation from the building given its proposed use for events and functions in addition to the restaurant use. In this respect the applicant has advised that there may be instances when functions extend until midnight and that it is anticipated that there would be at least one function per week over and above the restaurant use. The proposed floor layout identifies that the majority of the function space would be set under a mezzanine floor in an underground element, enclosed by a glass screen. This would help in controlling noise escape although it is recognised that the more open elements of the building could propagate noise. Responsible management of the building will be a key factor in preventing the creation of nuisance. As such it is recommended that a condition be imposed requiring the implementation of a noise management plan that aligns with the required premises licence, informed by a noise impact assessment. It is advised by the Council's Environmental Health Section that appropriate mitigation would be achievable, which may include restricting certain activities at specific locations within the building.

67. Although the proposed developments would facilitate an increase in visitor numbers to the castle complex it considered that there would be unlikely to be any significant increase in noise and disturbance given the current visitor attractions on the site, including and within the publically accessible historic park land. Visitors to the facilities would also arrive mainly on foot as now. The site is also situated within the town centre market place where there is an active night time economy with an established level of noise and disturbance.
68. It is recognised that the Environmental Health Section has additional controls outside of planning that deal with noise nuisance and other construction related disturbances. However, given the proximity of neighbouring residential properties and the extensive ground works required in association with the proposal it is considered that some form of planning control is necessary. It is therefore recommended that a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties is submitted.
69. Overall subject to the above conditions it is considered that the development would not give rise significant adverse impact on neighbouring land users and therefore would comply with policies GDP1 and TM1 of the WVDLP and part 11 of the NPPF in this respect.

#### Highway Safety

70. WVDLP Policies GD1 and TM1 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. These policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application.
71. The site is accessed from the public highway via the Robinson Archway and Broadwalk, this existing internal highways layout would serve the proposed development without modification. The Council's Highways Authority offer no objections to the scheme in this respect and there a significant number of public car parks across the town centre that can be utilised to access the site and there are also traffic regulation orders to restrict on street car parking nearby.
72. Whilst local residents concerns are noted in relation to potential overspill of parking onto residential streets, given the lack of objection from the Highway Authority this matter is not considered sufficient to resist the application. Car parking within the town centre is available and a car park is being adapted and extended to serve Auckland Castle developments.
73. It is recommended that further consideration is given to construction access arrangements, to prevent the blocking of the highway and secondly to protect the integrity of Listed structures in proximity of the access. It is proposed to deal with this matter by condition, recognising that consideration of a separate application for a temporary access through the Historic Parkland is currently being considered.

74. Overall the development is considered to be served by an appropriate level of car parking within the Town Centre and conforms to policies GD1 and T1 of the WVDLP and NPPF in this respect.

#### Flooding and Drainage

75. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where.
76. The application site is located within flood zone 1 with the lowest probability of flooding. A drainage strategy has been submitted along site the application highlighting that surface water will be stored in an attenuation tank and utilised in the irrigation of the garden. The remained will be discharged to the river Gaunless at a greenfield run off rate. The Council's Drainage and Coastal Protection Section offer no objections to this approach subject to a condition requiring the full detailing of the final system. Waste water would connect to the existing main sewerage network, Northumbrian Water offer no comments on the application.

#### Ecology

77. Paragraph 11 of the NPPF requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the Councils Ecology Section offers no objection to the scheme advising that application has adequately assessed the risk of protected species, which considered acceptable subject to the mitigation detailed the Ecology report. The proposed mitigation includes the implementation of a method statement restricting works to the existing wall between May to August and November to March. Therefore, it is considered that the granting of planning permission would not constitute a breach of the Conservation of Habitats & Species Regulations 2010. A licence from Natural England would not be required in relation to the proposed works.
78. The application site lies within the Coal Authorities High Risk Area in relation to previous coal mining activity. The Coal Authority recommends that further investigative works should be undertaken to identify whether any mitigation is required to stabilise the land. A condition requiring further site investigation work and mitigation measures where appropriate is recommended.
79. The application has been screened by the Council's Contaminated Land Officer, who advises that given the nature of the proposal and historical uses a conditional approach to deal with potential land contamination would be appropriate.

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## CONCLUSION

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80. The scheme is one of a number of heritage led proposals by the Auckland Castle Trust intended to facilitate the development of the Castle and wider regeneration of the Market Place to increase its cultural economic and social performance. The proposal has been considered against relevant policies of the development plan and the NPPF and is considered to provide a development of high architectural quality that can be successfully integrated within the surrounding Historic Environment in design terms.
81. While the proposed development would have some negative impacts on the historic environment, including the removal of existing pinary/vinary structures these are considered to represent less than substantial harm when tested against NPPF guidance. When considered in the context of the substantial public benefits which result from these proposals including sustaining it in beneficial use and affording access to internationally important cultural facilities then the degree of harm is considered to be justified.
82. The proposal safeguards nature conservation interests and is acceptable in highway safety terms subject to the recommended conditions. Subject to a scheme of further archaeological recording and monitoring any potential harm in this respect could also be satisfactorily mitigated. The scheme would also deal with any potential unstable land subject to further site investigation work and mitigation measures secured by condition. The works are essentially contained within the existing castle complex and subject to developing a noise mitigation/management plan the development would safeguard residential amenity.

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## RECOMMENDATION

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That the application is **Approved** subject to the following conditions:-

That the application DM/15/03900/FPA is **Approved** subject to 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 and documents:

Walled Garden Master Plan, Drwg no. 400 rev D, dated 26<sup>th</sup> August 2015  
Walled Garden Master Plan, Drwg no. 401 rev D, dated 26<sup>th</sup> August 2015  
Irrigation layout, Drwg 404 rev A, dated 11<sup>th</sup> December 2015  
Auckland Castle Walled Garden Mezzanine Level Plan, Ref 201  
Auckland Castle Walled Garden Restaurant Level Plan, Ref 202  
Auckland Castle Walled Garden General Section, Ref 210  
Auckland Castle Walled Garden General Section, Ref 211

Auckland Castle Walled Garden Restaurant Level Plan, Ventilation, Ref 250  
Auckland Castle Walled Garden Restaurant Floor Finishes, Ref 255  
Auckland Castle Walled Garden Handrail Detail, Ref 301  
Auckland Castle Walled Garden Bubble Envelope Detail, Ref 350  
Auckland Castle Walled Garden Bubble Envelope Ventilation Detail, Ref 351  
Auckland Castle Walled Garden Bubble Envelope Ventilation, Ref 352  
Auckland Castle Walled Garden Bubble Garden Plan – Gate description, Ref 701  
Auckland Castle Walled Garden, Garden Plan: Type 2, acrylic doors Type 2 A, Ref 702  
Proposed Bishop's Steps, Drawing no. 203  
Proposed BroadWalk Landscape Plan, Dated November 2015  
Broadwalk Landscape Sections, Ref 451, Dated November 2015  
Broadwalk Landscape Sections, Ref 452, Dated November 2015  
Broadwalk Landscape Sections, Ref 453, Dated November 2015  
Broadwalk Landscape Sections, Ref 454, Dated November 2015  
Broadwalk Landscape Sections, Ref 455, Dated November 2015  
Broadwalk Landscape Sections, Ref 456, Dated November 2015  
Broadwalk Landscape Sections, Ref 457, Dated November 2015  
Broadwalk Landscape Sections, Ref 458, Dated November 2015  
Broadwalk Landscape Sections, Ref 459, Dated November 2015  
Broadwalk Landscape Sections, Ref 460, Dated November 2015  
Broadwalk Landscape Sections, Ref 461, Dated November 2015  
Broadwalk Landscape Sections, Ref 462, Dated November 2015  
Broadwalk Landscape Sections, Ref 463, Dated November 2015  
Broadwalk Landscape Sections, Ref 464, Dated November 2015  
Lodge Wall Section 201, DRWG 421 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 202, DRWG 422 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 203 & 204, DRWG 423 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 205, DRWG 424 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 206 & 207, DRWG 425 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 208, DRWG 426 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 209, DRWG 427 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 210, DRWG 428 Rev A, Dated 11<sup>th</sup> December 2015  
Site Section 101 North Wall, DRWG 101 Rev B, Dated 28 August 2015  
Site Section 102 East Wall, DRWG 102 Rev A, Dated 28 August 2015  
Site Section 103 West Wall, DRWG 103 Rev A, Dated 28 August 2015  
Site Section 104 South Wall, DRWG 104 Rev A, Dated 28 August 2015  
Site Sections Cross Wall, DRWG 105 Rev B, Dated 28 August 2015  
Site Section 106 Central East, DRWG 108 Rev A, Dated 28 August 2015  
Site Section 107 Central West, DRWG 107 Rev B, Dated 28 August 2015  
Sloping Steps Detail, DRWG 310 Rev B, Dated 17<sup>th</sup> March 2015  
Typical Doorway Brick Detail, DRWG 311 Rev C, Dated 5<sup>th</sup> March 2015  
Typical Doorway Rubble Faced Wall, DRWG 312 Rev C, Dated 5<sup>th</sup> March 2015  
MEP Services Note for Planning, issue 1 dated 9<sup>th</sup> December 2015  
Structural Design, Ref 238883-PlanSun-S, Issue 1 December 10<sup>th</sup> 2015

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies GD1, EN4, BE1, BE3, BE5, BE6, TM1 and T1 of the Wear Valley District Local Plan.*

3. Notwithstanding any description of the materials in the application, no development other than preliminary site excavation, remediation and

archaeological mitigation 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 approved 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.

*Reason: In the interests of the visual amenity of the Conservation Area in accordance with policies GD1, EN4, BE1, BE3, BE5, BE6 and TM1 of the Wear Valley District Local Plan and part 11 of the NPPF.*

4. No development shall take place unless in strict accordance with the Mitigation detailed in Section 6 of the updated Bat Survey Report (DWS Ecology, dated 11<sup>th</sup> October 2015)

*Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.*

5. No development other than preliminary site excavation, remediation and archaeological mitigation works shall commence until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority. The aim of the assessment shall be to identify the potential noise breakout from the structure hereby approved and its impact on noise sensitive receptors. Should the assessment find that the noise level from amplified music be above a Noise rating curve of 20 Leq (BS 8233:2014) at noise sensitive receptors, a scheme of noise mitigation/management measures shall be submitted to and approved in writing by the local planning authority. The development thereafter shall be carried out in accordance with the approved mitigation measures.

*Reason: To safeguard the amenity of neighbouring land users in accordance with policy GDP1 and TM1 of the Wear Valley District Local Plan and part 11 of the NPPF.*

6. Notwithstanding the submitted information, details of the height, type, position and angle of any external or architectural lighting shall be first submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be implemented and maintained in accordance with the approved details.

*Reason: In order to protect the Character and appearance of the Conservation Area, setting of the listed building in accordance with policies TM1, BE1 and BE5 of the Wear Valley District Local Plan.*

7. Notwithstanding the submitted information, no development other than preliminary site excavation, remediation and archaeological mitigation works shall commence until full details of the means of fume extraction from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the abatement of odour and noise from the commercial kitchen. The approved scheme shall be installed prior to the use commencing and retained thereafter.

*Reason: To safeguard the amenity of neighbouring land users in accordance with policy GDP1 and TM1 of the Wear Valley District Local Plan and part 11 of the NPPF.*



8. Notwithstanding the submitted information, no development other than preliminary site excavation, remediation and archaeological mitigation works shall commence until, a detailed site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The report shall consider the risk of unstable land in relation to historic coal mining activity and make provision for mitigation measures in line with the findings of the investigation report. The development shall be carried out in accordance with the approved report and mitigation measures.

*Reason: In order to ensure the future stability of the site in accordance aims of the National Planning Policy Framework.*

9. Notwithstanding the submitted information, prior to ground and/or construction works commencing a Construction Management Plan shall be submitted to and approved in writing with the Local Planning Authority. The scheme shall include:-
- 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. Measures to control the emission of dust and dirt during construction Details of the delivery arrangements of construction materials.
  - vi. The storage location of construction materials on site.
  - vii. Measures for the protection of existing buildings and structures on site from delivery vehicles and construction works.

The development shall be carried out in accordance with the approved Construction Management Plan thereafter.

*Reason: - In the interests of highway safety and to the protection of the historic environment, in accordance with policies BE1, BE5, T1 and GD1 of the Wear Valley District Local Plan and Part 11 of the National Planning Policy Framework.*

10. Notwithstanding the submitted information, no development other than other than preliminary site excavation, remediation and archaeological mitigation 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 detailing of the following:
- Details of planting species, sizes, layout, densities, numbers.
  - Details of seeded or turf areas.
  - The formation of any new boundary treatment also including access gates and pedestrian handrails.
  - Details of any new hard standing area, including materials to be used.
  - A time frame for the implementation of the landscaping scheme.

The landscaping scheme shall be implemented in accordance with the approved details thereafter.

*Reason: In the interests of the visual amenity of the Conservation Area and setting of the Listed Building in accordance with policies GD1, EN4, BE1, BE3, BE5, BE6 and TM1 of the Wear Valley District Local Plan.*

11. Notwithstanding the requirements of condition no.10, no tree shall be removed from the Broadwalk until a phasing approach to the removal and re-structuring of planting along the Broadwalk has been submitted to and approved in writing by the Local Planning Authority. The vegetation removal and re-structuring shall thereafter be carried out in accordance with the approved phasing details.

*Reason:- In the interests of the visual amenity of the Conservation Area and setting of the Listed Building in accordance with policies GD1, EN4, BE1, BE3, BE5 and BE6 the Wear Valley District Local Plan.*

12. The development hereby approved shall be carried out in accordance with the archaeological mitigation written scheme of investigation compiled by Durham University Archaeological Services (Ref PC15.497) Dated November 2015. Prior to the development being occupied, a copy of the report on any analysis, and/or publication shall be submitted to The Local Planning Authority as part of the mitigation strategy. This may include full analysis and final publication.

*Reason:- To comply with para. 141 of the NPPF: to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost.*

13. Notwithstanding the submitted information, no development other than other than preliminary site excavation, remediation and archaeological mitigation 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 submitted scheme shall be based on the principles of the Drainage Strategy ref 0-01-08, Dated 11<sup>th</sup> December 2015. 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 foul and surface water in accordance parts 10 and 11 of the NPPF.*

14. Prior to the relaying of the cobbles adjacent to the Robinson Arch, a sample of the relayed cobbles, to include the bedding and grouting materials shall be prepared and then subsequently approved in writing by the Local Planning Authority. The cobbles shall be relayed in accordance with the approved details thereafter.

*Reason: In order to protect the Character and appearance of the Conservation Area, setting of the listed building in accordance with policies BE1 and BE5 of the Wear Valley District Local Plan and part 11 of the NPPF.*

15. Notwithstanding the submitted information, full details of the material and design of the proposed handrail to be erected on the bishops stair based on the principles set out in Drawing no. 203, Proposed Bishop Steps shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

*Reason: In order to protect the Character and appearance of the Conservation Area, setting of the listed building in accordance with policies BE1 and BE5 of the Wear Valley District Local Plan and part 11 of the NPPF.*

- 16 No development other than other than preliminary site excavation, remediation and archaeological mitigation works shall 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, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

### **Pre-Commencement**

- (a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), 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 by competent person(s) 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 by competent person(s). 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.

### **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.

And that the application DM/15/03901/LB is **Approved** subject to 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

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

Walled Garden Master Plan, Drwg no. 400 rev D, dated 26<sup>th</sup> August 2015  
Walled Garden Master Plan, Drwg no. 401 rev D, dated 26<sup>th</sup> August 2015  
Irrigation layout, Drwg 404 rev A, dated 11<sup>th</sup> December 2015  
Auckland Castle Walled Garden Mezzanine Level Plan, Ref 201  
Auckland Castle Walled Garden Restaurant Level Plan, Ref 202  
Auckland Castle Walled Garden General Section, Ref 210  
Auckland Castle Walled Garden General Section, Ref 211  
Auckland Castle Walled Garden Restaurant Level Plan, Ventilation, Ref 250  
Auckland Castle Walled Garden Restaurant Floor Finishes, Ref 255  
Auckland Castle Walled Garden Handrail Detail, Ref 301  
Auckland Castle Walled Garden Bubble Envelope Detail, Ref 350  
Auckland Castle Walled Garden Bubble Envelope Ventilation Detail, Ref 351  
Auckland Castle Walled Garden Bubble Envelope Ventilation, Ref 352  
Auckland Castle Walled Garden Bubble Garden Plan – Gate description, Ref 701  
Auckland Castle Walled Garden, Garden Plan: Type 2, acrylic doors Type 2 A, Ref 702  
Proposed Bishop's Steps, Drawing no. 203  
Proposed BroadWalk Landscape Plan, Dated November 2015  
Broadwalk Landscape Sections, Ref 451, Dated November 2015  
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Broadwalk Landscape Sections, Ref 462, Dated November 2015  
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Broadwalk Landscape Sections, Ref 464, Dated November 2015  
Lodge Wall Section 201, DRWG 421 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 202, DRWG 422 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 203 & 204, DRWG 423 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 205, DRWG 424 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 206 & 207, DRWG 425 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 208, DRWG 426 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 209, DRWG 427 Rev A, Dated 11<sup>th</sup> December 2015  
Lodge Wall Section 210, DRWG 428 Rev A, Dated 11<sup>th</sup> December 2015  
Site Section 101 North Wall, DRWG 101 Rev B, Dated 28 August 2015  
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Site Section 103 West Wall, DRWG 103 Rev A, Dated 28 August 2015  
Site Section 104 South Wall, DRWG 104 Rev A, Dated 28 August 2015

Site Sections Cross Wall, DRWG 105 Rev B, Dated 28 August 2015  
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Site Section 107 Central West, DRWG 107 Rev B, Dated 28 August 2015  
Sloping Steps Detail, DRWG 310 Rev B, Dated 17<sup>th</sup> March 2015  
Typical Doorway Brick Detail, DRWG 311 Rev C, Dated 5<sup>th</sup> March 2015  
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MEP Services Note for Planning, issue 1 dated 9<sup>th</sup> December 2015  
Structural Design, Ref 238883-PlanSun-S, Issue 1 December 10<sup>th</sup> 2015

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies GD1, EN4, BE1, BE3, BE5, BE6, TM1 and T1 of the Wear Valley District Local Plan.*

2. Notwithstanding any description of the materials in the application, no development other than other than preliminary site excavation, remediation and archaeological mitigation 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 approved 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.

*Reason: In the interests of the visual amenity of the Conservation Area in accordance with policies GD1, EN4, BE1, BE3, BE5, BE6 and TM1 of the Wear Valley District Local Plan and part 11 of the NPPF.*

3. No development shall take place unless in strict accordance with the Mitigation detailed in Section 6 of the updated Bat Survey Report (DWS Ecology, dated 11<sup>th</sup> October 2015)

*Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.*

4. Notwithstanding the submitted information, no development other than other than preliminary site excavation, remediation and archaeological mitigation 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 detailing of the following:

- Details of planting species, sizes, layout, densities, numbers.
- Details of seeded or turf areas.
- The formation of any new boundary treatment also including access gates and pedestrian handrails.
- Details of any new hard standing area, including materials to be used.
- A time frame for the implementation of the landscaping scheme.

The landscaping scheme shall be implemented in accordance with the approved details thereafter.

*Reason: In the interests of the visual amenity of the Conservation Area and setting of the Listed Building in accordance with policies GD1, EN4, BE1, BE3, BE5, BE6 and TM1 of the Wear Valley District Local Plan.*

5. Notwithstanding the submitted information, details of the height, type, position and angle of any external or architectural lighting shall be first submitted to any approved in writing by the Local Planning Authority. The approved lighting shall be implemented and maintained in accordance with the approved details.

*Reason: In order to protect the Character and appearance of the Conservation Area, setting of the listed building in accordance with policies TM1, BE1 and BE5 of the Wear Valley District Local Plan.*

6. Prior to the relaying of the cobbles adjacent to the Robinson Arch, a sample of the relayed cobbles, to include the bedding and grouting materials shall be prepared and then subsequently approved in writing by the Local Planning Authority. The cobbles shall be relayed in accordance with the approved details thereafter.

*Reason: In order to protect the Character and appearance of the Conservation Area, setting of the listed building in accordance with policies BE1 and BE5 of the Wear Valley District Local Plan and part 11 of the NPPF.*

7. Notwithstanding the submitted information, full details of the material and design of the proposed handrail to be erected on the on the bishops stair based on the principles of set out in drawing, Drawing no. 203, Proposed Bishop Steps shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

*Reason: In order to protect the Character and appearance of the Conservation Area, setting of the listed building in accordance with policies BE1 and BE5 of the Wear Valley District Local Plan and part 11 of the NPPF.*

8. The development hereby approved shall be carried out in accordance with the archaeological mitigation written scheme of investigation compiled by Durham University Archaeological Services (Ref PC15.497) Dated November 2015. Prior to the development being occupied, a copy of the report on any analysis, and/or publication shall be submitted to The Local Planning Authority as part of the mitigation strategy. This may include full analysis and final publication.

Reason:- To comply with para. 141 of the NPPF: to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the

NPPF. (*Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.*)

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- Wear Valley District Local Plan 1997
- Statutory, internal and public consultation responses.



**Planning Services**

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**Comments**

**Date** March 2016

**Scale** 1:2500