

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 18 October 2017

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APPLICATION REF. NO:	17/00582/FUL
STATUTORY DECISION DATE:	31 October 2017
WARD/PARISH:	HUMMERSKNOTT
LOCATION:	St Clare's Abbey, Carmel Road North
DESCRIPTION:	Conversion of Nunnery and Chapel into 10 No. dwellings and retention of existing gatehouse as private dwelling with associated internal and external alterations. Demolition of ground floor lean to building, widen existing driveway to create new vehicular access off Carmel Road North, erection of timber stables, creation of parking areas, horse arena, 3G football pitch (for private use) and associated landscaping works (amended description)(amended plans and additional information received 14 September 2017)
APPLICANT:	Mr and Mrs Mitchell

APPLICATION AND SITE DESCRIPTION

St Clare's Abbey is located within a predominately residential area albeit Carmel College and its playing fields lie to the west. The Abbey is positioned behind a high stone wall along the Carmel Road frontage. A gatehouse entrance is currently the main entrance into the site for both pedestrians and vehicles but there are a set of timber gates further north along the frontage which provides the service entrance. There is a burial ground within the site to the south of the existing gatehouse access. The application site is bounded by a mix of high brick walls, hedges and fencing. The north, east and south boundaries have significant tree coverage and a number of the trees in and around the site are covered by a tree preservation order dated 1962.

The proposed development involves:

- The conversion of the Abbey building to ten private dwellings of varying sizes over two and three floors. The dwellings range from one, two, four, five, six and seven bed properties to an eleven bed property (Dwelling No 1) which the applicant would occupy;
- The retention of the existing gatehouse as a private dwelling;
- Demolition of a lean to building on the south elevation of the Abbey building;
- The widening of the existing service entrance off Carmel Road North to form a vehicular/pedestrian access into the site;

- The erection of a single storey timber stable building in the North West corner of the site. The building would house six stables and a hay store and would be used for private purposes connected to the applicants proposed dwelling (No 1);
- A horse arena for private use measuring 60m x 30m. This would involve a surface treatment suitable for horse riding surrounded by a 1.1m high timber post and rail fence;
- A 3G playing pitch for private use in the south east corner of the site measuring 52m x 30m involving the laying out of an artificial all weather surface.
- The creation of 34 parking spaces for residents and visitors;
- The existing vehicular access at the gatehouse would become pedestrian only access point;
- Internal and external alterations to the Abbey building to facilitate the conversion.
- Erection of a detached refuse and recycling area;

A separate planning application (17/00583/LBC) seeking listed building consent for the internal and external alterations to the Abbey and Chapel building forms part of this Agenda.

Application documents including Heritage Statement and Design and Access statement, detailed plans, consultation responses, representations received and other background papers are available on the Darlington Borough Council website.

PLANNING HISTORY

The most recent planning history for the site is:

11/00396/LBC In May 2012 listed building consent was GRANTED for alterations to and conversion of the abbey building to create office and residential accommodation by the Brothers of St John of God incorporating space for community use and the creation of a new access within the boundary wall

11/00397/FUL In January 2013 planning permission was GRANTED subject to a Section 106 Agreement for erection of 60 bed nursing home, an 11 bed care home, conversion of existing abbey to create office and residential accommodation by the Brothers of St John of God incorporating space for community use, an access road to Carmel Road North and associated car parking with internal access roads

PLANNING POLICY BACKGROUND

The relevant national and local development plan policies are:

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E3 Protection of Open Land
- E12 Trees and Development

Darlington Core Strategy Development Plan Document 2011

- CS1 Darlington's Sub Regional Role and Locational Strategy
- CS2 Achieving High Quality Sustainable Design
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS16 Protecting Environmental Resources, Human Health and Safety
- CS17 Delivering a Multifunctional Green Infrastructure

National Planning Policy Framework 2012

RESULTS OF CONSULTATION AND PUBLICITY

A total of 18 letters of objection have been received following the Council's publicity exercises. The comments can be summarised as follows:

Highway Safety/Access and Parking

- *Carmel Road North is busy for most of the day and vehicles entering or leaving the new access will interrupt or impede the free flow of traffic leading to the backing-up of traffic and possible collisions, highway safety risks, dangerous vehicle movements*
- *Visitors to the Abbey regularly park with two wheels on the path opposite the Abbey causing a constriction of the road and this development will lead to more visitors who will park on Carmel Road North causing problems to residents who live opposite when trying to turn onto the hardstandings in front of their properties or onto their drives*
- *Horse boxes turning into the site would add considerably to the traffic problems and create more noise*
- *We have no objections to the proposed development provided that there is no access onto Cardinal Gardens (to the north)*
- *We are concerned about the major disruptions that will take place and be caused by construction traffic going in and out of the premises*
- *Over a thousand cars are passing the proposed entrance to the development on a daily basis and most of them are doing so well above the national speed limit. It is very difficult to leave your own driveway to join the flow of traffic heading south let alone if you are trying to cross the flow of traffic heading north due to incoming traffic*
- *Having another junction point opposite to have to contend with at the same time will make the situation virtually impossible and even more dangerous.*
- *Having the access used by another 35 vehicles would make it extremely dangerous and life threatening. School children walk along the footpaths adjacent to the road within feet of the speeding heavy goods vehicles, lorries and then to add to this with vehicles trying to cross the path and the road will make it worse*
- *Can an access onto Cardinal Gardens and Nunnery Lane be proposed which would be a much safer option?*
- *There is restricted parking provision within the site*
- *The parking spaces seem to have been squeezed into the plans suggesting that all are desperately needed. When these are insufficient where do extra cars park?*
- *Carmel Road North is used by numerous heavy goods vehicles in both directions, there are four schools and the 6th Form College in the vicinity and the traffic during term time is excessive. The road is also used by funeral parties. To exit onto the road regularly means waiting many minutes for a break in traffic to safely join the traffic flow and the proposal would only mean more frustration for drivers and hold ups for through traffic*

Impact on Trees

- *The tree protection order is not wide enough and should include trees that are on the south boundary of the site. These trees should not be pruned or removed without consent to ensure bats are protected, to reduce noise and preserve privacy from the ten dwellings, the communal gardens, stables, pitch and horse arena*

Flood Risk and Drainage

- *The risk of surface water flooding to surrounding dwellings should not be increased*

Residential Amenity

- *The horse arena and 3G pitch should be for private use only*
- *The horse arena and 3G pitch should not include any seating areas, viewing galleries or floodlights*
- *The stables are located too close to existing residential properties which should be taken into consideration*
- *The horse arena and 3G pitch will result an increase in noise*
- *The proposed 3G pitch will be linked up with the hockey pitch at Carmel College to create a huge leisure facility*
- *The roadway will generate intolerant levels of noise, lights from cars leaving the premises and shining directly into the front of the dwellings on the opposite side of the road*

Heritage Matters

- *The heritage of the building and land needs to be preserved*
- *What is the point of having listed building status if the arrangement can be cancelled at any time*

Following the submission of the amended and additional plans, two further letters of objection has been received from. The letters state:

Residential Amenity

- *We feel that a football pitch, no matter how private and the equestrian facilities are completely inappropriate for a residential area which already has considerable traffic problems*
- *Horses are not domestic animals*
- *The loss of privacy by the loss of trees is not acceptable*

Flood Risk

- *The risk of surface water flooding will only increase in an area that suffers already from flooding when the trees are removed which absorb excess water*

Other Matters

Members are advised that the following comments raised in the objections are not material planning considerations.

- The potential existence of covenants relating to the keeping of animals and the proposed units being used as a commercial venture rather than as private dwellings;
- The welfare of any animals kept on the site

Consultee Responses

Northern Gas Networks has raised no objections to the planning application

Northumbrian Water has raised no objections subject to a planning condition for a detailed scheme for the disposal of surface water from the development

The **Council's Highways Engineer** has raised no objections subject to the imposition of appropriate planning conditions

The **Council's Environmental Health Officer** has raised no objections subject to the imposition of appropriate planning conditions relating to a Construction Management Plan and controls over the usage of the horse arena and 3G pitch.

The **Council's Ecology Officer** has raised no objections subject to the imposition of appropriate planning conditions relating to ecological mitigation measures

The **Council's Heritage Asset Officer** has raised no objections subject to the imposition of appropriate planning conditions relating to details on service installation, the withdrawal of permitted development rights for fencing and compliance with the submitted Method Statement

English Heritage has submitted a letter in support of the planning application

PLANNING ISSUES

The main issues to be considered here are whether the proposed development is acceptable in the following ways:

Planning Policy

Impact upon the Designated Heritage Assets

Loss of green space and Impact on Character and Appearance of the Area

Impact upon the Character and Appearance of the Locality

Highway Safety and Parking Provision

Residential Amenity

Ecology

Trees

Contaminated Land

Flood Risk and Drainage

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

Saved Policy E2 (Development Limits) of the Local Plan states that most new development will be located inside the development limits. Policy CS1 (Darlington's Sub Regional and Locational Strategy) of the Core Strategy states that new development will be concentrated on sustainable locations within the main urban area. The site is located within the development limits.

Saved Policy E3 (Protection of Open Land) of the Local Plan states that in considering proposals to develop any area of open land within the development limits, the council will seek to maintain the usefulness and enhance the appearance and nature conservation interest of the open land system as a whole and to supplement the interconnections between its elements. It states that permission will not be granted for development which inflicts material net harm on; the visual relief afforded by the system in built-up areas; the character and appearance of the locality through loss of openness and greenery; facilities for organised sport and other informal recreation or for horticulture; the internal continuity of the system, or its linkages with the open countryside; or, areas recognised for their nature conservation or wildlife interest.

The NPPF at paragraph 47 sets out a requirement for local planning authorities to significantly boost the supply and delivery of housing. This includes a requirement to identify and update

annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.

Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council cannot currently demonstrate a five-year supply of suitable, available and deliverable housing land and consequently planning policies relating specifically to the supply of housing land cannot be considered up to date.

In these circumstances, this application should be considered with regard to the presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF. This means that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, or in specific circumstances where development should be restricted, for example sites that are protected as designated heritage assets and/or local green space. Saved Local Plan policies and Core Strategy policies continue to be relevant to determining site-specific issues and whether a development can be considered 'sustainable'.

The proposed development site contains heritage assets and is part of the open land network within the Borough and therefore the proposal falls within the scope of 'development that should be restricted'. The impact of the proposed development upon the heritage assets and the open land network are therefore the first considerations.

Impact upon the Designated Heritage Assets

Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy indicates that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will, amongst other things, be protected by protecting and enhancing the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage as well as buildings and their settings. This policy is in general accordance with the core planning principles of the NPPF as it relates to conserving heritage assets in a manner appropriate to their significance.

As the proposal involves external alterations to the listed building and the erection of buildings and reconfiguration of the parking layout within its grounds, the development must be assessed against paragraphs 131 – 134 of the NPPF in terms of its impact on the significance of the designated assets. The consideration of this issue goes to the heart of the decision making process. Notwithstanding the fact that the Council cannot demonstrate a five-year supply of housing sites, an assessment of the impact of the development on heritage assets must be the first consideration.

Paragraph 131 of the NPPF covers new development impacting on heritage assets (such as listed buildings and conservation areas) and states that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and, the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF goes on to explain that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Paragraph 133 sets out the requirement to consider whether a proposed development will lead to substantial harm, or total loss of a designated heritage asset, in which case planning permission should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 134 indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed, as a separate exercise, against the public benefits of the proposal, including securing its optimum viable use.

The demolition of the lean to structure on the south elevation of the building would enhance the setting of the listed building and would reveal the original elevation. The existing cemetery within the site would remain unaltered. The stable building is far enough removed from the listed building to ensure there is no impact on its setting and it is considered that the alterations to create the horse arena and the 3G pitch are acceptable.

The external alterations to the building are few and minor and the designs of any new external doors and windows are considered to be acceptable. A Method Statement has been submitted in support of the planning application to highlight how original windows would be repaired, how brick walls would be made good and it addresses all the areas of repair to the listed building and curtilage listed boundary wall to enlarge the existing access. Where brickwork is to be removed to form a new opening they would be removed with care to avoid damage, cleaned, sorted, stacked and covered to protect them from the elements and for re-use. Where areas of brickwork infill are needed to make good the walls around new openings and to infill openings this would include matching the existing face bond and pointing. It is essential that any bricks that are in a satisfactory condition are reclaimed and reused where repairs are necessary.

The Council's Heritage Asset Officer is satisfied with all the information in the Method Statement including the window, roof, rainwater goods and stone repairs. This Method Statement needs to be accorded with during the conversion by all contractors which would be secured by a planning condition.

The layout of the site has been amended to relocate some of the car parking spaces so that only two are located adjacent to the listed building with the vast majority being located away from the heritage asset. The immediate setting of the building would not be dominated by parking areas.

The recycling and refuse stage bin would be an appropriate distance from the listed building and the use of tarmac as a surface treatment is acceptable as it would match the existing surface for car parking areas, internal roads etc.

Paragraph 134 asks that where harm to the significance of a heritage asset is less than substantial in degree that the harm is weighed against the public benefits of a proposal, including securing its optimum viable use. St Clare's Abbey has been vacant now for a number of years and therefore it is essential that a new use is secured.

Furthermore it has a unique character than can create a distinctive and attractive place to live. Consequently it is desirable, in respect to paragraph 131, to find a new use for the building. The

proposal would deliver this broad public benefit in a way that strikes a balance between viability and the significance of the heritage asset. The Council's Heritage Asset Officer and Historic England are supportive of this proposal to convert this unique listed building into a high quality residential scheme. This is entirely in accordance with the principles of constructive conservation defined by Historic England as a positive, well-informed and collaborative approach to conservation using the understanding of a building's significance to manage change.

This is a sensitive conversion of this unique heritage asset along with alterations and additional buildings within it is setting which would respect the areas of high and medium significance. In this regard it accords with the principles of constructive conservation set out by Historic England, with the understanding and significance of the site provided in the supporting documents (Significance Assessment) informing the alterations needed to deliver this innovative scheme for an alternative residential use.

Taking into consideration the impact of the scheme on the setting of the heritage asset, the 'less than substantial harm' to the significance of the listed building is considered to be outweighed by the significant public benefits identified in accordance with the NPPF.

The internal and external alterations to the Abbey and Chapel building to facilitate the conversion to dwellings will be considered in more detail as part of the accompanying listed building application.

Loss of green space and Impact on Character and Appearance of the Area

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's green infrastructure network.

Policy CS17 states that the loss of any part of the green infrastructure network will only be considered in exceptional circumstances where:

It is for essential infrastructure

Not applicable.

The site no longer has any value to the community in terms of access and use

Not applicable – the site has never had community access or use.

Is not required to provide an alternative green infrastructure function

Green infrastructure can perform many other functions as well as for publicly accessible recreational open space. The existing green infrastructure within the site was for the benefits of the previous occupiers and the space that is part of the proposed development will be private and communal garden space for the occupiers of the dwellings. The extent of open space to be retained is generally the same as existing although the horse arena and the 3G pitch will introduce a new surface treatment but providing the same recreational function. The two mature tree belts along the western and northern boundaries will be generally retained and as the site would become occupied the green infrastructure would continue to be managed and maintained to the benefit of the biodiversity value of the trees and the wider area. The retention of the majority of open land, particularly the formal courtyard gardens and burial ground will enhance the setting for the listed buildings consistent with policy CS14 of the Core Strategy.

It is not required to meet a shortfall in the provision of that or any other open space type
This is not applicable in this location.

An alternative equivalent or better space in terms of quality, quantity, accessibility, biodiversity, flood storage, attractiveness and functionality is available

The site currently has no public access, has little multifunctionality and has had little management and maintenance for many years so its quality and attractiveness is limited. As a result it is considered that the other publicly accessible sites in the locality provide a wider range of functions to meet local needs.

Policy E3 (Protection of Open Land) of the Local Plan states that in considering proposals to develop any area of open land within the development limits, the council will seek to maintain the usefulness and enhance the appearance and nature conservation interest of the open land system as a whole and to supplement the interconnections between its elements. It states that permission will not be granted for development which inflicts material net harm on; the visual relief afforded by the system in built-up areas; the character and appearance of the locality through loss of openness and greenery; facilities for organised sport and other informal recreation or for horticulture; the internal continuity of the system, or its linkages with the open countryside; or, areas recognised for their nature conservation or wildlife interest:

Visual relief: public access has not been available to the site and a high wall runs along its perimeter limiting the visual relief afforded by the site to glimpses of the formal gardens through the gated entrance.

Openness and Greenery: the site sits behind a high wall; from Carmel Road North and the adjoining residential areas it is difficult to perceive the extent of the open land because it is well contained. The majority of the existing green space will be retained and the layout of the site provides an appropriate level of greenery for the type of development proposed.

Meeting the open space standards/Facilities available for other recreation and leisure activities, for informal recreation: the site has not been publicly accessible and organised sport, informal and formal recreation was not permitted. This has remained the case since the site was vacated. As discussed above the site is not required to help deliver the open space standards for the locality. The horse arena and 3G pitch are not for public accessible sports and are for private use only relating to the occupiers of Dwelling No 1.

Continuity of the system: the site adjoins Carmel RC College grounds and as such there is a complementary link between the two areas of open space and the tree belts, which will be retained providing valuable connections, particularly for wildlife.

Nature conservation: The occupation of the buildings will lead to an improved management and maintenance of the tree belts within the site and the addition of bat boxes as advised from the supporting Bat Survey will maintain/add to the ecological value to the site.

The general layout and external alterations to the building are considered to be acceptable and in accordance with the general principle of the Policy CS2 of the Core Strategy. The change of use is for additional dwellings within an existing residential area. However, it is considered appropriate to impose planning conditions that remove the permitted development rights for extensions and detached structures and means of enclosure in the interests of the character and appearance of the site.

Highway Safety and Parking Provision

Policy CS2 of the Core Strategy states that development must provide vehicular access and parking suitable for its use and location.

A development of 10 dwellings such as this proposed would generally create 6-10 additional vehicles in the peak hour (1 vehicle every 6-10 mins on average across the hour) and based on this traffic generation the Council's Highways Engineer has advised it would be difficult to constitute a refusal on highway safety grounds.

There are no reported accidents associated with the existing access junction or within 100m of the access along this stretch of Carmel Road North and given the limited numbers of properties proposed, this minimises possible future risk of conflict.

The existing service access into the site would be widened to 5.2m to become the main vehicular and pedestrian access and to accommodate two way traffic and this would allow a large vehicle and a car to pass unhindered. A 1.5m footway has been provided adjacent to the access with an additional dedicated pedestrian access through the gate house. The vehicle access and pedestrian access would remain under private ownership and it is understood would not be offered for adoption as it would not meet criteria for adoption by the Local Highway Authority.

Works will be required in the adopted highway to create a widened vehicle access and agreement should be sought before works commence on site. The existing vehicle access through the gate house should be removed and a level footway reinstated. The internal access road has been confirmed as being formed in a sealed material for at least the first 10m into the site to prevent loose material being dragged onto the highway. These matters would be secured by planning conditions.

Visibility from the new access is shown on the drawing as 2.4x30m, however on site measurements show that visibility splays greater than this can be achieved due to the access being on the outside of the bend and far enough away from the crest to allow distances suitable for the speed of the adjoining carriageway.

Parking provision across the site is acceptable for the number of dwellings proposed provided that the stables, arena and playing pitch would not be open to the general public and are for the use of the residents only. Some visitor parking is also included in the parking numbers which is beneficial as it should eliminate overspill onto the highway (Carmel Road North).

There is a turning area at the entrance to the site that would cater for delivery vehicles. However an 11m refuse vehicle would not be able to enter this site and therefore a bin store has been provided at the entrance which is considered acceptable.

The Council's Highways Engineer has raised no objections to the proposed development subject to the imposition of suitable planning conditions.

When considering the previous scheme (see Planning History) for the site in 2011 involving the erection of care home buildings, concern was raised by the occupiers of Cardinal Gardens (to the north) about the site being accessed via an existing gate in the northern boundary. This concern has been repeated by residents on Cardinal Gardens and as a result the applicant has agreed to a planning condition that restricts the future use of this northern access.

Residential Amenity

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new development does not harm the general amenity and health and safety of the local community.

The site is well enclosed and it will not result in the any direct impacts on the existing neighbouring dwellings in terms of loss of privacy or outlook. Whilst care has been taken within the layout of the development to ensure, where possible, that the rooms within the new dwellings do not directly overlook each other, there are shared areas of open space and, inevitably, there will be some overlooking due to the nature of the conversion and the close relationship between the units. This is not uncommon within conversions of an existing building to more than one dwelling.

Some of the objectors have raised concern over the keeping of horses and the usage of the arena and the 3G pitch. Under the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015, it is possible to erect a structure, subject to certain criteria, within the curtilage of a domestic property to be used for purposes incidental to the enjoyment of the dwellinghouse without the need to apply for planning permission. This includes the buildings for the keeping of pet animals for the domestic needs or personal enjoyment of the occupants of the dwellinghouse. Therefore it is possible to have a situation whereby a stable can be erected within the curtilage of a dwelling within a residential area. The proposed stable building would accord with the size requirements set out by the 2015 Order but it requires planning permission purely on the grounds that it is within the curtilage of a listed building.

Whilst the surrounding area is in residential use, the erection of a stable building in this large plot would not raise concerns. The upkeep of the stables and the animals would not be a material planning consideration and would be dealt with under other environmental and animal welfare legislation.

The stables, the horse arena and the 3G pitch are for the private use of the applicant who intends to occupy Dwelling No 1 and he has no objections to the imposition of planning conditions to control the usage to private use only.

A Construction Management Plan has been submitted and considered by Environmental Health. The CMP is not explicit enough to the site as a developer has yet to be identified and Environment Health have requested the imposition of a planning condition for a CMP to be submitted for each phase of the conversion as different developers may implement the conversion of individual units.

A planning condition to control the hours of construction and deliveries would be imposed in the interests of residential amenity.

Ecology

Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Core Strategy states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by measures including by ensuring that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping.

A Bat Survey has been submitted in support of the planning application. An initial site inspection was undertaken in May 2017 and comprised a detailed inspection of the structures in the site and dusk and dawn surveys were undertaken in August 2017.

Overall the surveys confirmed the presence of five roosts used by 1 to 5 bats, all common or soprano pipistrelle which are common to the local area. There were low levels of foraging activity over the grounds. In order to mitigate the potential impacts of the development, the ecologist recommends the mitigation measures include:

- Retention of existing loft spaces and general structure and creation of access routes to lofts through existing mesh vents;
- Minimisation of habitat loss and implementation of a long term management regime for the gardens;
- The timber fence for the horse arena is reinforced with a hedge to provide ecological connectivity;
- Design of any external lighting to take account of foraging bats, with garden light levels below 2 Lux
- Provision of 20 bat boxes in the trees to be retained prior to the commencement of the development
- Works to be undertaken under a Natural England licence where bats may be disturbed or roosts damaged or lost

The Council's Ecology Officer has accepted the findings of the Surveys and has advised that the mitigation measures need to be secured by a planning condition.

Trees

Saved Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees and hedgerows on and adjoining the site. There are existing trees within the application site, some of which are covered by a tree preservation order dated 1962. These preserved trees are found on the north, east and west boundaries of the site. There are also Leylandii hedges around the site and dissecting the garden areas.

Non-native Leylandii trees may need to be removed to the south of the site along with a small number of immature self seeded trees in the north west corner to facilitate the arena, 3G pitch and stables building. A plan has been submitted showing that tree trunk and root protection areas of retained trees would be protected during the development phase by Heras fencing.

Whilst it is envisaged that none of the existing trees that are covered by a tree preservation order would be affected, the precise number of trees that need to be removed to facilitate the stable building, arena and playing pitch and also how they would be constructed without impacting upon the trees to be retained is to be secured by a planning condition.

Contaminated Land

The development site has not been identified as possibly contaminated land under Part 2A of the Environmental Protection Act 1990 in accordance with DEFRA Statutory Guidance (2012) and the Councils' Contaminated Land Inspection Programme (2013). Based on the information on Council records and the nature and extent of the proposed development the Environmental Health Team has no contamination issues or constraints and does not consider any further investigation or risk assessment to be warranted or necessary. A Screening Assessment has been submitted that highlights localised asbestos surveys and removals have already been carried out

and that a full building refurbishment asbestos survey will be carried out and any that is found will be removed prior to the commencement of any works. The Environmental Health Officer has raised no objections.

Flood Risk and Drainage

The application site lies within Flood Zone 1 which is land at the lowest risk of flooding. Policy CS16 of the Core Strategy states that new development will be focussed on areas of low flood risk. Northumbrian Water has advised that they have no objections to the planning application but they have requested the imposition of a planning condition to secure precise details of a scheme for the disposal of surface water.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

Paragraph 7 of the NPPF sets out the three dimensions of sustainable development; social and environmental, and outlines the number of roles that the planning system performs. These include contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and, contributing to protecting and enhancing our natural, built and historic environment, helping to improve biodiversity, and using natural resources prudently.

The proposed development is considered to comply with relevant policies of the local plan and contribute to the three dimensions of sustainable development outlined above. In particular, the proposal, along with the mitigation and improvements outlined within this report, will not unacceptably impact on highway safety, the site is within the main urban area and has access to education facilities, local goods and services, accessibility to public transport and does not prejudice the good planning and future delivery of the strategic vision for the borough. The proposal is compliant with the relevant policies set out in this report.

The impact on the historic asset is a significant factor that has been taken into account in the decision making process. The external alterations to the Abbey, the widening of the boundary wall to improve visibility at the proposed vehicular access and the impact of the new buildings and alterations within the grounds of the Abbey have been the subject of discussions with the Council's Heritage Asset Officer and Heritage England and they are considered to be acceptable resulting in the 'less than substantial harm' being significantly outweighed by the public benefits

that would be accrued by bringing this vacant Grade II and Grade II* listed building back into an appropriate use.

The impact of the development upon the Open Land Network and the green infrastructure network has been taken into account in the decision making process along with its impact on nature conservation and wildlife. Overall, it is considered that the proposal will conserve and enhance the natural environment with appropriate mitigation measures secured by planning conditions.

The conversion works and scale and location of the new buildings would be such that no significant detrimental impacts in terms of light, outlook or overlooking issues with neighbouring properties outside of the development site would be raised. There would be some element of overlooking between the individual units within the site but this relationship is to be expected within a proposal to convert one building into a number of units. Planning conditions have been imposed to restrict the use of the stables, horse arena and the 3G pitch to private use the occupiers of Dwelling No 1 only.

The access arrangements, car parking provision and internal road network for the proposal is considered acceptable in respect of its impact on highway safety.

The above issues have been considered in the context of the heritage asset status of the site, the redevelopment of a site with the open land and green infrastructure networks and fact the Council are unable to demonstrate a five-year supply of suitable, available and deliverable housing land, and in the face of a requirement for local authorities to significantly boost the supply and delivery of housing. Overall, it is considered that the benefits of the proposed development significantly and demonstrably outweigh the impacts identified in this report which accords with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework 2012.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. The 3G astro-turf football pitch, stables and horse riding arena hereby approved, shall be used for private purposes incidental to the enjoyment of the occupants of Dwelling No 1, (as shown on the approved plans), only and not for commercial purposes
REASON: In the interest of residential amenity and highway safety
3. No lighting shall be installed as part of the 3G astro-turf football pitch or horse riding arena associated with the development hereby approved unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of residential amenity and the setting of the heritage assets.
4. Notwithstanding the provisions of the Town and Country Planning (General Development) (England) Order 2015 (or any order revoking or re-enacting that order) no development of the types described in Schedule 2, Part 1, Class A to Class H shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made

REASON: In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site and consider the setting upon the heritage assets.

5. Notwithstanding the provisions of the Town and Country Planning (General Development) (England) Order 2015 (or any order revoking or re-enacting that order) no development of the types described in Schedule 2, Part 2, Class A shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made

REASON: In order to safeguard the setting of the heritage assets.

6. Prior to the construction of the stable building, the horse arena, the 3G pitch and any new hard standing areas such as car parking spaces, an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the visual appearance of the locality

7. The development hereby approved shall not be carried out otherwise than in complete accordance with the mitigation measures contained within Section H of the document entitled "Bat Survey St Clare's Abbey, Durham" dated September 2017 and produced by E3 Ecology Limited unless otherwise agreed in writing by the Local Planning Authority
- REASON: In the interests of the ecology of the site and to safeguard habitats of protected species

8. Prior to the commencement of the development, a detailed scheme for the disposal of surface water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012.

9. Prior to the commencement of the development and/or each subsequent phase of development, a Demolition and Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plans shall include the following:

- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.

- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan.

REASON: In the interests of residential amenity and highway safety

10. Construction and demolition work for each phase of the development, including the use of plant and machinery (including generators) as well as deliveries to and from the site, shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority

REASON: In the interests of residential amenity

11. Notwithstanding the details shown on the approved plans, the gated access on the northern boundary of the site onto Cardinal Gardens shall not be used for vehicular or pedestrian access to and from the site unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of residential amenity.

12. Prior to the occupation of the first dwelling, precise details showing the removal of the existing vehicular access through the gate house including the reinstatement of footways and widening of the existing access and provision of new footway shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall also be fully implemented prior to the occupation of the first dwelling

REASON: In the interests of highway safety

13. In order to ensure that no loose material is pulled onto the highway the first 10m of the drive within the site should be constructed in a sealed material (i.e. not loose gravel). A cut off drain preventing surface water runoff from entering the adopted highway should also be provided across the access junction. The sealed material and the drain shall be fully implemented prior to the occupation of the first dwelling.

REASON: In the interests of highway safety

14. The development hereby approved shall not be carried out otherwise than in complete accordance with the document entitled "Methods Statements – Version 01" dated 14 September 2017 and produced by Xsite Architecture unless otherwise agreed in writing by the Local Planning Authority

REASON: In order to safeguard the setting and significance of the heritage asset in accordance with the National Planning Policy Framework 2012 and CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011

15. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

- a. Drawing Number 215 11B Ground Floor & Basement Demolition Plan

- b. Drawing Number 215 12 – First Floor Demolition Plan
- c. Drawing Number 215 13 – Second Floor Demolition Plan
- d. Drawing Number 215 31A North & South Demolition Elevations
- e. Drawing Number 215 32 – West and East Demolition Elevations
- f. Drawing Number 215 33 – Demolition Elevations AA & BB
- g. Drawing Number 215 34 – Demolition Elevations CC & DD
- h. Drawing Number 215 35 – Demolition Elevations EE & FF
- i. Drawing Number 215 36 – Demolition Elevations GG & HH
- j. Drawing Number 215 37 – Demolition Entrance Elevation
- k. Drawing Number 220 01C Proposed Basement and Ground Floor Plan
- l. Drawing Number 220 02 – Proposed First Floor Plan
- m. Drawing Number 220 03B – Proposed Second Floor Plan
- n. Drawing Number 221 21B – Proposed Elevations AA & BB
- o. Drawing Number 221 22A Proposed West & East Elevations
- p. Drawing Number 221 24 – Proposed Elevations CC & DD
- q. Drawing Number 221 25A Proposed Elevations EE & FF
- r. Drawing Number 221 26A Proposed Elevations GG & HH
- s. Drawing Number 221 27 – Proposed Entrance Elevation
- t. Drawing Number 212 12F - Proposed Site Plan
- u. Drawing Number 212 13A Proposed Site Plan Tree Locations
- v. Door Schedule Rev A
- w. Window Schedule Rev A
- x. Drawing Number 256 01 Retained wall nib detail sheet 1
- y. Drawing Number 256 02 Retained wall nib detail sheet 2
- z. Drawing Number 256 03 Archway wall infill detail sheet 1
- aa. Drawing Number 256 04 Archway wall infill detail sheet 2
- bb. Drawing Number 256 05 Wall infill detail sheet 3
- cc. Drawing Number 256 06 Archway wall infill detail sheet 4
- dd. Drawing Number 256 07 Archway wall infill detail sheet 5
- ee. Drawing Number 256 08 Existing door in wall infill
- ff. Drawing Number 256 20 Proposed doors and windows details
- gg. Drawing Number 256 30 Typical new stair design
- hh. Electrical cabling drawing - Ground Floor for Dwelling No 1
- ii. Electrical cabling drawing - First Floor for Dwelling No 1
- jj. Electrical cabling drawing - Second Floor for Dwelling No 1
- kk. Heating system drawing – Ground Floor for Dwelling No 1
- ll. Heating system drawing – First Floor for Dwelling No 1
- mm. Heating system drawing – Second Floor for Dwelling No 1
- nn. Radiator images for Dwelling No 1
- oo. Stable drawing by Colt dated 31.08.17

REASON – To ensure the development is carried out in accordance with the planning permission

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E3 Protection of Open Land
- E12 Trees and Development

Darlington Core Strategy Development Plan Document 2011

- CS1 Darlington's Sub Regional Role and Locational Strategy
- CS2 Achieving High Quality Sustainable Design
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS16 Protecting Environmental Resources, Human Health and Safety
- CS17 Delivering a Multifunctional Green Infrastructure

National Planning Policy Framework 2012

INFORMATIVES

Highways

The layout proposal includes for works to be carried out within the existing public highway and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406664) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development