

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16th February 2022

APPLICATION REF. NO:	20/00806/FUL
STATUTORY DECISION DATE:	28 February 2022
WARD/PARISH:	Heighington And Coniscliffe
LOCATION:	Walworth Castle Birds Of Prey, Walworth Road WALWORTH, DARLINGTON, DL2 2LY
DESCRIPTION:	Demolition of existing outbuildings, and change of use of land for the siting of 6 no. holiday pods and associated landscaping (amended plans and documents received 18th November 2021)
APPLICANT:	Walworth Castle Hotel

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The application site comprises land within the curtilage of Walworth Castle which is a Grade I listed building. The site is located to the rear (north east) of the main Castle and was last used as a former bird of prey display area, including a range of outbuildings, timber bird aviary and a display performance area. Immediately, to the east of the site lies a woodland area and a pond. The walls of the castle grounds abut the highway to the north and Walworth Castle Garden is located to the west which is now a private residential dwelling. The castle grounds extend to the south and south west. The Castle is set within managed lawn and gardens, with the car park and vehicular access roads that encircle the castle. To the west is Walworth Road which serves the site and connects Walworth with surrounding villages.

2. Planning permission (ref no 13/00082/FUL) was granted in April 2014 to use the application site as a falconry centre incorporating construction of fencing, pergola, office, shop and aviary buildings (description amended by additional plans received 15 March 2013)
3. The planning application was originally for the siting of six holiday lodges with associated landscaping. Historic England and the Council's Conservation Officer raised objections to the proposal in terms of the design of the lodges, the layout of the site, the lack of a comprehensive landscaping scheme and they considered that proposal would have an adverse impact upon the setting of the listed buildings.
4. Following discussions with officers, the applicant has redesigned the type of accommodation from lodges to pods and amended the layout and position of them within the site. The proposal also includes a more comprehensive landscaping scheme. Due to design copyright issues the applicant is unable to provide detailed plans of the proposed pods until a deposit is secured, but the intention is to use Shire Camping Pods which are a bespoke design and measure 7m x 3.2m x 2.7m. The pods are constructed from FSC grade structural, insulated panels and solid timber frames from sustainable forest resources. All window and door frames will also be constructed in timber and are double glazed ensuring thermal efficiency and low energy consumption.
5. As the application relates to change of use of the land, it is considered that a reasonable approach is to provide indicative dimensions and design details of the pods only at this stage. The siting of the pods can be fixed as per the submitted accompanying site layout plan and a planning condition can be imposed to secure their precise design details.
6. There are several heritage assets in the immediate vicinity of the application site including the Grade I Listed Castle to the south west, and the garden walls, gate piers and greenhouse to the west of the site (Grade II listed). The lodge, linking walls and gate piers, located just to the west of the main castle building, are also Grade II listed. Further afield and to the north of the site, is the deserted medieval village of Walworth which is a Scheduled Monument and North Farm is a Grade II listed building. The threshing barn and Ging Gang of Walworth Grange Farm can be found further to the east of the site. There are trees within the wider Castle grounds which are covered by tree preservation orders but no such trees within the application site.

MAIN PLANNING ISSUES

7. The main planning issues to be considered is whether the proposed development is acceptable in the following terms:
 - a) Planning Policy
 - b) General Siting and Design
 - c) Impact on Heritage Assets
 - d) Access, Parking Provision and Connectivity
 - e) Residential Amenity
 - f) Archaeology

- g) Land Contamination
- h) Ecology
- i) Drainage
- j) Accessibility

PLANNING POLICIES

8. The relevant local development plan policies are listed below:

Darlington Core Strategy Development Plan Document (2011)

- CS1: Darlington's Sub-Regional Role and Locational Strategy
- CS2: Achieving High Quality Sustainable Design
- CS6: Vibrant Cultural and Tourist Offer
- 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 Network
- CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network

Saved Policies of the Local Plan (1997)

- E2: Development Limits
- E4: New Buildings in the Countryside
- E12: Trees and Development
- E14: Landscaping of Development

Emerging Local Plan

- SD1: Presumption in Favour of Sustainable Development
- SH1: Settlement Hierarchy
- DC1: Sustainable Design Principles and Climate Change
- DC2: Flood Risk & Water Management
- DC3: Health & Wellbeing
- DC4: Safeguarding Amenity
- H3: Development Limits
- H7: Residential Development in the Countryside
- E4: Economic Development in the Open Countryside
- ENV3: Local Landscape Character
- ENV4: Green and Blue Infrastructure
- ENV7: Biodiversity & Geodiversity & Development
- ENV8: Assessing a Development's Impact on Diversity
- IN1: Delivering a Sustainable Transport Network
- IN2: Improving Access and Accessibility
- IN3: Transport Assessments and Travel Plans
- IN4: Parking Provision including Electric Vehicle Charging

9. The National Planning Policy Framework 2021 is also relevant

RESULTS OF TECHNICAL CONSULTATION

10. The Council's Highways Engineer, Ecology Consultant, Conservation Officer and Environmental Health Officer have raised no objections to the principle of the development
11. Following the submission of the amended proposals, Historic England and the Durham County Council Archaeology Team raise no objections to the principle of the proposed development
12. Northumbrian Water and Northern Gas Networks have not objected to the planning application

RESULTS OF PUBLICITY AND NOTIFICATION

13. Objections letters to the original proposal were received from three households and the comments can be summarised as follows:
 - Potential for noise pollution
 - Potential for light pollution
 - Adverse impact on archaeological value of the site
 - Adverse impact on the ecological value of the site
 - The lodges will be highly visible
 - The lodge will have an adverse impact on the listed Castle
 - The lodges will overlook neighbouring properties
 - Insufficient landscaping to screen the lodges
 - Ecological Appraisal refers to the presence of Japanese Knotweed. Is this going to be managed or removed?
14. The Walworth Parish Meeting did not object to the proposed development but requested that the comments made by residents are taken into consideration
15. Following the submission of the amended proposals, the local planning authority carried out a new notification exercise with residents and the three objectors submitted further comments which can be summarised as follows:
 - The revised proposal is undoubtedly an improvement on the original scheme although it is a little concerning that no final idea of what the pods will look like is available
 - The more imaginative landscaping and replanting proposals also improve upon those in the original application but whilst the installation of the pods is designed to make a less intrusive and damaging impact on the integrity of the archaeological site on which they will stand, it is difficult to believe that they will make none at all, given the need to install water and sewage services and electric power.
 - Concerns remain over light pollution and noise pollution
 - We would like our original comments to stand please.

- Although the amended scheme is an improvement on the original proposal, I remain of the view that the scheme is inappropriate to the Grade 1 listed castle setting. It also poses a substantial risk to the peace and quiet and general character of the small village of Walworth, where it appears more than likely to subject various close neighbours to unwelcome light and noise pollution.

PLANNING ISSUES/ANALYSIS

a) Planning Policy

16. Planning law (S.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 (2021) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
17. The planning application site is located within the countryside and beyond development limits defined by the Local Plan 1997. Paragraphs 84 and 85 of the National Planning Policy Framework 2021 set out the key principles for supporting a prosperous rural economy. It states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Decisions should also support sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 85 explains that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
18. Saved policy E2 of the 1997 Local Plan states that small scale development beneficial to the rural economy will be permitted outside limits provided that unacceptable harm to the character and appearance of the rural area is avoided. Policy CS6 of the Core Strategy 2011 states that a sustainable, vibrant tourism and cultural sector will be promoted and enhanced for the benefit of the local economy, community and visitors by promoting appropriate nature and countryside-based tourism attractions which support visits to and enjoyment of the countryside
19. Under the emerging Local Plan, the site would remain outside of the development limits. Policy E4 of the emerging Local Plan supports the sustainable growth and expansion of all types of businesses located in the countryside subject to a number of criteria. New buildings should be well designed and wherever possible located physically well-related to existing rural settlements and/or existing buildings and building groups. The character, scale and design of all proposed new buildings must be appropriate to its open countryside surroundings and all proposals should be sensitive to their surroundings, provide satisfactory access from and not have an unacceptable impact on the local road network. Proposals must also not unacceptably affect amenity,

not prejudice any viable agricultural operations on an active farm unit, and not prejudice any planned community use.

20. Proposals that demonstrate that they will directly and significantly contribute to the retention and / or development of local services, community facilities and infrastructure which make a location more sustainable will be supported and this is a material planning consideration for this proposal.
21. In addition, policy E4 states that, new caravan and chalet type accommodation should be sited and screened through topography and/or vegetation in order to minimise visual impact. The materials and colours of the chalets and associated site services and infrastructure should blend with its surroundings. All sites should have good access to the road and footpath network and will be subject to conditions to prevent the permanent occupancy of the site.
22. Overall, whilst the existing and emerging local development policy framework does encourage rural economic development to be located within settlement limits or closely related to them, national policy does recognise that sites may have to be found beyond settlement limits which is the case for this proposal. It is also recognised that the application site is not fully accessible by all means of transport as it is not within 400m of a bus stop.
23. The development would have an economic role in terms of providing potential employment opportunities for local people, although small scale, and supporting the future of the Castle as a hotel.
24. A planning condition can be imposed which restricts the occupation of the pods to holiday accommodation and not to be occupied as a person(s) sole or main place of residence, which would be unacceptable in planning policy terms in this location
25. This report sets out that the proposed development would not result in unacceptable harm to the surrounding heritage assets., the landscape, the character and appearance of the rural area, amenity, ecology and the local road network and would accord with both the existing and emerging local plan policies on such matters. Whilst it would be difficult to improve the accessibility and sustainability of the site by public transport it is an existing site with a hotel and there are material planning considerations to enable the local planning authority to support the proposal in accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004

b) General Siting and Design

26. As stated, the proposal originally involved the siting of standard design holiday lodges in a fairly nondescript uniform layout which was unsympathetic to its rural surroundings or the setting of the heritage assets.
27. Whilst the pods are located in a position where they are not visually related to the Castle, in order to minimise its impact upon the Castle's setting, they would be visually

related to the existing properties which are located along Walworth Road (saved policy E4 of the Local Plan)

28. The pods have been positioned more appropriately within the site and an extensive landscaping scheme has been proposed which will help to integrate the pods into the surrounding area once fully established. The pods are set well within the boundaries of the site, which are stone walls and they would be screened from the north (Walworth Road) by the landscaping that is proposed to be planted on the boundaries. The landscaping scheme is acceptable, and no works are proposed to existing trees as part of this proposal. Arguably, the amended proposals are a visual improvement upon the structures and enclosures which formed its previous use.
29. It is considered that the amended proposals will not have an adverse impact upon the character and appearance of the general area and the scheme would accord with local development plan in this regard.

c) Impact on Heritage Assets

30. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to treat a finding of harm to a listed building and its setting as a consideration to which the decision-maker must give considerable importance and weight when carrying out the balancing exercise and subsequent case law has stated that it is not open to the decision-maker merely to give the harm such weight as he thinks fit, in the exercise of his planning judgment.
31. In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; 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 (para 197 of the National Planning Policy Framework 2021).
32. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199 of the National Planning Policy Framework 2021).
33. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 200 of the National Planning Policy Framework 2021) and the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement

will be required having regard to the scale of any harm or loss and the significance of the heritage asset (Para 203 of the National Planning Policy Framework 2021).

34. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (para 202 of the National Policy Framework 2021).
35. Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (para 206 of the National Planning Policy Framework 2021)
36. The site of Walworth Castle is of exceptional interest and forms one of only 2.5% of buildings listed at Grade I. The castle was constructed in C1600, and the design incorporated an earlier existing structure, and the existing structure will have been connected the Scheduled Deserted Medieval settlement to the north of the site. The building could be called a Manor House as much as a castle. There are several national examples where fortified castle and building were morphed and adapted into Stately homes.
37. A Heritage Statement has been submitted in support of the amended scheme which makes a good assessment of the history of the site and recognises the importance of the development of the site and its contribution to the Castle. Within this significance are the Listed Grade II Garden Walls, Gate Piers and Green House to the North of the Castle. To the west of the Castle is the Grade II Gate Lodge, linking wall and Gate Piers to the west of the Castle.
38. Looking at the historic maps regressions it is evident that the grounds to the north of the Castle have an interesting variation from the more natural landscaping to the more formalised planting including the wall gardens to the north. This also includes the historic water courses which form a part of the more natural landscaping. When looking at the setting of the Castle this area could readily be overlooked when considered its contribution to the setting and significance of the Castle, however given the development of the area it forms an important part of its setting.
39. The existing application site with the means of enclosure and vacant buildings, does to a degree have a negative impact to the setting of the Castle as it has seen some loss of the natural landscape of the site.
40. In their previous comments Historic England and the Council's Conservation Officer noted that the garden of Walworth Castle made a positive contribution to the character and appearance of the Grade I listed building and that the original proposal presented a too standard and basic layout to be placed in such a setting. This resulted in Historic England and the Conservation Officer objecting to that scheme

41. Both Historic England and the Conservation Officer have now advised that the amended layout and in particular the planting scheme presents a more attractive and interesting layout than that originally submitted. The move to a planted scheme would provide a more landscaped transition between the site and the grounds immediately around the Castle which is more reflective of how an English garden around a country house would be designed. Whilst there would be greater visibility between the Castle and the camping pods in the short term it is assumed that the landscaping would establish itself in time to screen the two areas. The sinuous form of the access track sets up an organic layout that allows an interesting interplay between pods and landscaping. This has much more interest than the static fan layout of lodges in the original submission.
42. The pods themselves are laid on the ground, rather than built into it. This reversibility suggests that when removed their long-lasting impact would be negligible.
43. Whilst it is noted that the precise details of the pod designs cannot be submitted at this stage, the Conservation Officer and Historic England both agree that considering the degree of screening, the strength of the layout and their size, they are content for that detail to be left to be secured by a planning condition.
44. Whilst the idea of camping pods is uncharacteristic in the immediate grounds of a country house, they could play a role in the viability of the business that helps support the conservation of this important heritage building. The revised landscaping and screening drawings demonstrate that this could be done in a way that minimises visual impact and adds interest. This would then contain any visual intrusion of the pods themselves, but when a subsequent application is submitted which provides the details of the pods, care should still be taken to ensure that they are of themselves visually interesting and suitable.
45. The pods and the landscaping proposals would not adversely impact upon the listed walls of the neighbouring Walworth Castle Garden which forms the shared western boundary of the application site nor the other heritage assets which are located within the wider local area.
46. In respect to planning policy both Historic England and the Council's Conservation Officer consider that the impact on the significance of Walworth Castle and the other heritage assets is a neutral one, in that the impact of the pods is mitigated by landscape design and balanced by the additional to the viability of the Castle's current use, which is a material planning consideration in the overall balance of determining this application. Should that use end then the pods would leave little in the way of a long-term impact. The proposed development would sustain the significance of the heritage assets in accordance with paragraph 197 of the NPPF 2021. The proposal would also satisfy the local development plan in this regard.

d) Access, Parking Provision and Connectivity

47. The proposal does not raise any issues in principle as traffic generation is not likely to exceed that of the previous use as a bird of prey centre. Access to the lodges and wider Walworth Castle site is via the long-established entrance on Walworth Road to the west, which has visibility appropriate to travelling speeds past the site entrance. A review of 5-year accident statistics, reveals that there have been 3 minor incidents recorded within 300m of the site entrance, none of these are directly associated with the entrance point or demonstrate a pattern of incident. As such it is concluded that there are no inherent road safety reasons to refuse access at this point.
48. The access enters into the grounds and the internal road splits, with one route leading directly to the front of the castle, and the other route leading to the left of the Castle and around the back to additional parking facilities and Castle grounds. This provides an existing direct access to the application site. As this is currently used by all servicing vehicles and is of a large scale it will be accessible by emergency vehicles including a fire appliance. The current Design Guide advises that an appliance should be able to get to within 45m of a dwelling entrance. The unit furthest from the gate is just within the limits of this requirement unless a gated opening of 3.1m or more is provided for emergency access.
49. Arrangements for refuse collection will need to be made internally, however the site is of sufficient size to allow such a vehicle to enter and exit the site in a forward gear.
50. The castle and hotel benefits from good levels of existing parking provision. It is not expected that the proposed 6no pods would result in significant traffic increase on the wider network, nor would it result in unsustainable pressure in terms of parking. Car parking for the lodges will be within the main hotel car park approximately 75m to the south west of the proposed site. Sufficient car parking is provided within the site, as such it is not expected that overspill parking will be a likely outcome.
51. The limited scale of the scheme, comprising just 6no holiday pods which is ancillary to the main hotel accommodation within the Castle, will not generate significant volume of vehicle movements that would justify refusal of the scheme on reasons of highway impact. The Council's Highways Engineer has raised no highway safety or parking provision objections to the proposed development, and it would accord with local development plan in this regard.
52. In terms of connectivity to the wider area, this development site is not accessible by bus as there are no bus stops within 400m of the site, therefore guests and visitors will not be able to access this site in a sustainable way. The main mode of transport to the site would be via a motor vehicle, as is the case for visitors to the Castle. Pedestrian access is to be taken from the infrastructure already in place at Walworth Castle. The development site is within an advisory cycle route, and in order to promote the use of cycles, cycle storage and parking should be provided for guests which can be secured by the use of a planning condition.

53. It is recognised that the site is not accessible by all means of transport, especially public transport. Whilst the local development policies encourage rural economic development to be located in sustainable locations, national policy does recognise that sites may have to be found beyond settlement limits which are not fully accessible and cannot be made so, which is the case for this proposal. It also has to be recognised that the pods are located within the grounds of an existing hotel and will form part of the additional accommodation offer within the site. The provision of cycle parking within the scheme will give the patrons access to cycle routes within the area of the application site such as Jersey Ice Cream Parlour approximately 0.6 miles away, an Organic Farm Shop and Café in Piercebridge approximately 3.0 miles away, Medieval Ulnaby Farm Shop and Café approximately 1.6 miles away, and the provision will help persuade holiday makers to choose alternative methods of travel once they are there.
54. It is considered that, whilst not fully accessible, there are other material planning considerations as set out above which enables the principle of this extension to the offer of holiday accommodation for the Hotel to be acceptable.

e) Residential Amenity

55. The application site was the location of a Birds of Prey enterprise which was open to visitors and therefore this part of the Hotel site will have previously generated noise and disturbance from such activities although it is recognised that any noise associated with the proposed use is not fully comparable with its previous use.
56. Whilst the details of the pods have yet to be agreed, it is considered that they are sited in locations which will not result in any adverse loss of privacy issues for the dwellings in the immediate locality.
57. The development is low scale and whilst it cannot be claimed that the proposal will not result in some noise and disturbance, it would be envisaged the hotel will operate a strict management programme which would deal with any adverse amenity issues caused by the occupants of the pods, for example, noise, barbeques, antisocial behaviour.
58. The details of any external lighting can be secured by the imposition of a planning condition.
59. Overall, it is considered that the proposed development will not have a significantly adverse impact on the amenities of the neighbouring properties to the north, east and west of the application site. The proposal would accord with local development plans in this regard.

f) Archaeology

60. The Durham County Council Archaeology Team has advised that the proposed type of accommodation will minimise ground-disturbing works which is welcomed in this area of high archaeological potential. As such, the Team has confirmed that pre-determination evaluation of the site will not be required but mitigation will be

necessary in the form of a watching brief to monitor the much more limited ground works. This can be secured through the use of appropriate planning conditions. The proposal would accord with the National Planning Policy Framework 2011 and the local development plan.

g) Land Contamination

61. A Preliminary Contamination Risk Assessment has been submitted with the planning application. The report identifies the former infilled ponds on the site, develops a conceptual model for the site and is recommending site investigation works to assess the extent and risks from the made ground used to backfill the former pond areas. Environmental Health accept this approach and has recommended the imposition of standard planning conditions relating to land contamination. The proposed development would comply with the local development plan in this regard.

h) Ecology

62. The site predominantly comprises amenity grassland, surrounded by scattered broadleaved trees, tall ruderals, stone wall and fencing. In addition, two disused wooden buildings, a stand of scattered scrub and hardstanding were also present within the southern extent of the site. The planning application has been supported by an Ecological Survey of the site and the assessment identifies habitat or potential for nesting birds, bats, badger and hedgehog. However, the assessment anticipates that the potential presence of birds, badger and hedgehog can be mitigated for by taking appropriate precautionary measures both prior to, and during, the construction phase of the development, such that no further survey works are considered necessary to inform the anticipated development proposals. The Survey recommends mitigation measures and potential ecological enhancements.
63. The Council's Ecology Consultant has advised that there are no ecological issues with this application. The tree and wall identified in the Survey with bat roost potential are to be undisturbed. Subject to the imposition of appropriate planning conditions, the proposed development would meet the biodiversity net gain requirements set out in the National Planning Policy Framework 2021 and it would accord with the local development plan.
64. In response to the objection relating to the presence of Japanese Knotweed, the Ecology survey state that the eastern bank of the pond adjacent to the eastern boundary of the application was dominated by Japanese knotweed which was approximately 60 m in length and within 5 m of the eastern boundary of the application site at its closest point. As the Japanese knotweed is separated from the application site by the pond and is within the wider Site ownership of the applicant, the survey makes no further recommendations on this matter.

i) Drainage

65. The proposal includes the use the existing septic tank system for foul sewage. Whilst a Flood Drainage Assessment Form has been submitted in support of the planning

application, the acceptability of this form of drainage would be considered in more detail by the Council's Building Control Team.

j) Accessibility

66. When the precise details of the pods are provided at a later stage, care will be taken to ensure that the accommodation is accessible for all in accordance with the local development plan.

THE PUBLIC SECTOR EQUALITY DUTY

67. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This matter is considered at paragraph 65.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

68. 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 AND RECOMMENDATION

69. The planning application is for the change of use of land and the siting of six holiday pods within the grounds of Walworth Castle, which operates as a hotel. It is recognised that the application site is not within a fully sustainable location as connectivity to public transport is poor but the proposal forms part of the existing hotel which provides accommodation in the countryside and sustainable links can be maximised by the inclusion of cycle parking provision within the scheme so that the users of the pods can fully utilise the existing cycle paths into the wider area, which is a material planning consideration.
70. The pods would be part of the holiday accommodation on offer by the hotel operator. The proposals have been significantly amended and improved following discussions with Historic England and the local planning authority. Whilst the designs of the pods would be secured by a planning condition, they will be well designed to reflect and be sympathetic to their surroundings and also screened through a comprehensive landscaping scheme to minimise visual impact on the local area and the setting of the heritage assets which accords with the general principles of the appropriate local development plan policies within the current and emerging local plan.
71. The proposed development has been redesigned so that its impact on the heritage assets is neutral and their historic significance would be sustained in accordance with the requirements of the National Planning Policy Framework 2021.

72. The proposal will help to generate some further income for the Castle and its upkeep which is welcomed, and the additional accommodation will increase economic growth within the countryside which are also material planning considerations for this scheme.
73. There are material planning considerations which enables this proposal to be supported in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the recommendation is to approve subject to planning conditions.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:
 - a) Drawing Number D230.L.102 – Demolition Plans
 - b) Drawing Number D230.P.104 Rev C – Planting Plan
 - c) Drawing Number D230.L.103 Rev C – General Arrangement Plan

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

3. For the avoidance of doubt the planning permission hereby granted relates to the siting of 6 No. holiday pods only.

REASON: In the interests of the general amenity of the area and the setting of the surrounding heritage assets

4. Prior to the commencement of the development, precise details of the 6 No holiday pods shall be submitted to and approved in writing by the Local Planning Authority. The details shall include design, materials, dimensions, internal layout, colour schemes, and information on accessibility arrangements. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of the visual appearance and amenity of the local area and the setting of the surrounding heritage assets

5. Prior to the commencement of the development, precise details of a scheme for the positioning of bat boxes and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the type of box and location within the application site. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of biodiversity and protecting habitats

6. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

REASON: To safeguard any Archaeological Interest in the site, and to comply with the National Planning Policy Framework 2021.

7. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON: To comply with the National Planning Policy Framework 2021, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible

8. CL2 - Phase 2 Site Investigation Strategy
9. CL3 – Phase 2 Investigation Works
10. CL4 - Phase 3 Remediation and Verification Strategy
11. CL5 - Construction/Remediation works
12. CL6 - Phase 4 Verification and Completion Report
13. Prior to the occupation of the development, precise details of secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be in place prior to the first occupation of the development and shall be retained and available for use during its lifespan.

REASON: In the interests of encouraging the use of sustainable modes of transport

14. Prior to the occupation of the development, precise details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be in place prior to the first occupation of the development and shall be retained and available for use during its lifespan.

REASON: In the interests of the amenity of the local area

15. The accommodation hereby approved shall not be used for any purpose other than as holiday accommodation associated to the owners/operators of Walworth Castle and

shall not be occupied as a person(s) sole or main place of residence. Furthermore, the owners/operators of the site shall at all times maintain an up-to-date register of the names of all owners and occupiers of each individual holiday unit on the site together with the addresses of their main place(s) of residence and shall make this information available on request at all reasonable times to the Local Planning Authority.

REASON: To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be unacceptable in this location.

16. The landscaping scheme shown on Drawing Number D230.P.104 Rev C shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON - In the interests of the visual amenities of the area.

17. In the event of the need to install external lighting, precise details of the lighting scheme shall first be submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. The details shall be submitted prior to their installation and the development shall not be carried out otherwise than in accordance with the approved details. Changes to any element of the lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

REASON: In the interests of the amenity of the surrounding area.

18. Notwithstanding Condition 17, any external lighting scheme shall also conform with the guidance set out in the submitted document entitled Preliminary Ecological Appraisal and Bat Roost Potential Survey Walworth Castle, Darlington" dated August 2020 and produced by Delta Simons.

REASON: In the interests of biodiversity and protecting habitats

19. Should site clearance occur within the bird breeding season (March to late August), an experienced ecologist shall be required to check the site habitats immediately prior to works commencing to confirm that no nesting birds will be affected by the proposed development.

REASON: In the interests of biodiversity and protecting habitats

INFORMATIVES

The Local Planning Authority may undertake periodic spot check monitoring of condition 4 which will require, from time to time, the completion of a formal questionnaire to confirm information from the register about the ownership and occupation of the accommodation to ensure that it is being occupied for holiday purposes only.