

PLANNING COMMITTEE

Wednesday 1st October 2008

This application is reported to Members following a request from Councillor J Watson. The following reasons were given for this request for the application to be determined by the Planning Committee:

- The site represents a long established and important retail location in the town.
- The site has extraordinary significance in that it has its own self contained off street service access. The application seeks to establish unprecedented residential development on the site, involves public interest and warrants careful examination
- Surveys undertaken through the Barnard Castle Vision Initiative, in which Mr T Watson and Mrs P Graham have been involved, have identified current problems with the lack of retail development opportunities in the town. In these circumstances the status and fate of 54 Galgate are a very important issue that should not bypass the democratic process.

Case Officer - Charlie Colling

BARNARD CASTLE - 6/2008/0265/DM/LB

Listed Building Consent for alterations to existing stone built buildings and extensions & demolition to facilitate development at 54 Galgate, Barnard Castle for Sistine Properties Ltd (1 July 2008).

THE SITE:

The site is within the Barnard Castle Conservation Area and part of the site is within the Primary Shopping Area. There are a range of buildings within the site; there is the main two storey building fronting Galgate which is Grade II listed, with retail premises to ground floor, and a range of outbuildings behind this. The construction of the buildings within the site are predominantly of stone; there are some red brick elements and some of more modern less sympathetic materials i.e. blockwork. Residential properties adjoin the site to the rear and sides. Vehicular access to the site is via Baliol Street.

THE PROPOSAL:

The proposals seek listed building consent for alterations and conversion of the existing offices, retail premises and outbuildings to provide 2 (A1) retail units and 5 dwellings. The development would include the division of the existing ground floor retail premises fronting Galgate, into two separate A1 retail units, with a store and WC to each. The existing offices and store rooms above would be converted to provide a single flat. The outbuildings to the rear would be converted to provide 4 further dwellings. Parking for the dwellings would be provided within the courtyard, with a single space for each residential unit. Access for the dwellings would be taken from Baliol Street. No parking provision is allocated for the retail units.

PLANNING HISTORY:

6/1995/0149/DM/LB - Internal Alterations, Replacement of existing stall riser with tiling and retile lobby floor. (approved)

6/2007/0598/DM - Change of use of butchers/bakers shop to A1 and cafe A3 including alteration and extension. Conversion of offices/outbuildings to five dwellings. (Withdrawn as further protected species information required)

6/2007/0599/DM/CA – Demolition of outbuildings to facilitate development (Withdrawn as further protected species information required)

6/2008/0250/DM/CA - Demolition of outbuildings to facilitate development (Pending)

6/2008/049/DM - Alterations to existing shop to provide 2 units (A1) rear extension & conversion of offices/ outbuildings into 5 dwellings at 54 Galgate, Barnard Castle for Sistent Properties Ltd (Pending).

PLANNING POLICY:

GD1 General Development Criteria

SC13 Traditional shop front design in Barnard Castle

BENV1 Alterations, extensions and changes of use to a Listed Building

BENV3 Development affecting the character of a Listed Building or its setting.

REPRESENTATIONS:

Statutory and Internal Consultants:

Barnard Castle Town Council – Conditional approval and Conservation Area Consent are recommended, subject to the following conditions:-

- Suitable arrangements being made for the parking of vehicles connected with the development and construction work, so as not to inconvenience local residents, particularly those on Baliol Street; and
- A condition being included restricting hours of work during the construction phase to a reasonable level.

Highways – No objections to the proposals.

The proposal shows 5 off street parking spaces for 5 dwellings. This is an acceptable level of parking given the location. The plan shows that the courtyard will be block paved. If this is the case then it is likely that one or two additional vehicles could be accommodated.

I have discussed the status of the current loading bay with my colleagues in the Southern Area Office. It is considered that the bay should be retained as there are other businesses in the area. Additionally, the loading bay helps to keep vehicles clear of the Baliol Street Junction.

Access to the courtyard is narrow and Baliol Street is usually parked on both sides. I consider a 'Keep Clear' marking should be provided, extending one metre either side of the access, in order that the access can be used when cars are parked opposite. These works must be carried out by the developer, who should also consult with the properties whose frontages will be affected. As they are required because of the development the developer will have to pay for the provision of the markings. Any approval should be subject to a Grampian type condition requiring the road markings to be provided prior to the occupation of the dwellings.

Natural England – The proposal is unlikely to have an adverse effect in respect of protected species especially protected by law. However the Local Planning Authority may wish to attach an informative based on the information in ODPM Circular 6/2005

Part IV B and C if planning permission is granted, to make the applicant aware that such species may be present in the general area and the legal protection afforded to this species.

Additionally as some of the buildings to be demolished may offer potential hibernation for bats, we would advise that demolition should not take place during the hibernation period (November to late March)

Design and Conservation Officer - This listed former house of c1870 with c1930 and later alterations has long been a shop and a distinctive feature of the north side of lower Galgate. There have been a number of tentative proposals for the premises and site as a whole since the relocation of Peats but the present scheme, which retains the commercial ground floor frontage, is probably the most satisfactory in retaining both the fundamental external character and the spatial arrangements of the historic building. Beyond the frontage building, the existing outbuildings are a mixture of the interestingly and attractively detailed traditional and some rather horrible basic working buildings. Like the proposed frontage treatment, that proposed for the primary rear buildings makes the most of the remaining historic features with generally satisfactory alterations/additions. Subject to the usual requirements for appropriate and satisfactory detailing, the alterations to the listed building are generally acceptable with nothing of really great significance being lost, though there is a marginal re-organisation in the stairway which will slightly distort the historic spatial arrangements. I cannot see any visual reason for refusing the remaining proposals which should enhance the conservation area where they are at all viewable from out of site locations.

Public Responses:

Neighbouring properties have been consulted, a site notice posted and an advert placed in local press with one letter from the occupier(s) of 56 Galgate received. The letter does not raise specific objections to the application but asks 5 questions regarding the proposals. These are summarised below.

- How long will the demolition work take place, and which route will be used for it?
- Will the road be closed adjacent to Baliol Street, during the renovations?
- Will the existing brick extension be removed, as this blocks all my sun in the winter months?
- What types of shops are envisaged and do they have a rear exit to the courtyard to access their bins?
- If the shops are food outlets, will there be a restriction on the opening hours (8am-6pm Monday to Sat)?

PLANNING CONSIDERATIONS:

- Principle
- Demolition
- Design
- Conservation Area/Listed Building

54 Galgate has operated for a considerable length of time as a butchers/bakers, the business has now relocated within Barnard Castle and the premises currently stand vacant. The current proposals seek to retain the retail element at Ground Floor, fronting Galgate. Five units of residential accommodation are also proposed within the site as part of the development.

Some of the buildings are within the primary shopping area of Barnard Castle and can be considered as having an employment generating use. As such the principle of the development must be assessed against the criteria within Policy SC3 and ECON3 of the Local Plan. Policy SC3 seeks to deter development which would result in the loss or change of use of ground floor A1 uses which would be materially harmful to the primary shopping function, vitality and viability of the town centre. The current proposals seek permission to divide the existing retail premises into two A1 units. In this respect the proposals would fully accord with this policy, as the A1 retail function of the premises at ground floor would continue to exist and contribute towards the vitality of this part of the town centre.

Policy ECON3 allows for the conversion or change of use of buildings within settlements limits from employment generating uses, where it can be demonstrated that the continuation of the use would be unreasonably harmful to the amenity of occupiers of nearby dwellings, or where it can be demonstrated there is no demand for the premises, the site is allocated in the plan for another use or an affordable housing needs has been identified. The proposals seek to retain a retail function within the main building fronting Galgate, with the existing single unit being divided to provide two separate A1 retail units. In this respect the proposals would accord with ECON3. However, there are a number of outbuildings to the rear of these premises, which are in close proximity to residential dwellings. The outbuildings on the site have historically been used for a variety of functions in relation to the main butcher/bakers business within the site, ranging from a bakery, preparation area and a number of stores. During the site visit it was evident that some of these buildings had not been in use for a considerable length of time and have fallen into a poor state of repair.

It is considered that it may be argued that the conversion of these buildings from an employment generating use to residential would be contrary to Policy ECON3, in that these buildings could potentially contribute towards employment opportunities within the town centre. It is your officer's view that the aims of Policy ECON3 relate more to industrial uses within development limits, and that a business of this scale would be better sited away from residential properties. Should the buildings be repaired and brought into some form of commercial use, then it is likely that the nearby residential properties would experience a detrimental impact upon amenity. On balance it is considered that the principle of the development would accord with the key aims of Local Plan Policy in that a retail function would be retained at ground floor, within the primary shopping area. A range of buildings with the potential to adversely affect residential properties would be redeveloped to a more appropriate use.

Highways

Access to the site is currently taken from Baliol Street, and there is also a loading bay immediately to the south of the Baliol Street Entrance. It is proposed that this access would be reused providing vehicular access to each of the residential dwellings. Five parking spaces would be provided within the site, a single space for each dwelling. The highways officer has commented that this level of parking is acceptable and has raised no objection to the reuse of the existing access. It is acknowledged that Baliol Street is congested with cars often parked along both sides of the street. The highways officer has recommended that in order to ensure the access can be used when cars are parked opposite, 'Keep Clear' signs should be provided at the expense of the applicant. This is considered to be a sensible request and can be controlled by way or condition.

The highways officer has also commented that the Loading Bay is to be retained as there are other businesses in the area which could potentially benefit from it, and that the bay helps to keep cars clear of the Baliol Street/Galgate junction. Again this would seem logical and its retention would be controlled by the County Highways Department.

Demolition

As part of the proposals some demolition work has been identified. This demolition work would largely consist of the removal of some single storey buildings constructed in sub-standard materials and a red brick off-shot immediately to the rear of the main building (54 Galgate). It is also proposed to demolish a single storey blockwork store building (identified on the plans as store 2 former slaughterhouse). The demolition work proposed, would seek to remove those less aesthetically pleasing buildings, whilst ensuring the retention of the more traditional buildings. The demolition work is considered to be acceptable and would not have a detrimental impact upon the conservation area, given the buildings are unlikely to be visible within the public realm, and their removal would expose the more traditional buildings. The proposals in this respect would accord with Policies GD1 and BENV4 of the Local Plan. It is not proposed to demolish any part of the listed building. The Conservation Officer has not raised any objection to the proposed demolition.

Design

The main two storey building fronting Galgate is Grade II listed and within the Barnard Castle Conservation Area. At ground floor the existing retail unit would be divided into two units. This would involve some internal partition work, and alterations to the existing recessed entrance to provide two separate entrance doors. The entrance would remain recessed and the traditional frontage would be retained. A condition would however be attached requiring precise details of the frontage to be submitted and agreed in writing prior to the commencement of any work.

Above the retail premises would be a single residential flat (flat 5). The existing openings to the front would be retained, although there would be the addition of three conservation rooflights to the front roof slope and two to the rear, to allow the roofspace to be used as living accommodation. To the rear of the property there would however be some alterations to the existing openings to allow for the internal alterations. The Conservation Officer has not raised any objection to these alterations and it is considered that the character of the listed building would not be compromised in accordance with policy BENV1 and BENV3 of the Local Plan.

The range of traditional outbuildings would be converted to provide 4 further residential dwellings. Extension to the existing buildings is limited to a two storey extension on the footprint of part of 'store 2' (which is to be demolished), which would provide living accommodation for flats 1 and 2, and the addition of a timber conservatory to house 3. The materials and design proposed for the extensions are considered to be acceptable and would compliment the existing traditional buildings and would accord with the principles of policy GD1, BENV1 and BENV4 of the Local Plan.

The conversion of the outbuildings would seek to reuse existing openings and keep additional openings to a minimum. An element of outside amenity space has been provided for each of the residential units, with the exception of 'flat 2', and an area has been allocated for bin storage within the courtyard parking area, a single bin for each of the dwellings and one for each of the retail units. To the rear of shop 2, there is a doorway which would allow access for the retail units to the courtyard bin storage area.

Residential Amenity

The site is bound by residential properties. As such it is important to ensure that the proposed development would not adversely impact upon neighbouring occupiers amenities. It is considered that as there are no new openings proposed in buildings which would have the potential to overlook neighbouring properties to an unacceptable degree, then the proposals are considered to be acceptable. The new extension to the proposed flats 1 and 2 would not have any windows in the wall adjoining the garden of 4 Baliol Street to the north west. Similarly in the western wall of 'house 3', abutting the boundary with 2 and 4 Marshall Street, there are no windows proposed, in order to ensure that the residential amenity of neighbouring occupiers is protected to a satisfactory level.

To the first floor of 'house 3' there is an existing window which faces the rear elevation of 50 Galgate. In the rear elevation of 50 Galgate at first floor there is a kitchen/dinning room window. The distance between these windows is approximately 5 metres. As such it is recommended that Members consider attaching a condition requiring that this window be obscurely glazed. This could be controlled by condition.

The premises were last used as a butchers/bakers, with the outbuildings providing space to accommodate the necessary ancillary functions. It is considered that given the close proximity of these buildings to residential dwellings, the reuse of these for residential purposes would benefit the overall amenity afforded to neighbouring occupiers, whilst at the same time ensuring a retail function is continued on the Galgate frontage.

Protected Species

A bat survey has been carried out. No roosts were found at the property, although bats were recorded in flight above the property. Crevices were identified for roosting bats at the site, but there was no evidence that these are used. The report concludes that the proposed development is unlikely to have an adverse impact on roosting bats. Natural England have been consulted and have raised no objection to the proposals, subject to an informative advising of the applicant's obligations under protected species law.

Response to letter from occupiers of 56 Galgate

The issues raised are not material planning considerations in determining an application for listed building consent.

PLAN Nos AND DATE RECEIVED:

- 117-02 Existing Ground Floor Plan (rec 18/6/08)
- 117-02(A) Extent of Demolition (rec 18/6/08)
- 117-03 – Existing First Floor Plan (rec 18/6/08)
- 117-04 – Existing Elevations (rec 18/6/08)
- 117-12 – Proposed Ground Floor Plan (rec 18/6/08)
- 117-13 - Proposed First Floor Plan (rec 18/6/08)
- 117-14 – Proposed Elevations (rec 18/6/08)

RECOMMENDED: That Listed Building Consent be granted subject to the following conditions:

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

To ensure that the development is carried out in accordance with the approved plans.

3. Notwithstanding the information shown on the submitted application, samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, and thereafter the development shall be carried out in accordance with the approved samples.

To protect the visual amenity of the surroundings and the character of the building in accordance with Policies GD1 of the Teesdale District Local Plan 2002.

4. Notwithstanding the details shown on the approved plans the following details shall be incorporated into the scheme of development:

- a) The shopfront shall be constructed of timber with a painted finish, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

- b) Joinery details at a scale of 1:20 showing the precise detailing to the shopfront shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, which shall be carried out in accordance with the agreed details.

For the avoidance of doubt and to protect the character of the building in accordance with Policies SC13 of the Teesdale District Local Plan 2002.

5. All windows and doors shall be constructed in timber, joinery details of which, at a scale of 1:20 shall first be submitted to and agreed in writing with the Local Planning Authority.

In the interests of protecting the character of the building and the appearance of the conservation area in accordance with Policies GD1 and BENV1 of the Teesdale District Local Plan 2002.