



## **Area Planning Committee (South and West)**

**Date** Thursday 23 January 2020  
**Time** 1.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### **Business**

#### **Part A**

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 24 October 2019 (Pages 3 - 14)
5. Applications to be determined
  - a) DM/19/00260/OUT - Former Addison Auctioneers, The Auction Rooms, Roman Road, Barnard Castle (Pages 15 - 50)  
  
Outline planning application (landscaping reserved) for demolition of existing buildings and construction of 1 no. Class A1 foodstore and 1 no. Class A1 retail unit with associated parking, landscaping and servicing
  - b) DM/19/03226/FPA - Land to the rear of 13 Bede Road, Barnard Castle (Pages 51 - 66)  
  
Erection of dwelling (demolition of workshop)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
15 January 2020

To: **The Members of the Area Planning Committee (South and West)**

Councillor J Clare (Chair)  
Councillor J Atkinson (Vice-Chair)

Councillors D Bell, J Blakey, L Brown, J Chaplow, E Huntington,  
G Huntington, I Jewell, J Maitland, S Quinn, G Richardson,  
J Shuttleworth, F Tinsley and S Zair

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**Contact: Kirsty Gray**

**Tel: 03000 269705**

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, County Hall, Durham on **Thursday 24 October 2019 at 2.00 pm**

**Present:**

**Councillor J Clare (Chair)**

**Members of the Committee:**

Councillors J Atkinson (Vice-Chair), D Bell, L Brown, J Chaplow, G Huntington, I Jewell, S Quinn, G Richardson, J Shuttleworth, F Tinsley, A Gardner and J Higgins

**Apologies:**

Apologies for absence were received from Councillor Jan Blakey and Councillor Joyce Maitland

**1 Apologies**

Apologies for absence were received from Councillor Jan Blakey and Councillor Joyce Maitland and S Zair.

**2 Substitute Members**

Councillor A Gardner was substitute for Councillor S Zair and J Higgins for E Huntington.

**3 Declarations of Interest (if any)**

There were no declarations of interest.

**4 Minutes**

The minutes of the meeting held on 19 September were agreed as a correct record and signed by the Chair.

**5 Applications to be determined**

**6 DM/19/02500/FPA - The North Eastern Hotel, Clarence Street, Spennymoor**

The Committee considered a report of the Senior Planning Officer regarding an application for a change of use and extension to form 18 no. 1 bed assisted living residential units with shared facilities at The North Eastern Hotel, Clarence Street, Spennymoor (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor Geldard, Local Member and Member of Spennymoor Town Council, confirmed that the former public house was of the highest priority for the Town Council with regards to regeneration and there was no doubt that Changing Lives did a good job in assisting people who needed help the most, however this application had received such a high number of objections which could not be ignored.

The feeling from local residents and of those in the wider area was that this was not the right place for this type of use and it would be disruptive and detrimental to the area. The area already had a problem with drugs and antisocial behaviour which could be exacerbated as vulnerable service users could fall victim to suppliers who were known to be in the area. There were other more suitable areas which could do this type of facility more justice, this was not the right location.

Councillor Maddison, Local Member, confirmed that this application would bring back into use a Town Centre property which had been derelict for many years. The design of the building was iconic and had been featured in many photographs and paintings over the years. The building had historical links which would be lost if the building was not restored. The owner had explored other avenues in order to have the building restored however there had been no interest and this was the only avenue that was left.

There had been no objections raised by the police, but residents did need reassurance. There was a list of conditions to ensure statutory requirements were met and she hoped that residents would be assured by speakers on behalf of the applicant and Changing Lives.

Councillor Thompson, Local Member, confirmed that it was over a year since he was first made aware of the application and due to the number of concerns regarding the location, he and Councillor Maddison became involved on the basis that this could have been a delegated decision. It was imperative for residents to have their say. Councillor Thompson confirmed that himself and Councillor Maddison had visited two similar buildings and the way in which they were operated raised no concerns. Both Councillors insisted on a full public consultation which was attended by representatives from the Council and the Applicant. More took place, which were attended by the Police, and people seemed to be positive in relation to a revamp of the building and the help it would give people to get their lives on track.

Councillor Thompson confirmed that local residents' concerns remained as outlined in the report. He reassured them that should the application be approved, he would

continue to monitor the project and he and Councillor Maddison would ensure they were available, for anyone experiencing issues.

Ms K Heirons, Town Clerk for Spennymoor Town Council, confirmed that she had asked for the application to be called in as she felt the Committee was the rightful place for the application to be debated and allow public concerns to be addressed. The Town Council felt that it was important for Members to understand the effects this type of use would have on the local community. Residents had heard who would not be housed in the units but required full details of who would be housed in them. She wanted to ensure that if the application was approved that none of the conditions would be amended.

In response to a question from the Chair, the Senior Planning Officer confirmed that a condition was attached which required a management plan to be submitted before the commencement of any works, any changes would be a breach of that condition.

The Chair confirmed that due to the number of objectors he had increased the shared time from five minutes to six between them. He also confirmed that in response to a request from Ms C Bell, he had agreed that a presentation from Ms C Bell, be circulated to Members prior to the meeting as per her request and they had all been given the opportunity to read it.

Ms Bell spoke in objection to the application and made reference to the impact on the residential amenity with regards to noise and disturbance. She confirmed that this area was a community which already suffered from tenants suffering from substance misuse, there had been a recent cannabis farm uncovered and reported by Durham Constabulary and there were issues with antisocial behaviour and a recent reported stabbing in the town centre.

This application would impact on the amenity of local residents as well as vulnerable elderly people who lived in sheltered accommodation adjacent to the building. There was also a risk to vulnerable service users by housing them in a neighbourhood which had issues relating to drugs and located near to various outlets selling discounted alcohol. They could be targeted which would be detrimental to their rehabilitation.

The application only included parking provision for three vehicles which was inadequate for a unit with 24-hour staffing and they had poor visibility on a route which was used by primary school children.

Ms Bell confirmed that over 400 people expressed views against the proposal on a social media post for residents of Spennymoor. Most felt it was the wrong location and many of them had commented on the fact that the public consultation had been held during work hours. People who did attend were not given any information on who would be housed in the units and people were concerned following information relayed about the site in Plawsworth, which was not situated in a town centre.

In conclusion this was not the right location for this type of proposal. Spennymoor had significant existing problems with many crimes unreported for fear of reprisals and the local police station closed at 6pm on an evening.

In response to a question from the Chair with regards to the effect not only on local residents, but on vulnerable people who may occupy the units, the Senior Planning Officer confirmed that there was no evidence to suggest anyone would be at risk of harm and noted that there had been no objection from the police. He also advised that this was not a material planning consideration.

Ms L Blaney, local resident, confirmed that as a local Estate Agent Branch Manager, she was approached by Housing Solutions to house ten people. These people caused significant problems such as not complying with their rental agreement, not keeping the houses in order and one house in the immediate vicinity of the proposed site was operating as a den for drug dealing and drug taking.

The proposal was too close to a residential area, in the heart of a town which needed positive investment. She referred to the houses which had already depleted in value which would continue with this type of provision nearby. It was becoming more difficult to rent out properties in the area, and more so since this application had been publicised. It was her view that it needed to be converted to a pub again, not housing units.

Ms Hall confirmed that the Homes Reduction Act gave local authorities more responsibility to house people in appropriate accommodation and rehome people where possible and prevent homelessness. There was an assessment centre to ensure the suitability of residents and this would result in appropriate housing being allocated. Residents had to meet criteria which was strictly applied and if they did not, they would be housed in alternative accommodation. This accommodation was suitable for low to medium support needs and if they became higher at any point, they would be reassessed.

Mr Bird, Changing Lives, confirmed that it was important to note that the project was therapeutic support for people who were at risk of becoming homeless. It was a facility which was minded 24 hours by staff who had received specialist training. Residents were risk assessed and safeguarding of individuals was of the utmost importance. The project focused on enabling a pathway to employment, with sessions for life skills, budget and ultimately the ability to maintain a property.

The security of the building included CCTV and a locked door and entry system. Mr Bird confirmed that he did not want the proposal to cause any problems within the local community and offered for himself to be included in any local residents' meetings. He would also provide contact numbers for any Manager to be contacted at any time if there were any concerns.

Finally Mr Bird confirmed that there were various meetings which would be held to the management of the facility was working and address any issues, including a community steering group.

Mr Bird responded to some of the objector concerns and confirmed that before anyone was accepted on to the programme they were assessed and placed an appropriate location and if something went wrong, they would not remain in the building. There was alternative provision for individuals who would otherwise be made homeless. In response to concerns regarding the impact on service users by local crime, he said that there was support offered with regards to building resilience during the programme and not making negative life choices. Drugs were available in any locality, he did not believe it was any less difficult to find drugs in any other location.

Councillor Shuttleworth commented on those who were reassessed and found to be unsuitable, and asked where they were placed. He felt that approving the application would create more problems for the people of Spennymoor. In response Mr Bird confirmed that they would be referred back to the beginning of the pathway.

Councillor Quinn confirmed that she had worked in sheltered accommodation in Spennymoor and had good knowledge of the work which was accomplished with people who were vulnerable. There were nearby flats which housed vulnerable people and it was obvious that people did not want to reside near this type of residence, but at the same time this was a valuable service assisting people to get their lives on track. She confirmed that there were other assisted living facilities in the area and they had a lot of staff support, excellent security and they did not result in cause for complaint as they were well-managed premises. Finally, she confirmed that the refurbishment of the premises would only assist to improve the area.

Councillor Brown queried the length of stay for individuals and Mr Bird confirmed that the average stay was estimated at 6-9 months.

Councillor Tinsley had concerns with regards to the negative impact which could be created as a result of the application, however if the building was left to decay, this would equally have a negative impact. He confirmed that most areas had issues with regards to antisocial behaviour and drugs but some were managed better than others and there was no doubt that this facility had procedures in place to ensure it was very well managed.

Councillor Atkinson noted that the impact on service users could not be anticipated and it was not a material consideration for the Planning Committee. He noted that people in the area were desperate for the building to be brought back into use and this was a reason enough to approve.

Councillor Gardner confirmed that it was not uncommon in high density areas with a number of rented properties and absent landlords to have problems with antisocial behaviour. This was an iconic building and like many others, had ended in a state of decay. It needed some investment to bring it back into serviceable use and if it was not, it would likely be demolished. The Planning Committee could not allow emotions to conclude this application, and although Councillor Geldard had made some good points, the Committee could only apply reasoning under planning policy.

Councillor G Huntington confirmed that it was natural for residents to have concerns bought the case to bring this building into use was too strong to deny. There could be no assumption that service users or residents would be impacted and on the occasions they may have issues, there was a management plan to be adhered to and there were agencies to deal with any issues from the use of the building and the police would deal with any crime in the area.

Councillor G Huntington moved approval of the application as outlined in the report, seconded by Councillor Jewell.

Resolved:

That the application be APPROVED subject to the conditions outlined in the report.

**7 DM/19/02010/FPA - Land at Winston Bridge Caravan Park, Ovington Lane, Ovington, Barnard Castle**

The Committee considered a report of the Senior Planning Officer regarding an application for the demolition of existing structures, Proposed 36 no. static caravan and/or lodge pitches, site office and parking with associated infrastructure, amendments to the site access, engineering works and landscaping Land at Winston Bridge Caravan Park, Ovington Lane, Ovington, Barnard Castle (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor Shuttleworth noted the application was positive for the economy and moved the recommendation to approve.

Councillor Richardson confirmed that this area was in his ward. He was disappointed to see objections as this could only benefit the area.

In response to a question from Councillor Jewell, the Senior Planning Officer confirmed that there was a condition to agree precise drainage details. Councillor Jewell therefore seconded the recommendation.

Resolved:

That the application be APPROVED subject to the conditions outlined in the report.

**8 DM/19/02002/OUT - Site of Former Kensington Hall Hotel, Kensington Terrace, Willington**

The Committee considered a report of the Senior Planning Officer regarding an application for a housing development of 16 dwellings (outline – all matters reserved other than access) (amended 5.9.19) on the site of former Kensington Hall Hotel, Kensington Terrace, Willington (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Mr Lavender, Agent, confirmed that over the past 12 years a number of applications had been approved for development, but nothing had been implemented. Venturing into the reasons behind this, it could only be concluded that they were the wrong type of housing and the schemes were not deemed to be viable to investors.

This application was wholly compatible and consisted of a mixed development, making it more viable. It had been scrutinised over the past four months and subject to revisions, reducing it from a 17 to 16 dwelling application. There had been no objection from internal consultees and this was a derelict piece of land which would finally result in the construction of dwellings.

Councillor Tinsley confirmed that this was a site within his ward and he questioned the Highways Officer on the adequacy of the junction to the A690 and explain the appropriate level of parking which would be on site. The Principal DM Engineer confirmed that the parking would comply with the Council's Car Parking and Accessibility Standards which was based on the size of each house. With regards to the junction, the number of houses equated one extra vehicle every five minutes during the peak period. The junction itself had partial visibility to the West and visibility to the East was unrestricted. It was a former hotel and had been granted permission for 44 and 38 no. apartments respectively, therefore when considering the application in that context, the amount of housing proposed could not sustain a refusal.

Councillor Tinsley confirmed that there was a lot to gain from development of the site, however he was concerned that this was another application which may not come to fruition. He did comment on the scale of the houses as he felt the floor space was insufficient and there were terraced houses in the area which were bigger and cheaper, which could impact on viability. This however was a brownfield site and would bring a derelict site back into use.

Councillor Shuttleworth moved the recommendation to approve as this would bring back into use an area of derelict land.

Councillor Richardson agreed the houses were small but balanced against a high need for development.

The Senior Planning Officer added that this was outline permission for up to 16 houses and reserved matters would need to agree the size and scale of the dwellings. The application did comply with affordable housing and section 106 contributions.

Councillor Atkinson seconded the recommendation to approve.

**Resolved**

That the application be APPROVED subject to the following conditions and the completion of a s106 agreement to secure:-

- 3 no. affordable dwellings,
- £27,667.50 towards off site open space provision,
- £7,728 towards the provision and improvement of healthcare facilities and,
- £6,000 towards biodiversity mitigation;

And the conditions outlined in the report.

**a DM/19/02221/FPA and DM/19/02222/LB - 80 Newgate Street, Bishop Auckland**

The Committee considered a report of the Senior Planning Officer regarding an application for Change of use of former department store to 3no. ground floor units with flexible A1/A3 use and 27 apartments, associated internal and external alterations and partial demolition at 80 Newgate Street, Bishop Auckland (for copy see file of minutes).

The Senior Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site. She informed Members of the need for a S106 agreement to secure a payment of £34,782 towards the provision and/or enhancement of offsite open space.

Councillor J Allen, Local Member, addressed the Committee on both applications and welcomed the proposal to provide more quality retail units, but she had concerns about the residential conversion. She urged the developers not to look to make a short term profit, which would have a negative impact on the long term sustainability and viability of the high street, but to capitalise on the expected growth in visitor numbers and prioritise the alternative plans to convert the existing building into a hotel.

She was concerned about the saturation and conversion of high street accommodation into single bed units emphasised that care should be taken now to ensure that problems were not created which would be regrettable later. Councillor Allen understood that permission may be granted for both but this proposal did not provide the same economic social and environmental opportunities as the hotel. Although permission may be granted she urged the developer to consult with local members as a matter of urgency to ensure they focused on an application which would benefit not only Bishop Auckland but County Durham as a whole.

She was also a Town Councillor and Cabinet Portfolio Holder for Transformation, Culture and Tourism and this hotel would be of great benefit the South of the Region. It had been report in the visit County Durham Accommodation Strategy that the Council needed to support and accelerate applications such as this, to capitalise the opportunities for growth and provide quality accommodation. Overnight stays were worth £184 per day compared to £21 per day visitors, hence the determination to encourage more applications like this to provide more accommodation for tourists.

Bishop Auckland was on the gateway to the Dales, which had a growing market for tourism and culture. Bishop Auckland were anticipating a number of world class attractions within a ten minute walk of the market place, including Kynren, Auckland Castle, Spanish Gallery, Walled Garden, Faith Garden, Medieval Park, Binchester Roman Fort, Mining Art Gallery, the Locomotion National Railway Museum, Bowes Museum, Raby Castle, making it a destination of choice.

There was not enough hotel accommodation to meet the anticipated growth in tourists, hotels were currently of 71% occupancy which would not meet the demands of the market. The town had a railway station, with excellent railway links to Darlington and the East Coast main line. Finally Councillor Allen urged developers to speak to local members and focus on the hotel which would benefit the County as a whole.

H Chapman, Agent, confirmed that she would be encourage the developers to consult with local members.

Councillor Tinsley could see why the developer had submitted two separate applications and Ms Chapman confirmed that the Applicant had submitted two applications due to marketing and to see which application would gain more interest. He was concerned that it appeared the Applicant was considering the market for a hotel, and would go out to hoteliers to see if there was any interest but if it didn't take off, the residential units would be the fall back.

Councillor Gardner had spoken to another local member, Councillor Zair, prior to the meeting and he agreed with Councillor Allen's views on suitability and that the hotel was a more appropriate use. Notwithstanding he queried the suitability of bin storage, cycle parking and car parking in both applications. There was not a space for every apartment and transport links in Bishop Auckland were unreliable – there were two services from Bishop Auckland to Spennymoor and therefore occupants would likely need a vehicle.

The Senior Planning Officer responded that the site was within the town centre, with public transport links, a train station and off-site parking. In addition, there had been no objection from the Highways Authority.

Councillor Shuttleworth noted that there had been no mention of antisocial behaviour in Bishop Auckland and supported bringing such an attractive building back into use.

Councillor Chaplow confirmed that she agreed it would be best suited as a hotel as it would bring jobs and tourists to the town centre. One bedroom apartments were not adequate.

Councillor Quinn also agreed that it was unlikely the scheme for residential units would work however the Chairman reminded Members that this was not an application for them to choose which out of the two usage they preferred.

Councillor Atkinson confirmed that he was in favour of both applications and noted that the choice was the prerogative of the Applicant.

Councillor Richardson confirmed that just a few hundred yards away from this site there was a pub which had been converted to flats and in his opinion, not up to a high standard. He referred to parking issues in the town centre and wardens issuing tickets, which deterred shoppers and tourists.

Councillor Shuttleworth moved the recommendation to approve, seconded by Councillor Atkinson.

**Resolved:**

That the application be APPROVED subject to the completion of a Section 106 agreement to secure a payment of £34,782 towards the provision and/or enhancement of offsite open space and the conditions outlined in the report.

**9 DM/19/02223/FPA and DM/19/02224/LB - 80 Newgate Street, Bishop Auckland**

The Committee considered a report of the Senior Planning Officer regarding an application for Change of use of former department store to 3no. ground floor units with flexible A1/A3 use and 62 no. bedroom hotel, associated internal and external alterations and partial demolition at 80 Newgate Street, Bishop Auckland (for copy see file of minutes).

The Senior Planning Officer had given a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor Clare reiterated some of the comments with regards to the insufficiency of one bedroom apartments, the inadequate parking, bin storage, off street parking, cycle facilities and transport issues, and asked the Council's Solicitor to give advice on whether there were any material grounds to refuse the application.

The Solicitor confirmed that the issues highlighted, in his opinion, were insufficient to sustain a refusal and he did not think the Council could defend a decision on those grounds on appeal.

Councillor Jewell confirmed that many of the issues which had been highlighted were subjective rather than material planning considerations. His concerns were with regards to parking, refuse storage and cycle storage, however in the absence of parking, people were expected to consider walking and cycling and he wondered what provision was in place.

Councillor Tinsley referred to the struggling high street with vacant units, and he confirmed that in future Councils were going to have to consider residential units. He asked if the Highways Officer could comment on the adequacy of the car parking on site.

The Principal DM Engineer confirmed there was a ratio of 0.7 spaces per flat which was adequate given the town centre location, which was close to shopping, employment, public transport and public car parking facilities. There had been reference made to the efficiency of parking wardens relating to on street and off street parking, which was in abundance nearby. The existing building had already a planning use for retail and in terms of making a sustainable objection, it would be extremely weak. Ultimately, future occupiers would have to make a decision on whether they wished to reside in a town centre location with no parking and should they choose to use the public car parks nearby, they were regularly monitored. The provision was not far from meeting the Councils parking standards.

The Chair agreed that he found it difficult to reject the application that there was a lack of parking and cycle storage.

Councillor Shuttleworth moved the recommendation to approve which was seconded by Councillor Atkinson.

**Resolved:**

That the application be APPROVED subject to the conditions outlined in the report.

**10 DM/19/02547/FPA - Clarence Green and Travellers Green, Newton Aycliffe**

The Committee considered a report of the Planning Officer regarding an application for 47no. dwellings and associated infrastructure at Clarence Green and Travellers Green, Newton Aycliffe (for copy see file of minutes).

The Planning Officer gave a detailed presentation which included a site location plan, aerial photographs and photographs of the site.

Councillor Atkinson confirmed that the development was in his ward and he had visited residents in Phase 1 of the development and was very impressed with the standard of build. He moved approval as per the recommendation.

Councillor Tinsley confirmed that he had no hesitation in seconding the application and these were high quality properties which he was familiar with as the developer had built similar dwellings in his ward.

**Resolved:**

That the application be APPROVED subject to the completion of a Section 106 Obligation to secure the retention of 5no. affordable units in perpetuity (representing 10% of the total number of dwellings proposed), an off-site open space contribution

of £26,085.50 and a healthcare contribution of £7,245.00, both payable in a single instalment prior to the occupation of the first dwelling, and the conditions outlined in the report.

**11 Planning Development Management Performance Summary Q1/Q2 - 2019/20**

Members received a report which summarised Planning Development Performance Indicators for the period Q1/Q2 2019/20.

**Resolved:**

That the report be noted.

**12 Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.**

The Chair confirmed that an item of business to consider bringing forward the start time of the meeting, to be in line with other Area Planning Committees.

**Resolved:**

That the time of future meetings be scheduled to start at 1.00 pm beginning on 21 November 2019.

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/19/00260/OUT
<b>FULL APPLICATION DESCRIPTION:</b>	Outline planning application (landscaping reserved) for demolition of existing buildings and construction of 1 no. Class A1 foodstore and 1 no. Class A1 retail unit with associated parking, landscaping and servicing
<b>NAME OF APPLICANT:</b>	Consolidated Development Projects Limited
<b>ADDRESS:</b>	Former Addison Auctioneers, The Auction Rooms Roman Road, Barnard Castle, DL12 8TD
<b>ELECTORAL DIVISION:</b>	Barnard Castle East
<b>CASE OFFICER:</b>	Steven Pilkington, Senior Planning Officer, 03000 263964, <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site consists of an irregular shaped parcel of land located to the north-western edge of Barnard Castle, to the south west of the County. The site extends to approximately 1.29 hectares (ha) in area and comprises a vacant building previously used as an auction house, associated hard standing and an adjacent agricultural field. The site is bound by the highway A688 to the north west, while the residential caravan park of Prospect Place and the residential dwellings of Dickens Road are located to the western site boundary. The residential dwellings of North Field and High Riggs are located to the south of the site. To the eastern and northern site boundaries agricultural fields and stable buildings are located, beyond which lies the residential development of Ashtree Drive. A commercial waste transfer and skip hire premises is also located north of the site. There is a considerable level change across the site, with the land falling approximately 11m in a northerly direction.
2. The site is largely enclosed by mature hedgerows, while a band of immature trees separates the existing building and hardstanding to the adjoining agricultural field. The sole access to the site is taken off the A688, which also serves an adjacent agricultural field/stables in third party ownership.
3. The site is located approximately 210m to the north east of Barnard Castle Conservation Area, which contains a number of listed buildings, including the Grade I listed Castle. No listed buildings are located adjacent or in close proximity of the site. The site lies approximately 750m to the east of Flatts Wood Local Wildlife Site. No Public Rights of Way cross the site or are located in close proximity.

## The Proposal

4. This planning application seeks outline planning permission (landscaping detail reserved) for the demolition of the existing building and construction of 1 no. Class A1 discount foodstore and 1 no. Class A1 retail unit with associated parking, landscaping and servicing arrangements. Although the proposed buildings could be occupied by any suitable operator, the supporting information identifies that it is the intention that the stores would be operated by Lidl and Home Bargains.
5. The proposed A1 foodstore (Lidl) building would measure approximately 1940sqm in area, 73m in length x 33m in width and have a combination of a flat and mono pitched roof at a maximum height of approximately 6.8m. The building is proposed to be clad in a mixture of anthracite grey aluminium panels, cream render, timber cladding and stone work. The building would be sited to the eastern boundary of the site.
6. The A1 retail unit (Home Bargains) would measure approximately 1396sqm in area, 42m in length x 34m in width, and the mono pitched roof would have a maximum height of approximately 7.8m. The building is proposed to be clad in a mixture of anthracite grey aluminium panels, cream render, timber cladding and stone work. The building would be sited to the western boundary of the site.
7. In order to accommodate the units and to create level parking and servicing arrangements, the development would be cut into the bankside adjacent to the southern boundary of the site, with a retaining wall up to 4.8m in height proposed. To the northern boundary of the site the land level is proposed to be increased, with a retaining wall at a maximum height of 2.2m erected. Existing trees and vegetation internal to the site would be removed; however, the existing hedging on the site boundaries would be retained where possible and supplemented with additional planting to filter views of the development.
8. The existing access is proposed to be reduced in width, to maintain access for the existing adjacent agricultural/stable use. A new access is proposed to be formed further to the south west of the site to exclusively serve the proposed development; this would be the sole vehicle and pedestrian access to the site. The formation of this access would require the localised removal of roadside hedgerow; however, additional planting is proposed along the proposed retaining wall which would extend from the access along the A688 to the north and northern boundary of the site. The scheme proposes to construct an additional pedestrian footway adjacent to the southern boundary of the A688, to improve accessibility to the application site.
9. This planning application is being reported to the South West Area Planning Committee because it relates to a major retail development of less than 10,000 sqm and site area of less than 2 ha.

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## **PLANNING HISTORY**

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10. There is no relevant planning history to the site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

11. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in

achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

12. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
13. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 7 Ensuring the Vitality of Town Centres* - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation
17. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

19. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
20. *NPPF Part 12 Achieving Well-Designed Places* – The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
22. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
23. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

24. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design: process and tools; determining a planning application; flood risk; health and wellbeing; land stability; housing and economic development needs assessments; economic land availability assessment; light pollution; natural environment; noise; planning obligations; travel plans, transport assessments and statements; town centres and retail; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

## **LOCAL PLAN POLICY:**

Teesdale District Local Plan (2002) (TDLP)

25. *Policy GD1- General Development Criteria* – Sets out that all new development and redevelopment within the district should contribute to the quality and built environment of the surrounding area and includes a number of criteria in respect of impact on the character and appearance of the surrounding area; avoiding conflict with adjoining uses; and highways impacts.
26. *Policy ENV1- Protection Of the Countryside* – Sets out that within the countryside development will be permitted for the purposes of agriculture, rural diversification projects, forestry, nature conservation, tourism, recreation, local infrastructure needs and an existing countryside use where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape and wildlife resources of the area.
27. *Policy ENV3 – Development within or adjacent to areas of high landscape value* – Sets out that development will only be permitted where it does not detract from the area's special character and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals.
28. *Policy ENV8 – Development affecting plant or animal species protected by law* – Sets out that development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity.
29. *Policy ENV10 - Development Affecting Trees or Hedgerows* – Sets out that development will only be permitted where it avoids unreasonable harm to or loss of important trees which contribute significantly to the setting of nearby existing or proposed buildings.
30. *Policy ENV12 – Protection of agricultural land* – Sets out that development of the best and most versatile agricultural land will not be permitted unless opportunities have been assessed for accommodating development need on previously developed sites, on land within the boundaries of existing developed areas, and on poorer quality farmland.
31. *Policy ENV14 – Protection of water quality* – Sets out that development will not be permitted which would unacceptably prejudice the quality of surface or ground water.
32. *Policy ENV15 – Development affecting Flood Risk* – Sets out that Development in high risk flood areas will only be permitted as an exception where there are no reasonable opportunities to develop in a lower risk area. Development would result in an increased risk of flooding elsewhere should be accompanied by a flood risk assessment. Where appropriate, new development should include sustainable drainage solutions.
33. *Policy ENV17 – Sewage infrastructure and Sewage Disposal* – Sets out that proposals for development which will increase the demands for off-site sewerage infrastructure, such as surface water drainage, sewerage and sewage treatment, will be permitted only where adequate capacity already exists or satisfactory improvements can be provided in time to serve the development without detrimental effects on the environment.
34. *Policy BNV11 – Archaeology Interests* – Sets out that development that may affect a known or potential site of archaeological interest, will be required to undertake a field evaluation. Development which would unacceptably harm the setting or physical remains of sites of national importance, whether scheduled or not, will not be

approved. Developments which affect sites of regional or local importance will only be approved where the applicant has secured a scheme of works which will in the first instance preserve archaeological remains in situ or where this is not possible by excavation and record.

35. *Policy SC1 – Major new retail and leisure development* – sets out that major new retail and leisure development will be permitted within Barnard Castle town centre boundary. For any major retail or leisure development proposed outside the town centre, it will be required to demonstrate the need for the scheme, why the retail or leisure function cannot be accommodated within the town centre boundary and then show that a comparable assessment of other sites has been undertaken.
36. *Policy SC2 – Major retail and leisure developments beyond the town centre* – sets out that where a sequential approach has been undertaken on a site that lies beyond the defined town centre boundary, the need for the scheme shall be established and the scale of the development, either on its own or cumulatively with other such provisions for key town centre development, should not significantly harm the vitality and viability of the town centre as a whole or nearby town centres. The site should be able to be safely accessed by a choice of modes of transport including cyclists, pedestrians and those with special needs. The development should not have an inflationary effect on car travel and that the site can be serviced by public transport. A retail impact assessment should be submitted to demonstrate compliance with the above requirements.
37. *Policy SC6 – Retail Development in the Countryside* - Sets out that planning permission will not be granted for retail development in the countryside except in cases of farm shops, farm diversifications and market gardens where non-local produce accounts for less than 50% of the goods displayed for sale at any one time.
38. *Policy T2 – Traffic Management and Parking* – Sets out that car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site, in accordance with the standards set out in the Local Plan.
39. *Policy T8 – Encourage Cycling* – Sets out that cycling will be encouraged, while off-road cycle routes will be pursued.

#### **RELEVANT EMERGING POLICY:**

##### The County Durham Plan

40. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An Examination in Public (EiP) of the County Durham Plan (CDP) is currently in progress. The programmed hearing sessions closed on 4th December 2019. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time. This position will be subject to review upon receipt of further correspondence from the Inspector.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

41. *Marwood Parish Council* – Object to the application, highlight resident’s objections, the development impact on the dwellings on High Riggs, limited pedestrian access to the site, light pollution, impact on traffic on highway safety, particularly around school times and due to the location of bus stops, impact on deliveries on neighbouring residents. Alternative sites should be considered.
42. *Barnard Castle Town Council* – Offer support to the application with reservations expressed in relation to the access proposals regarding to access for drivers, pedestrians, public transport in terms of footway and road layout, crossing points and access to and from the A688. It is considered that these are inadequate and do not provide safe pedestrian access to the site. Further concerns are raised regarding the potential nuisance (including noise and light) from deliveries and servicing outside normal business hours.
43. *Highways Authority* – It is advised that the proposed access arrangements to the site are acceptable, this includes the proposed access into the site from the A688 is acceptable. This is subject to securing final engineering details of the access junction, provision of an additional pedestrian footway adjacent to the A688, the laying out of visibility splays and the relocation of bus stops on the A688. It is also advised that the development would have an acceptable impact on the wider highway network.
44. *Drainage and Coastal Protection* – Advise that the proposed methods of attenuation and treatment of surface water from the site through SUDS is acceptable, subject to a condition to implement the submitted details.

### INTERNAL CONSULTEE RESPONSES:

45. *Planning Policy* – Advise that although retail and locational policies detailed within the Teesdale District Local Plan are relevant to the application, the policies are considered out of dated due to the age of the evidence that informed them and their lack of consistency with the NPPF. The application should therefore be considered in the context of Paragraph 11 of the NPPF. One of the key issues in the consideration is the impact on the vitality and viability of Barnard Castle Town Centre, when assessed against the Sequential and Impact tests as required by the NPPF. To assist the consideration of the application an independent retail planning consultant was appointed to review all of the material submitted from both the applicant and objectors and to carry out their own assessment of the development. In reviewing the completed assessment and supporting information, it is concluded that the sequential impact test has been passed, with no sequentially preferable site available within or on the edge of the town centre. In terms of the impact test, it is concluded that the convenience and comparison goods trade diversion impact upon the existing Morrisons would be around 19% and 6%. The proposals are concluded not have a significant adverse impact upon on overall viability or lead to the closure of the store. The forecast impacts upon other convenience and comparison retail facilities in the town centre fall within the range 7-9%, this level of impact is not considered to be at a significant adverse level when taking into account all factors. These conclusions are based on a planning condition that would restrict the quantum of floorspace within the proposed Home Bargains store which could be used for the sale of specific types of goods. Overall it is considered that the sequential and impact test has been passed and the development would not have a significant adverse impact on existing town centre. The proposal will provide new shopping provision within the town that will enhance choice

and has the potential to reduce expenditure leaking to other centres and outside of the county. There are also economic and regeneration benefits associated with the investment and job creation of the scheme as a whole. This will need to be balanced against any adverse impacts of the proposed development.

46. *Design and Conservation* – Advise the site lies in a key transitional location between the rural and urban landscapes on the approach to the Barnard Castle Conservation Area, it is therefore extremely sensitive to change and whichever way this proposal is viewed this is a retail shed which cannot be easily absorbed into this location. The proposal will be transformational and if considered acceptable, design of the structures and layout of the site can only mitigate this impact to a limited degree. One of the key issues is to ensure that the extent of parked cars is adequately screened. It is advised that although the food retail unit is larger, its position within the site helps to some degree to mitigate its visibility. It is set well back from the site boundary, Staindrop Road and vegetation which currently sits outside the application site will help to screen and filter views of the unit on approach from the north. However, the Home Bargains unit which is much closer to the boundary and will sit in much more open views which returns to the theme of ensuring the site boundary landscaping is adequate to assist in mitigating the visual impact. The palette of materials put forward is not unreasonable and will lift these units slightly above the average. The choice of stone will be important so that it has some local relevance, while the colour of the render should be of a muted tone.
47. *Landscape* – Advise that the rural character of this approach to Barnard Castle should be preserved, as far as possible. The main issue from a landscape perspective is therefore to ensure that the site is adequately and appropriately screened in views from the A688. It is recognised that landscaping is a reserved matter, however subject to some minor modifications the proposed landscaping strategy is considered acceptable from a landscape perspective and will help filter views of the development. However, given the nature of the site and the development there will be an urbanising effect in this location.
48. *Landscape (Arboriculture)* – Advise that many of the trees to be removed as part of the development are young, ornamental or part of the woodland belt and while such removal is not necessarily supported from an arboricultural perspective and the loss of tree cover will be high, the decision on planning balance may mean that other benefits outweigh the loss of these trees. It is recommended that the application gives more consideration to the retention and enhancement of the hedgerows to the east of the site and other groups of trees as well as providing a more robust planting plan, including some tree planting to the north of the site. In addition, a Tree Protection Plan should be supplied for any trees to be retained.
49. *Ecology* – Advise that the development will be unlikely to have any impact on species especially those protected by law. Subject to securing an off-site contribution of habitat creation, in order to secure a net biodiversity gain no objections are raised.
50. *Environmental Health and Consumer Protection (Air Quality)* – Advise that an air quality impact assessment has been submitted assessing the impact of the development. It is advised that the modelled levels of air quality are well below the national air quality objectives and therefore no objections to the application are made. It is however recommended to condition the implementation of a construction management plan to mitigate construction related impacts including dust.
51. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised, it is however advised that a conditional approach to ensure detailed remediation is undertaken.

52. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the conclusions in the submitted Noise Impact Assessment is considered sound. Conditions to secure mitigations measures including working and delivery hours for the two stores and erection of acoustic fencing around the delivery areas, is recommended. The information submitted in relation the lighting is considered sufficient to mitigate the impact of light spread, however in order to ensure light glare does not cause a nuisance a conditional approach is recommended. Due to the low light background it is considered expedient to ensure that external carpark and delivery lighting columns are switched off 30min after store closure. A conditional approach to secure the implementation of a construction management plan is recommended.
53. *Archaeology* – Advise that there are no archaeological objections to the scheme.
54. *Sustainable Transport* – Advise that the existing bus stops are positioned approximately 150 – 200 metres to the east of the proposed development site. There are no suitable footpath links connecting the site to the west bound bus stop, it is recommended that the bus stops are re-located to a more suitable location adjacent to the new development access road and provide all necessary bus stop infrastructure. A condition requiring the agreement of a travel plan is recommended to encourage sustainable travel options to the site.

#### **NON-STATUTORY RESPONSES:**

55. *Police Architectural Liaison Officer* – Advised that the crime risk assessment for this proposal is low however we suggest that ATM's should not be included in this scheme as they will be particularly vulnerable to attack because of the relatively isolated location. Concerns are raised regarding the increase in traffic into and out of the site as the main entrance to the site is from the A688, the speed limit on the road is 60mph however changes to 30mph shortly after the entrance. There would be an increase in traffic turning into and out of the site and also the arrival and departure of large delivery vehicles through the same entrance could prove problematic and raise the risk of traffic incidents on this stretch of road. The Neighbourhood Policing Team have raised this issue as a concern and would ask that Highways be consulted before any decisions are made. Nuisance from 'boy racers' may also be an issue after normal trading hours, it will be prudent to break up the car park surface to deter it use.
56. *Northumbrian Water* – Advise a conditional approach should be adopted to agree a final scheme to detail the disposal of foul and surface water.

#### **PUBLIC RESPONSES:**

57. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.
58. 27 letters of objection from local residents and businesses (including Morrisons) have been received in relation to the development as summarised below.

#### **Retail Impact**

- The Impact of Home Bargains on the Town Centre and the direct competition for similar shops is highlighted.
- The town centre and morrisons store are particularly vulnerable to trade diversion form an out of centre development.
- It is considered that shoppers may just stop out of town and no longer visit the town centre resulting in trade diversion for the town centre.

- There would be a reduction in footfall in the town centre.
- The development would conflict with the development plan for the area.
- There are other sites within town and the edge of centre which should be developed first.
- A precedent will be set for further out of town retail developments, including on adjacent sites.
- The council should reconsider its parking charges in the town centre to level the playing field for all retailers.
- The conclusions and assumptions of the applicant impact assessment are flawed, including sales densities and where the development will draw trade from. From a separate analysis it is considered that development would have a significant adverse impact on the town centre and should be refused in accordance with the NPPF.
- The development would reduce the town centres turn over by 35%.
- Vacancy rate has doubled in the town centre from 2017 to 2018, which is a sign of a vulnerable centre.
- The Morrisons store is not achieving its expected benchmark turnover which is another indication that the town centre is vulnerable to trade diversion.
- The application should consider the approval at Fieldon Way, Bishop Auckland as part of retail impact assessment.
- The development would not stop leakage to other settlement by the levels suggested and the proposal will draw at least half of its turn over from existing stores in Barnard Castle.
- There is a presumption against retail development in the countryside, contrary to relevant planning policies.

#### Access / Highways

- Concerns on the impact of vehicles entering and leaving Prospect Place
- There is a significant amount of traffic and heavy queuing on the A688 and other roads in the vicinity of the site, the development will make this worse.
- There should be a roundabout into the store entrance, to provide adequate vehicular access.
- A bypass for Barnard Castle should be considered.
- Concerns are raised regarding pedestrian access to the store, a pedestrian crossing should be provided, while the proposed second footway is inadequate.
- A protected right turn box into the site should be provided.
- Save pedestrian access for all should be provided, the proposal does not achieve this.
- There are flaws in the submitted transport assessment and associated assumptions which make the conclusions unsound.
- An independent appraisal of the traffic implications of the development indicate that the proposal should be refused on highway safety grounds based on the level of traffic generated and the feasibility of providing a viable second footway to the development questioned.
- The sight visibility spays would not meet required guidance.
- A Stage 1 Road Safety Audit of the proposals should be undertaken to highlight any possible further highway safety issues.
- The development does not meet cycle parking standards, while proposed parking are in inappropriate locations.
- The submitted TA has failed to consider recent accidents on the A688.
- Offsite parking on the public highway is a concern, the parking provision at the site should be increased, the development only equates to 65% of the maximum provision.

## Residential Amenity

- The building would be in close proximity to the boundary of Prospect Place at a significant height, impacting on residential amenity
- Concerns are raised regarding the Noise, Lights and Fumes.
- The health impacts of fumes and pollution generated from vehicles using the site, including deliveries are highlighted.
- Noise from the development would prevent residents from using their gardens.
- Dust generated through construction would cause a significant impact.
- Acoustic fencing would not mitigate the developments impacts
- The siting of the electricity substation is inappropriate and would impact on the health of residents.
- The proposed acoustic fencing would be an eyesore and would do little to alleviate the concerns of residents suffering disturbance.
- External lighting would shine into residential properties.

## Other Issues

- The Loss in value of properties is highlighted.
- Concerns are raised in regard to land stability, High Riggs is sited above the development site and a large retaining wall is proposed.
- Use of the site out of hours would attract boy racers.
- Property backing onto the site would be more vulnerable to being broken into and experience anti-social behaviour.
- The development should be limited to the area already currently developed by the auction mart.
- There will be an ecological impact due to the removal of trees and hedgerows
- The design does not reflect the local character, with an off the shelf standard approach
- Construction materials should be carefully controlled.
- Careful consideration should be given to the landscaping of the site to ensure that the screening is effectively
- Concerns are raised regarding lighting and the visual impact of this.
- Concerns are raised regarding the amount of material that would need to be removed from the site.
- The impact on operation of neighbouring businesses should be considered.
- The presence of gas and water mains on the site are highlighted.

59. 102 letters of support of development from local residents have been received in relation to the development as summarised below.

- Only one supermarket is present in the town, competition can be healthy and reduce prices.
- Low income families are being priced out of the town a fairer shopping experience will benefit residents.
- The existing supermarket is small for a town of the size of Barnard Castle.
- An edge of centre site would not add to congestion in the town centre which is heavy particularly in the holidays.
- The offer of home bargains is very different to that of existing stores in Barnard Castle.
- People who wish to shop in supermarkets such a Lidl have to travel to Bishop Auckland or Darlington. Providing this offer would actually increase footfall in the town.
- It is unsustainable for residents to travel to Bishop Auckland just for their shopping.

- The population of the town has been increased over recent years, the development would serve these new residents.
  - The development will create jobs and increase expenditure in the town.
  - Change is inevitable in the town and necessary to serve new and future residents.
  - An undeveloped, vacant site would be removed
  - The site is within the perceived settlement limits, the Local Plan is out of date.
  - The feared out of town impact has already happened with the approval of Tindle Crescent, this development would claw back trade to the town.
60. *Cllr Richard Bell* – Having regard to the additional Retail Impact Assessment undertaken, and the restrictions recommended within the assessment, which are necessary to safeguard the small shops in town, no objections to the development are raised.
61. *Helen Goodman (Former M.P, Bishop Auckland)* – Concerns are raised in relation to the Home Bargains element of the development which will create unfair and unnecessary competition and will adversely affect small business in Barnard Castle. Barnard Castle is a thriving market town however this environment is fragile and likely to be disrupted by an out of town retail outlet. Concerns are raised that jobs created by the development will be offset by losses of others from long standing local business.

#### **APPLICANTS STATEMENT:**

62. The proposal will redevelop the former Addison's auction building which has been vacant since August 2015.
63. The proposal will deliver the following economic, environmental and social benefits:
- Create 60 full-time equivalent jobs and temporary jobs during construction.
  - Deliver significant investment into Barnard Castle by meeting a long-standing need for new retail provision.
  - The scheme will improve choice and competition for the benefit of local residents - breaking the Morrison's monopoly.
  - The scheme will deliver significant environmental and sustainability benefits by reducing the need for local residents to travel by car to other towns such as Bishop Auckland (c. 11 miles) - appropriate retail provision serving the town will reduce emissions.
  - Provide a new footpath linking Prospect Place with the proposed new development to improve accessibility to the site and ensure pedestrian safety along the A688.
  - Secure the regeneration of a predominantly brownfield site which is vacant.
  - Provide a high-quality landscaping scheme and boundary treatments.
  - Provide electric vehicle charging points and cycle parking.
64. There is no demonstrable evidence of significant adverse impacts arising from the proposed scheme on Barnard Castle town centre and any impact arising from the scheme would need to be balanced against the sustainability and environmental benefits of providing new retail provision in the town to reverse current, predominantly car-borne, outward shopping trips.
65. Servicing hours have been agreed with the Council in order to minimise disruption to local residents.
66. The planning application was submitted in January 2019 and therefore has been considered in significant detail by the Council and statutory bodies and has been subject to substantial and transparent public consultation.

67. The application is supported by relevant technical assessments and reports which demonstrate that the proposal does not have any significant adverse impacts.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at*

<https://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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68. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of development, retail impact, locational sustainability of the site, landscape and visual appraisal, highway safety and access, residential amenity, ecology, flooding and drainage, other issues

### Principle of Development

69. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Teesdale District Local Plan (TDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
70. The TDLP was adopted in 2002 and was intended to cover the period to 2010. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
71. In terms of policies most relevant to the principle of development of the site, firstly, TDLP Policy ENV1 sets out that in order to protect the countryside, development beyond the defined settlement limits will only be allowed for the purposes of agriculture, rural diversification projects, forestry, nature conservation, recreation or local infrastructure needs, or an existing countryside use where there is identified need, and where a proposal conforms with other policies in the TDLP.
72. TDLP Policy SC1 sets out that major new retail and leisure development will be permitted within the Barnard Castle town centre boundary. For any new retail and leisure development proposed outside of the town centre, TDLP Policy SC1 requires applications to demonstrate the need for the scheme, why it cannot be accommodated within the town centre, and then show that an assessment of other sites has been undertaken in a sequential preference of edge of centre site and then other sites within the defined settlement boundary.
73. TDLP Policy SC2 sets out that where a sequential approach has been undertaken and permission is sought on a site that lies beyond the town centre boundary, the need for the scheme shall be established and the scale of the development, either on its own

or cumulatively with other such provisions for key town centre development, should not significantly harm the vitality and viability of the town centre as a whole or nearby town centres. The site should be able to be safely accessed by a choice of modes of transport including cyclists, pedestrians and those with special needs. The development should not have an inflationary effect on car travel and that the site can be serviced by public transport. A retail impact assessment should be submitted to demonstrate compliance with the above requirements.

74. TDLP Policy SC6 states that planning permission will not be granted for retail development in the countryside except in the cases of farm shops, farm diversification and market gardens, where non local produce accounts for less than 50% of the goods displayed for sale at any one time.
75. The NPPF does not prevent a local planning authority from defining settlement boundaries to control development, however, these would need to be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. However, given the age of the evidence which informed them, policies within the TDLP in relation to establishing settlement boundaries and location of development are considered out of date. Whilst this does not mean that they should be disregarded or be given no weight, the weight that can be afforded to Policy ENV1 is reduced.
76. NPPF Paragraph 86 states that LPAs should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and, only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. NPPF Paragraph 87 confirms that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and LPAs are required to demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
77. NPPF Paragraph 89 recognises that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up to date local plan, LPAs should require an impact assessment if the development is over a proportionate, locally set threshold (if there is not locally set threshold, the default threshold is 2,500sqm of gross floorspace). This should include an assessment of: a) The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and, b) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme). NPPF Paragraph 90 confirms that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.
78. TDLP Policies SC1 and SC2 are considered partially consistent with the NPPF in the sense that they promote the need for a sequential and impact test, however, they both require an applicant to demonstrate need, which is not required within the NPPF. The approach of TDLP Policy SC1 of precluding development outside of development limits and the approach of TDLP Policy SC6 of limiting retail uses in the countryside to farm shops, farm diversification and markets gardens, is considered inconsistent with the NPPF, which does not place this restriction and requires an application to satisfy the sequential test and impact tests. As a result, it is considered that TDLP Policies EV1, SC1, SC2 and SC6 are out-of-date, and that as a result, reduced weight should be afforded to them.

79. The proposals would result in the development of a major retail scheme beyond the established town centre and settlement boundaries of Barnard Castle, without demonstrating a required need or meeting the exceptions for retail uses in the countryside. The development would, therefore, conflict with Policies ENV1, SC1, SC2 and SC6 of the TDLP. As set out above, it is considered that these policies within the TDLP, the most important for determining the application, are out of date (either by virtue of the out of date evidence which informed them or the lack of consistency with the NPPF). Therefore, the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF this requires that:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole

#### Retail Impact

80. The submitted supporting information accompanying this application contains a considerable level of detailed technical retail policy assessment, sequential assessment of sites, and a town centre impact appraisal. In addition, there have been detailed technical objections by interested parties to both the methodology employed, and the findings of this submitted information. Given the volume and technical detail of the submissions, and in order to arrive at a robust recommendation, Officers instructed an independent retail planning consultant to consider all of the material submitted from both the applicant and objectors and to carry out their own assessment, in order to provide the Local Planning Authority with an impartial specialist view. These findings are incorporated within this report.

#### The Sequential Test

81. The application site is located approximately 1km walking distance from Barnard Castle town centre; it is, therefore, by definition an out of centre site. The planning statement prepared to accompany the application considers two potential sites including the Barnard Castle Auction Mart (1.4ha) and the Grove Works (1.3ha). No other sites have been identified.

82. The Auction Mart site is an edge of centre site and is considered sequentially preferable to the application site. The applicant identifies that the auction mart remains in active use and this is not disputed. The applicant argues that the site is not suitable for the type of development proposed (primarily the foodstore element), as a result of the vehicular access being through residential streets, and the amenity and safety issues arising from such a scheme. The applicant also questions whether the site would be viable, given the potential need to relocate the auction mart.

83. Given the narrow highway alignment surrounding the site and residential parking it is considered that from a highway's perspective, accessing the site would be problematic, particularly for service vehicles. In addition, and as stated, the site is currently in use and, therefore, not available. Further to this, the site lacks any visual

relationship with a main road, or indeed the rest of the town centre and this is likely to impact upon its attractiveness to commercial occupiers.

84. The Grove Works site lies around 100m walking distance from the Primary Shopping Area in Barnard Castle, but outside of the town centre boundaries, to the east of Queen Street. It is also, therefore, an edge of centre site. However, the existing business on site is currently operational and it is not currently available for the proposed development. Furthermore, the roads surrounding the site are narrow and predominately residential in nature which may make it unsuitable for the proposed development.
85. As required in Paragraph 87 of the NPPF and in the NPPG it is important to consider the potential for flexibility on issues such as format and scale to be demonstrated for the purposes of the sequential test, whilst recognising that neither the NPPF or NPPG specifically refer to disaggregation (breaking up elements of the proposal). The NPPG provides a 'checklist' for the application of the sequential test in decision taking. It indicates the following considerations:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
  - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
  - If there are no suitable sequentially preferable locations, the sequential test is passed.
86. In this respect, the applicant indicates that multi-level store formats do not provide a viable trading position for Home Bargains, partly because of the high proportion of customers who undertake their shop using a trolley. However, whilst it is not uncommon for stores of this type to include mezzanine floors, even if it were assumed that it was possible to include a mezzanine with 50% coverage of the ground floor within a Home Bargains store, this is only likely to reduce the size of the site required for the wider development by around 5%- 10% when taking account of servicing requirements. Any potential for a mezzanine within a proposed store would not, therefore, have any material impact upon the conclusions set out above, particularly given the absence of any other opportunities within or on the edge of the town centre. Therefore, on the basis of the advice of the Council's Planning Policy Section and independent advice, it is concluded that the sequential test has been passed and that there are no sequentially preferable sites within or on the edge of the town centre.

### The Impact Test

87. Given the levels of proposed floorspace an impact test is required. Paragraphs 89 and 90 of the NPPF indicate that application proposals for retail and leisure development should be refused planning permission where a significant adverse impact is likely to arise from the proposed development. The two key impact tests identified by Paragraph 89 of the NPPF are considered below. The tests relate to:
- the impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres in the catchment area of the proposal; and

- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).

88. There are no existing, planned or committed investments in Barnard Castle town centre. In this respect, the application would not have a significant adverse impact on investment. The applicants have undertaken a quantitative assessment of the likely trade diversions arising from the proposed development to accompany their application. This is based upon the Council's latest Retail and Town Centre Study and concludes that the proposed scheme would not result in a significant adverse impact on the vitality and viability of Barnard Castle town centre.
89. The Council's retail consultants have undertaken an analysis of the applicant's quantitative impact assessment and concluded that there was insufficient detail within it to form a definitive view as to whether the proposed development would have a significant adverse impact on the vitality and viability of Barnard Castle town centre. Although such information was requested, the applicants did not provide sufficient additional information and, therefore, the Council requested that their retail consultants undertake their own independent assessment of the quantitative impact of the proposed scheme on the vitality and viability of Barnard Castle town centre.
90. This independent assessment concluded that the convenience goods (such as food and groceries) and comparison goods (other household items) trade diversion upon the existing Morrisons store in Barnard Castle town centre would be around 19% and 6%, respectively. As a result, the assessment concluded that the proposals would not have a significant adverse impact upon the Morrisons store's overall viability or lead to its closure. This is because Morrisons would maintain its status as the only foodstore of any significant size in Barnard Castle town centre and would continue to benefit from trips on foot linked to other shops and services in the town centre, particularly, given its location adjacent to the main car park serving the town centre.
91. The forecast impacts upon other convenience and comparison retail facilities in the town centre fall within the range 7-9%, which are lower than those forecast by the applicant. The other food uses would continue to perform a complementary role alongside Morrisons in meeting top up and specialist food shopping needs.
92. It is also concluded that there are relatively few operators which offer a similar range of goods to that which would be on offer within the new Home Bargains store – and the stores most likely to compete directly would be Boyes, Boots and Superdrug, all of which offer a broader range of products than would likely be sold by Home Bargains.
93. The Council's retail consultants advise that the levels of impact forecast should be viewed in the context of the current health of Barnard Castle town centre which, when considered overall, is displaying good levels of vitality and viability. The town centre vacancy rate remains below the national average, and the centre contains a good range of retail and service uses, including both national and independent retailers, as well as a historic and attractive shopping environment. It is, therefore, considered to not be particularly vulnerable and no evidence has been submitted to suggest that the development could result in the closure of existing retailers.
94. Considering these key points, it was ultimately concluded by the Council's retail consultants that while there would be some impact on existing retail trade within Barnard Castle Town Centre, this is considered to be less than significant and would not result in a significant adverse impact upon the vitality and viability of the town centre or any other existing centres. These conclusions are based on the assumption that any planning permission would be subject to a planning condition that would

restrict the quantum of floorspace within the proposed Home Bargains store which could be used for the sale of specific types of goods.

95. Overall, based on the advice of the Council Planning Policy Section (informed by an independent analysis of the impacts of the development) the sequential and impact tests have been passed. The proposal would provide new shopping provision within the town that would enhance consumer choice and, has the potential to reduce expenditure leaking to other centres and also leaking outside of the county. There are also economic and regeneration benefits associated with the investment and job creation of the scheme as a whole. This would need to be balanced against any adverse impacts of the proposed development, including the level of harm identified above.

#### Locational Sustainability of the Site

96. Policies GD1 and SC2 of the TDLP seek to ensure that developments achieve adequate links and have access to public transport to access facilities and services to help reduce the need for additional car journeys. TDLP Policy T8 seeks to encourage the use of cycling as a means to access developments. These policies are considered consistent with the NPPF in this respect, as Paragraph 103 of the NPPF sets out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Further to this, Paragraph 110 of the NPPF sets out that applications for development should give priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment. Policies GD1 and T8 of the TDLP should, therefore, be afforded full weight in the decision-making process. Although Policy SC2 is considered consistent with the NPPF in this respect, for the reasons set out above in relation to retail impact it is considered out of date. As such, Policy SC2 should be afforded reduced weight in the decision-making process in this respect.
97. In relation to distances to services and amenities, the application is accompanied by a Transport Assessment, which assesses the accessibility of the site to local services and facilities, by foot and bicycle, as well as impacts upon the highway network in terms of vehicular traffic. In this respect the site is located on the edge of Barnard Castle on a part brownfield site. A walking distance of approximately 1000m is evident between the application site and the existing town centre boundary.
98. Although there are elements of residential development located in close proximity to the site, it is, to a degree, annexed from surrounding developments due to the layout and nature of the highway network. Whilst being sited on the A688, giving ready access by car, there is only one footpath serving the site from the town centre. Due to the traffic on the A688, and the limited width of the footpath, down to 1m, in places, it is considered likely that customers of the stores would be discouraged from accessing the site by foot or cycle. Bus stops are located on the A688; however, these are located approximately 210m from the site entrance, while there would not be a footpath link to west bound buses without crossing the A688. The bus stops currently have no shelters, or similar infrastructure. For these reasons, customers of the stores would be discouraged from utilising bus services from accessing the site.
99. In order to address the above accessibility issues, the applicant proposes to construct a second footway on the A688. This footpath would measure between 0.87-1.29m in width and extend from the proposed site access to Prospect Place, providing linked access onto an existing public footpath. Engineering details have been provided

setting out that the public footpath would be constructed entirely within the Public Highway and would not require any third-party land or involve the removal of vegetation. Whilst this footpath would be a sub-standard width at pinch points along its length, it would provide additional access to the store in conjunction with the existing footpath on the opposite side of the road.

100. The applicant also proposes to relocate the bus stops on the A688 (that lie to the east of the site entrance) so that they are in closer proximity to the development, approximately 35m from the site entrance. Whilst the finer details of the location of the bus stops and the required infrastructure, such as shelters and footways, need to be agreed, the principle of relocation is welcomed and would likely encourage their usage and the site would be accessible by alternative means.
101. Cycle parking is proposed within the development, although the location of this needs to be refined and provision made for secure cycle parking for staff (to be agreed by condition), but the development would be accessible by cyclists. The Council's travel planning officer recommends a conditional approach to secure the delivery of a final travel plan, to implement the strategy of the submitted framework travel plan and to promote access to the site by alternative travel means.
102. The applicant also makes the case that the development would provide further retail options within Barnard Castle and would address an identified leakage of expenditure to surrounding towns. This potentially would reduce car borne trips out of Barnard Castle and in the round would boost the sustainability credentials of the development. This assumption is considered sound, as advised by the Council's Planning policy section and independent consultants.
103. Overall, whilst recognising the site's inherent limitations in terms of accessibility, it is considered that the proposed mitigation in terms of the provision of a new footpath, bus stops, and cycle parking and the acknowledgement that the provision of additional retail facilities within Barnard Castle would reduce the number of car borne trips to surrounding settlements, the locational sustainability of the site is considered acceptable. The development would, therefore, accord with Policies GD1, T8 and SC2 of the TDLP and Part 9 of the NPPF in this respect.

#### Landscape and Visual Appraisal

104. The application site is located beyond the established development limits of Barnard Castle, within the open countryside. TDLP Policy ENV1 seeks to limit development for specific uses within the countryside while requiring that all development proposals do not unreasonably harm the landscape resource of the area. The application site is also located within an Area of High Landscape Value as designated by TDLP Policy ENV3, which sets out that development will not be permitted where it detracts from the area's special character. TDLP Policy GD1 states that all new development should be in keeping with the character and appearance of the area and designed to be appropriate in terms of its form, mass, scale, layout, density and materials and that it should have due regard to the setting of neighbouring buildings, landscape features and open spaces of the surrounding area. TDLP Policy ENV10 sets out that development will only be permitted where it avoids unreasonable harm to or loss of important trees which contribute significantly to the setting of nearby existing or proposed buildings.
105. These policies are considered consistent with Parts 12 and 15 of the NPPF, which sets out that good design is indivisible from good planning while also seeking to protect local landscapes. The above policies can, therefore, be afforded significant weight, whilst recognising the out of date nature of Policy ENV1 in referring to the settlement boundaries as above.

106. The application is submitted in outline form, with landscaping the only remaining reserved matter; however, a detailed indicative landscape scheme has been submitted for consideration. The development proposes the demolition of the existing building on site, and the siting of two retail units erected on a level platform, cut into the southern boundary of the site, with a retaining wall up to 4.8m in height. To the northern boundary of the site, the land level is proposed to be increased with a retaining wall at a maximum height of 2.2m. Landscape planting is proposed along the northern boundary of the site, on an embankment created from the retaining wall to the adopted highway. This is indicated to be in the form of hedging that would be allowed to grow in excess of the height of parked cars, while trees would filter views of the retail units.
107. Existing trees and vegetation internal to the site would be removed, however, the existing hedging on the site boundaries would be retained where possible and supplemented. The existing vehicular access to the site is proposed to be reduced in width, to maintain access for adjoining uses. A new access would be formed further to the south west of the site to exclusively serve the development. This would be the sole vehicle and pedestrian access to the site. The formation of this access and associated site lines would require the localised removal of roadside hedgerow. Additional planting is, however, proposed along the proposed retaining wall which would extend from the access along the A688 to the northern boundary of the site.
108. In assessing the proposed development against the above policy context, it is noted that both the Council's Landscape Officer and Design and Conservation Officer highlight that the site lies in a key transitional location between the rural and urban landscapes on the approach to Barnard Castle and the Conservation Area. It is advised that the site is, therefore, considered extremely sensitive to change and the erection of large retail units in this location cannot easily be absorbed. The proposal would, therefore, be transformational, and the design of the structures and layout of the site can only mitigate this impact to a limited degree over time.
109. Notwithstanding this position, following amendments to the indicative landscape strategy, the Council's Landscape Officer advises that subject to some minor modifications, the proposed landscaping strategy is considered acceptable from a landscape perspective. The strategy would be refined in any reserved matters application in the event of the grant of planning permission. This would also ensure that adequate protection is offered to existing vegetation to be retained on the site while ensuring that the boundary treatments to the site are suitable for the site's rural context.
110. The Council's Design and Conservation Officer advises that although the food retail unit is larger, its position setback within the site, helps to some degree to mitigate its visibility and existing vegetation will help to screen and filter views of the unit on approach from the north. However, it is advised that the Home Bargains unit, which is much closer to the boundary, would sit in much more open views. The delivery of an adequate landscaping scheme would be required to assist in mitigating the visual impact. It is advised that the palette of materials proposed is acceptable and would lift the appearance of the units slightly above the average. However, it is advised that the choice of stone cladding is important, to ensure that it has some local relevance, while the colour of the render should be of a muted tone. Conditions to control the appearance of the materials are recommended. Given the distance to the Conservation Area boundary and intervening development, it is considered that there would be no harm to its setting or character and appearance. There would be no impact on the setting or special character of any listed buildings.

111. In terms of the loss of the existing trees on the site, although the concerns of the Council's Arboricultural Officer are noted, it is considered that there are no trees on the site that are of significant arboricultural or amenity value.
112. In terms of impact on the Area of High Landscape Value (AHLV), it is considered that although the site lies within the designated area and contributes to the setting of the town, it has limited impact in wider views, particularly considering the existing development on site. It is, therefore considered that there would be no harm to the special character of the wider AHLV.
113. Overall, the development would conflict Policy ENV1 of the TDLP representing an encroachment of the urban environment into the open countryside. The proposed development would be transformational, although the design of the structures and landscaping strategy would help mitigate the impact of the development degree over time. The residual adverse impact needs to be weighed in the planning balance.

#### Highway Safety and Access

114. TDLP Policies GD1 and SC2 require development proposals to achieve a satisfactory means of access onto the wider highway network in order to protect highway safety and be safely accessed by a choice of modes of transport including cyclists, pedestrians. The approach of these policies is considered consistent with the NPPF in this respect which, at Paragraph 108, requires that safe and suitable access can be achieved for all users. Paragraph 109 of the NPPF sets out that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
115. Due to the consistency of Policy GD1 with the NPPF, full weight should be afforded to it in the decision-making process. Although Policy SC2 is consistent in this respect, as set out above, the policy as a whole is considered to not be consistent with the NPPF, and it should therefore be afforded reduced weight in the decision-making process.
116. TDLP Policy T2 sets out that car parking provision in new development will be limited to that necessary to ensure the safe and efficient operation of the site, in accordance with the standards set out in the TDLP. Although this approach is considered consistent with the NPPF, the parking standards are out of date and have been replaced with more up to date standards. As such, Policy T2 should be afforded reduced weight in the decision-making process in this respect. Concerns over highway safety, including the capacity of the road network to accommodate additional flows and the safety of the surrounding roads have been raised by objectors.
117. The existing site access is proposed to be reduced in width, to maintain access for the adjacent existing agricultural/stable use. A new access is proposed to be formed further to the south west of the existing to exclusively serve the development. This would be the sole vehicle and pedestrian access into to the site. The formation of this access and the laying out of visibility splays would require the localised removal of roadside hedgerow and trees. The scheme also proposes the formation of a pedestrian footway along the southern approach of the A688, linking to the existing footway at Prospect Place. In support of the planning application the applicant has submitted a Transport Assessment (TA) that considers the impact of the development on the surrounding road network and concludes that the development would have an acceptable impact on relevant junctions.
118. In reviewing the proposals, following modifications, the Highway Authority advise that the proposed access arrangements into the site would be acceptable and adequate to

serve the development. This is subject to the delivery of offsite highway works, including the formation of a pedestrian footway, to agree the engineering details of the proposed access, ensure that sight lines are laid out and agree the detail of bus stop relocation. It is also advised that the internal site layout is acceptable, providing adequate servicing arrangements, along with adequate levels of parking proposed, subject to a condition to secure the appropriate number of electric vehicle charging points.

119. In terms of the impact on the wider highway network, after reviewing the submitted TA, it is advised that development would not have an unacceptable impact on the capacity of the surrounding road network or nearby junctions.
120. Overall, based on the advice of the Highway Authority, it is considered that the proposal would be served by an appropriate means of access and would not have an unacceptable impact on the wider highway network, subject to the mitigation measures proposed. The layout of the site and parking provision is considered acceptable. The scheme is considered acceptable with regards to TDLP Policies GD1 and SC2 and Part 9 of the NPPF in this respect.

### Residential Amenity

121. Policy GD1 of the TDLP sets out that new development should not disturb or conflict with adjoining uses and should not unreasonably harm the amenity of occupants of adjoining sites. This policy is considered consistent with Parts 12 and 15 of the NPPF which require that developments ensure a high standard of amenity for existing and future users, whilst seeking to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution. Policy GD1 should be afforded full weight in the decision-making process in this respect.
122. There are a number of sensitive receptors in proximity of the site, namely the residential developments of North Field and High Riggs located to the southern boundary and the residential caravan park of Prospect Place located to the western boundary of the site. The residents of these properties would be directly impacted on to varying degrees, as considered below.
123. The site layout sets out that the proposed retail units would be located to the southern portion of the site. A minimum distance of approximately 22m would be achievable from the dwellings of High Riggs to the proposed retail units, however, due to the level difference across the site the ridge line of the proposed retail would measure approximately 2.5m above the ground level of the adjacent properties. In the intervening space a delivery area is proposed, while additional planting is proposed in the remaining space. This would be at a similar level of that of the dwellings.
124. To the western site boundary the residential caravan park of Prospect Place is located, where caravans are located in close proximity to the site. These caravans would vary in height relative to the proposed site levels of the retail units. The development therefore has a greater degree of impact on the caravans at a lower height, with the greatest impact on no. 34 Prospect Place. A separation distance between 7m and 17m would be evident between the proposed Home Bargains unit and the caravan of no.34 Prospect Place, due to the caravan being set at a 45 degree angle to the site boundary. A level change between the proposed levels of the development site and that of the caravan would measure approximately 1.2m. However, as the height of the retail unit in this location measures approximately 6.1m to eaves, there would be a reduction in amenity experienced by the resident of the caravan, principally in relation to the

amenity areas and bedroom and kitchen windows. The main living room window would, however, be largely unaffected with an open outlook to the south west.

125. The existing vegetation along this boundary which provides a degree of screening is proposed to be maintained and supplemented. A 2m high closed boarded fence set off the site boundary is proposed, and this would provide a degree of screening, although the building would be clearly visible above. This fence, and other proposed boundary treatments would not, it is considered, significantly reduce levels of residential amenity.
126. There would be a lesser impact on the other three caravans along the site boundary, as the site levels of Prospect Place, relative to the proposed site levels increase and due to the orientation of caravans relative to the site. However, there would still be a reduction in the level of amenity currently experienced. The residential estate of Ashtree Drive is located in excess of 90m away to the east and, as such, it is considered that the development would not have a significant effect on these properties.
127. A Noise Impact Assessment has been submitted in support of the application, assessing the development in the context of the existing noise climate. The Council's Environmental Health and Consumer Protection Officer advises that the submitted report is considered sound. The report details that in order to mitigate noise from deliveries, the implementation of acoustic fencing around the delivery areas is required. Furthermore, the Council's Environmental Health and Consumer Protection Officer advises that a condition to restrict opening and delivery hours for the two stores should be attached to any planning permission.
128. A lighting assessment has been submitted in support of the application, detailing the arrangement of lighting around the site. The Council's Environmental Health and Consumer Protection Officer considered the submitted information is sufficient to mitigate the impact of light spread. However, in order to ensure light glare does not cause a nuisance a conditional approach is recommended. Furthermore, due to the low light background it is considered expedient to ensure that external carpark and delivery lighting columns are switched off 30mins after store closure.
129. In order to limit the potential disturbance for existing and future residents during construction, Environmental Health and Consumer Protection Officers recommend that a construction management plan is secured to deal with construction related impacts. Subject to the imposition of such a condition construction related impacts could be adequately managed and mitigated.
130. The scheme proposes a substation to the north of the northern boundary of Prospect Place, at a distance of approximately 6.5m from the closest caravan on Prospect Place. Although objections have been raised by local residents in relation to the proximity of this structure and its associated impacts, including noise and health impacts, it is considered that due to the level changes between the two elements (of approximately 1.5m), existing vegetation and a proposed 2m high boundary fence a loss of amenity would not arise. Furthermore, the Council's Environmental Health and Consumer Protection Officers raise no objections to this element of the development, whilst it is commonplace for substations to be near residentially occupied property.
131. An air quality impact assessment has been submitted assessing the impact of the development. In reviewing the assessment, the Council's Environmental Health and Consumer Protection Officer (Air Quality) advises that the modelled levels of air quality are well below the national air quality objectives and, therefore, no objections to the application are made. It is, however, recommended to condition the implementation of

a construction management plan to mitigate construction-related impacts including dust.

132. Overall, the development would reduce the level of residential amenity currently experienced by local residents. While the level of this impact varies, from limited to significant, in the round, subject to the delivery of the proposed mitigation in terms of acoustic fencing, additional planting, restriction of delivery hours and additional landscaping screening, it is considered that, on balance there would not be an unreasonable impact that would conflict with TDLP Policy GD1 or Parts 12 and 15 of the NPPF . The impact on adjacent residents is, however, an adverse impact that needs to be taken into account in the planning balance.

## Ecology

133. TDLP Policy ENV8 sets out that development proposals should not harm the nature conservation interest of protected species unless compensating for any damage by habitat creation or enhancement elsewhere. This policy is considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, providing net biodiversity gains. Due to the existing vegetation on site and mature hedgerows, the site, particularly its margins, provides potential foraging opportunities for bats. The site and its immediate surroundings offer nesting opportunities for a range of bird species.
134. An Ecological Impact Assessment, informed by relevant surveys, has been submitted in support of the application. The report identifies that the principal ecological interests of the site relate to the grasslands and semi natural hedgerows and that there would not be any works requiring a European Protected Species Licence. The removal of these habitats would result in the loss of bird nesting and foraging habitat resulting in a negative ecological impact. In order to mitigate the impact of the development, mitigation and enhancement measures are proposed. These include the restriction of works from bird nesting season (unless a checking survey is carried out) the provision of bird nest boxes, native and scrub tree planting and the creation of wild flower meadow within landscaping areas and an offsite contribution of £6000 for habitat creation.
135. The Council's Ecology Officer advises that, overall, it is considered that subject to the proposed mitigation measures, including habitat creation, adoption of working methodologies and off-site contribution, the development would not have a negative impact on designated ecology sites or species especially protected by law while achieving the NPPF aims of a net biodiversity gain. The development is considered to comply with TDLP Policy ENV8 and Part 15 of the NPPF in this respect.

## Flooding and Drainage

136. TDLP Policies ENV14 and ENV15 of the sets out that development will not be permitted which would unacceptably prejudice the quality of surface or ground water, while development should avoid areas of flood risk and include SUDs where appropriate. National advice within the NPPF and NPPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding).
137. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA also sets out a drainage strategy including the incorporation of a permeable paving area, cellular retention devices to control the rate of discharge to attenuate and treat

surface water in 1 in 100 year flood events to allow infiltration, ensuring that there would be minimal runoff from the site. Drainage and Coastal Protection officers offer no objections to the development or the overall drainage strategy advising that the development would not increase flood risk and would adequately treat and dispose of surface water.

138. Although raising no objections to the proposed drainage and surface water management strategy, Northumbrian Water recommend a conditional approach to agree connection points and discharge rates into their network.
139. Subject to the implementation of the drainage strategy, and agreement with Northumbrian Water, no objections to the development on the grounds of flood risk or drainage are raised having regards to TDLP Policies ENV14 and ENV15 and Part 14 of the NPPF.

#### Other Issues

140. TDLP Policy ENV12 and NPPF Paragraph 172 states that LPAs should recognise the economic and other benefits of the best and most versatile agricultural land and where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The development would result in the loss of approximately 0.69ha of agricultural land. A site-specific investigation into the land classification does not accompany the application, nor do Natural England classification maps for the North-East region identify the agricultural classification of the site.
141. In circumstances where the land is best and most versatile land this does not preclude the land from development, but it is a factor to consider in the determination of the application in the planning balance. In this instance, it is considered that, even if this limited part of the site was best and most versatile agricultural land, its loss would not be significant. Nonetheless, there would be an adverse impact, which should be given weight in the planning balance.
142. In relation to land contamination the applicant has submitted a phase 1 desk top study and a site investigation and gas monitoring report which identifies that low level remediation work would be required. After reviewing the submitted report, Environment, Health and Consumer Protection Officers (Contaminated Land) advise that the submitted Geo-technical Assessment remediation strategy is sound and recommends a conditional approach requiring the submission of a validation report in accordance with Part 15 of the NPPF.
143. The Archaeology Officer offers no objection on archaeological grounds and advises that mitigation will not be necessary in accordance with TDLP Policy BENV11 and Part 16 of the NPPF. There are no other heritage related impacts associated with the development.
144. The Police Architectural Liaison Officer raises concerns regarding the presence of an external ATM machine, which may be vulnerable given the relatively isolated location of the development. However, no ATM is proposed as part of the scheme. The carpark surface is broken up to a large extent to discourage unauthorised use.
145. Objections have been received highlighting concerns that approval of the development would set a precedent for other out of town retail proposals in the area, particularly

due to the availability of adjacent sites. However, each application is required to be assessed on its own merits.

146. The presence of gas and water mains are highlighted. Any infrastructure of this nature which is present on site would require the developer to liaise with statutory operators to secure any necessary diversions under separate legislation.

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## **CONCLUSION**

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147. The proposals would result in the development of a major retail scheme beyond the established town centre and settlement boundaries of Barnard Castle, without demonstrating a required need or meeting the exceptions of retail uses in the countryside. The development would, therefore, conflict with Policies ENV1, SC1, SC2 and SC6 of the TDLP. However, the NPPF is a material planning consideration capable of outweighing conflict with the development plan. In this respect, the sequential test relevant to retail development outside an existing town centre is considered to have been passed, whilst the impact of the development upon the town centre has been assessed as acceptable, with no significant adverse impact identified having regard to key advice within Part 7 of the NPPF.
148. TDLP Policies ENV1, SC1, SC2 and SC6 are the most important policies for determining the application. However, they are considered out of date, and there are no policies within the framework that protect assets of particular importance. Consideration should, therefore, be given to Paragraph 11 d) (ii.) of the NPPF in that that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole

### *Benefits*

149. The development would enhance consumer choice in both the food and non-food retail sectors with Barnard Castle, whilst having the potential to claw-back retail expenditure currently leaking out of the area reducing the need to travel to facilities further afield. This is considered to be a significant benefit.
150. The development would provide direct and indirect economic benefits within the locality and from further afield in the form of expenditure in the local economy. This would include the creation of construction jobs, as well as an estimated 60 full time equivalent jobs and also indirect jobs over the lifetime of the development. An economic uplift would be expected to result from the development and expenditure benefits to the area. This is considered to be a significant benefit.
151. Based upon the indicative landscaping scheme and off-site contribution, it is considered that the development would lead to net gain in terms of biodiversity. This is considered to be a limited benefit.

### *Adverse Impacts*

152. The proposed development would result in the urbanisation of the approach into Barnard Castle, even taking into account the indicated landscaping proposed, this would have a transformative effect.
153. The development would have an impact on existing convenience and comparison retail trade in the wider Barnard Castle Town Centre, this is estimated to be in the region of 7-9%. The development is forecast to have a 19% impact on the

convenience good trade and 9% impact on the comparison good trade of Morrisons. These levels of impact are not considered to be significant.

154. The development would reduce the levels of amenity experienced by local residents, particularly at Prospect Place. However, this level of impact is not considered to result in policy conflict and is not considered significant.
155. The development would result in the loss of 0.69ha of agricultural land, assumed to be best and most versatile given the lack of a site-specific assessment. This impact is considered to be limited.
156. In conclusion, it is considered that in this instance, the adverse impacts identified would not significantly and demonstrably outweigh the benefits associated with the development. This conclusion, after applying the planning balance test, is considered to outweigh the identified conflict with local plan policies.
157. Paragraphs 54 and 56 of the NPPF and Regulation 122 of The Community Infrastructure Levy Regulations 2010 set out three planning tests which must be met in order for weight to be given to a planning obligation. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In this respect the contribution towards provision ecology habitat creation is considered necessary for the development to be considered acceptable and therefore meet the relevant tests.
158. The proposal has generated some public interest, with letters of objection and support having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits.

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## **RECOMMENDATION**

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That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure the provision of:

- £6,000 for offsite ecological mitigation.

and subject to the following conditions:

### **Reserved Matters**

1. Reserved Matters Approval of the remaining details of landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the commencement of development (excluding demolition, ground works, servicing diversions, ecological mitigation works and any land remediation works).

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004*

### **Time**

2. Applications for approval of reserved matters shall be made to the local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

## **Plans**

3. The development shall be carried out in strict accordance with the following approved plans/documents: -

- Site Location Plan Drawing Ref: 3107-050
- Proposed Site Layout Drawing Ref: 13107-100 Rev D
- Proposed Site Layout Drawing Ref: 13107-111 Rev C
- Proposed Foodstore Drawing Ref GIA Plan: 13107-101
- Proposed Retail Unit Drawing Ref GIA 13107-102
- Proposed Foodstore Elevations Drawing Ref: 13107-103 Rev B
- Proposed Retail Unit Elevations Drawing Ref: 13107-104 Rev B
- Proposed Foodstore Roof Plan Drawing Ref: 13107-105
- Proposed Retail Unit Roof Plan Drawing Ref: 13107-106
- Proposed Site Sections Drawing Ref: 13107-107 Rev B
- Proposed Boundary Sections Drawing Ref: 13107-108 Rev B
- Proposed Boundary Treatment Plan Drawing Ref: 13107-113 Rev B

*Reason: In order to define the permission and in accordance with the Policies GD1, SC1, SC2, ENV1 and ENV3 of the Teesdale District Local Plan and Parts 6, 9, 12 and 15 of the NPPF*

## **Floor Space**

4. Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending or re-enacting that Order with or without modification, the retail unit as shown on drawing DRWG No. 13107-100 Rev D shall be used only for the sale of carpets, furnishings, electrical goods, pets and pet supplies, office equipment, DIY products for the maintenance and improvement of the home, garden, motor vehicle goods, and for the following:

- Food and drink from an area extending to no more than 419 sq. m
- Health and beauty products, pharmaceutical goods and toiletries from an area extending to no more than 140 sq. m
- Household goods from an area extending to no more than 210 sq. m
- Toys and games from an area extending to no more than 140 sq. m
- Other miscellaneous ranges (including but not limited to seasonal goods and clothing and footwear) extending to no more than 140 sq. m, with clothing and footwear extending to no more than 50 sq. m

*Reason: In order to define the permission and to minimise the developments impact on Barnard Castle Town Centre in accordance with Policies SC1 and SC2 of the Teesdale District Local Plan and Part 7 of the NPPF.*

## **Footpath Implementation**

5. No unit shall be occupied, until a public footway linking the site entrance to Prospect Place on the south bound A688, based on the principles set out on plan Adoptable footpath link ref 6844-RVW-ZZ-ZZ-DR-C-100 Rev P2 and Footway Provision Preliminary Design ref 456-01/GA-03 rev A, has been constructed and brought into

use, in accordance with a scheme to be first submitted to and approved in writing with the Local Planning Authority.

*Reason:- In the Interests of highway safety and to encourage access to the site by pedestrians, in accordance with Policies GD1 and SC2 and of the Teesdale District Local Plan and Part 9 of the NPPF.*

### **Reserved Matters Landscaping**

6. Application of reserved matters for landscaping shall be submitted in accordance with the principles set out on illustrative drawing No. V13107 L01 Rev M and shall include details of:

- Grading and mounding in relation to existing trees and vegetation;
- Tree Protection measures.
- Schedules of plants and trees, noting species, plant sizes and proposed numbers/densities; and
- Full details and location of all means of boundary treatment.
- Details of hard surfacing.
- Proposals for ecological mitigation and habitat creation to deliver net biodiversity gain.
- Time frame for implementation and completion.

*Reason: In order to ensure effective screening of the development and in the interests of visual amenity, in accordance with Policies GD11, ENV1, ENV3 and ENV10 of the Teesdale District Local Plan and Parts 12 and 15 of the NPPF.*

### **Tree Retention**

7. All retained trees on site shall be protected during the construction phase in accordance with the Tree Impact Plan (September 2019).

*Reason: In order to ensure effective screening of the development and in the interests of visual amenity, in accordance with Policies GD1, ENV1, ENV3 and ENV10 of the Teesdale District Local Plan and Parts 12 and 15 of the NPPF.*

### **Highways Mitigation and Access**

8. No unit shall be occupied until full engineering details of the access and highway improvement works in general accordance with the works detailed on drawing number 426-01/GA-01 (Site Access Design) has been submitted to and approved in writing by the Local Planning Authority. The submitted details include a timetable of implementation and completion of the access and highway improvement works. The development shall thereafter be undertaken in accordance with the approved details and timings.

*Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance Policies GD1 and SC2 and of the Teesdale District Local Plan and Part 9 of the National Planning Policy Framework*

### **Visibility Spays**

9. No unit shall be occupied until the sight visibility splays set out on drawing number 426-01/GA-02 Rev B (Site Access Visibility Splays) have been laid out in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Thereafter the sight visibility splays shall be maintained in accordance with the approved details for the lifetime of the development.

*Reason: To ensure that a suitable access into the site can be provided and to maintain highway safety in accordance Policies GD1 and SC2 and of the Teesdale District Local Plan and Part 9 of the National Planning Policy Framework*

### **Bus Stops**

10. Notwithstanding the submitted information, provision shall be made for the relocation of bus stops and relevant infrastructure, including bus stop structures, connecting footways and crossing points on the A688 in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the development hereby approved.

*Reason: To promote sustainable travel from the site and to mitigate the impact of the development in accordance with Policies GD1, SC2 and T2 of the Teesdale District Local Plan and Part 9 of the NPPF.*

### **Materials**

11. Notwithstanding the submitted information, prior to the erection of the external walls of the development hereby approved, details of the external materials used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

*Reason: In the interests of visual amenity of the surrounding area, in accordance with Policies GDP1, ENV1, ENV3 and ENV10 of the Teesdale District Local Plan and Parts 12 and 15 of the NPPF.*

### **Electric Vehicles Parking**

12. Notwithstanding the submitted information, prior to the development hereby approved being brought into use, 4 no. electric vehicle charging points shall be made available for use, in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The spaces thereafter shall only be solely for the use for the charging and parking of electric motor vehicles.

*Reason: In the interests of promoting sustainable travel in accordance with Part 9 of the NPPF and in order to ensure that the development meets the County Durham Parking and Accessibility Standards 2019.*

### **Electric Vehicles Parking 2<sup>nd</sup> Phase**

13. Within a period of 5 years from the first trading of the development, 3 no. additional electric vehicle charging points (over and above that required through conditionno.12) shall be made available for use, in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The spaces thereafter shall only be solely for the use for the charging and parking of electric motor vehicles.

*Reason: In the interests of promoting sustainable travel in accordance with Part 9 of the NPPF and in order to ensure that the development meets the County Durham Parking and Accessibility Standards 2019.*

### **Cycle Parking**

14. Notwithstanding the submitted information, prior to the development hereby approved being brought into use, 8no. short stay cycle parking spaces and 12no. long stay secure cycle park parking spaces shall be made available for use, in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of promoting sustainable travel in accordance with Policies GD1 and SC2 of the Teesdale District Local Plan, Part 9 of the NPPF and in order to ensure that the development meets the County Durham Parking and Accessibility Standards 2019.*

### **Travel Plan Foodstore**

15. Within a period of six months of the first trading of any part of the foodstore depicted on DWG No. 13107-111 Rev C, a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken in accordance with the approved timescales

*Reason: In the interests of promoting sustainable travel in accordance with Policies GD1 and SC2 of the Teesdale District Local Plan, Part 9 of the NPPF and in order to ensure that the development meets the County Durham Parking and Accessibility Standards 2019.*

### **Travel Plan Retail Store**

16. Within a period of six months of the first trading of any part of such retail store depicted on plan DWg No. 13107-111 Rev C a final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be undertaken thereafter in accordance with the approved timescales.

*Reason: In the interests of promoting sustainable travel in accordance with Policies GD1 and SC2 of the Teesdale District Local Plan, Part 9 of the NPPF and in order to ensure that the development meets the County Durham Parking and Accessibility Standards 2019.*

### **Ecology Mitigation Implementation / Landscape Principles**

17. The development shall be carried out in accordance with the mitigation outlined within the Ecological Appraisal, Version 2, Dated September 2019.

*Reason: To mitigate the ecological impact of the development, in accordance with Policies GD1 and ENV8 of the Teesdale District Local Plan and part 15 of the National Planning Policy Framework.*

### **Construction Management Plan**

18. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- I. A Dust Action Plan including measures to control the emission of dust and dirt during construction
- II. Details of methods and means of noise reduction/suppression.
- III. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- IV. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site;
- V. Designation, layout and design of construction access and egress points;
- VI. Details for the provision of directional signage (on and off site);
- VII. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
- VIII. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
- IX. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- X. Routing agreements for construction traffic.
- XI. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XII. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
- XIII. Detail of measures for liaison with the local community and procedures to deal with any complaints received

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason: To protect the residential amenity of existing residents from the development in accordance with policy GD1 of the Teesdale District Local Plan and Part 15 of the National Planning Policy Framework. Required to be pre- commencement to ensure that the whole construction phase is undertaken inacceptable way.*

### **Construction Working Hours**

19. In undertaking the development that is hereby approved:  
 No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0830 to 1400 on Saturday.  
 No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0830 to 1700 on Saturday.  
 No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays  
 For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: To protect the residential amenity of existing residents from the development in accordance with policy GD1 of the Teesdale District Local Plan and Part 15 of the*

*National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.*

### **Delivery Hours**

20. The Proposed development shall only be serviced (deliveries and waste collections) between 07.00- 21:00 Mondays to Saturdays (including Bank Holidays) and 08:00 – 19:00 on Sundays.

*Reason: To protect the residential amenity of existing residents from the development in accordance with Policy GD1 of the Teesdale District Local Plan and Part 15 of the National Planning Policy Framework*

### **Delivery Management Plan Retail Store**

21. The retail unit depicted on plan no. Proposed Site Layout Drawing Ref: 13107-100 Rev D shall not be brought into use until a scheme for the management of servicing and deliveries, to and from the unit has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to limit the noise impact of delivery and servicing activity associated with the retail unit. Deliveries and servicing shall thereafter be adhered to in accordance with the approved details for the lifetime of the development.

*Reason: To protect the residential amenity of existing residents from the development in accordance with Policy GD1 of the Teesdale District Local Plan and Part 15 of the National Planning Policy Framework*

### **Opening Hours**

22. The units hereby approved shall be open for trade between 08.00 - 22.00 Monday to Saturday (including Bank Holidays) and 6 hours max. on a Sunday (10.00-17.00).

*Reason: To protect the residential amenity of existing residents from the development in accordance with Policy GD1 of the Teesdale District Local Plan and Part 15 of the National Planning Policy Framework*

### **Contaminated Land (Phase 4)**

23. Remediation works shall be carried out in accordance with the remediation strategy detailed with the Delta Simons Geo-Environmental Report Geotechnical Category 1, (No. 18-1654.01). The development shall not be brought into use until such time a Phase 4 Verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.*

### **Drainage**

24. Foul and Surface Water drainage shall be installed in accordance with a detailed drainage scheme based on the principles set out the FRA & Drainage Strategy - Ref: 6844-RVW-XX-XX-XX-RP-C-1001 dated 004 May 2019 to be first submitted to and approved in writing by the Local Planning Authority. Foul and Surface Water drainage shall thereafter be installed and brought into use in accordance with the approved details.

*Reason: To order to ensure that adequate foul and surface water drainage is provided in accordance with Policy ENV14 of the Teesdale District Local Plan and Part 14 of the NPPF*

### **External Site Lighting**

25. The external site lighting hereby approved shall be installed in accordance with the External Lighting Layout Drawing Ref: 4531-00-EX-DR-E-200 Rev. P2 and Lighting Vertical illumination assessment dated 11.12.2018. All lighting shall be orientated and shielded or otherwise designed and positioned such that they meet the requirements of the Guidance Notes for the Reduction of Obtrusive Light GN01:2011. All external lighting within the site shall be switched off outside of 0630 – 2230 Monday to Saturday and 0730 – 1930 on a Sunday.

*Reason: To protect the residential amenity of existing residents from the development in accordance with Policy GD1 of the Teesdale District Local Plan and Part 15 of the National Planning Policy Framework*

### **Acoustic Mitigation**

26. The mitigation measures detailed within the Environmental noise solutions ltd (ens) nia/7808/18/7761 v2.0 noise impact assessment as amended by the Proposed Boundary Treatment Plan Drawing Ref: 13107-113 Rev B shall fully installed prior to the beneficial occupation of the development hereby approved.

*Reason: To protect the residential amenity of existing residents from the development in accordance with Policy GD1 of the Teesdale District Local Plan and Part 15 of the National Planning Policy Framework*

### **External Plant Foodstore**

27. No trading of the Foodstore unit depicted the Proposed Site Layout Drawing Ref: 13107-100 Rev D shall commence, until a verification report has been submitted to and approved by the Local Planning Authority demonstrating that the noise rating levels of external plant detailed in the Environmental noise solutions ltd (ens) nia/7808/18/7761 v2.0 noise impact assessment have been met.

*Reason: To protect the residential amenity of existing residents from the development in accordance with Policy GD1 of the Teesdale District Local Plan and Part 15 of the National Planning Policy Framework*

### **External Plant Retail**

28. Prior to the installation of any external plant on the retail unit depicted on plan no. Proposed Site Layout Drawing Ref: 13107-100 Rev D, a detailed noise impact assessment and scheme of sound attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07:00-23:00 and 0dB LAeq (15 mins) between 23:00-07:00. The measurement and assessment shall be made according to BS 4142: 2014. The plant and any required attenuation measures shall be installed in accordance with the approved details thereafter.

*Reason: To protect the residential amenity of existing residents from the development in accordance with Policy GD1 of the Teesdale District Local Plan and Part 15 of the National Planning Policy Framework*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

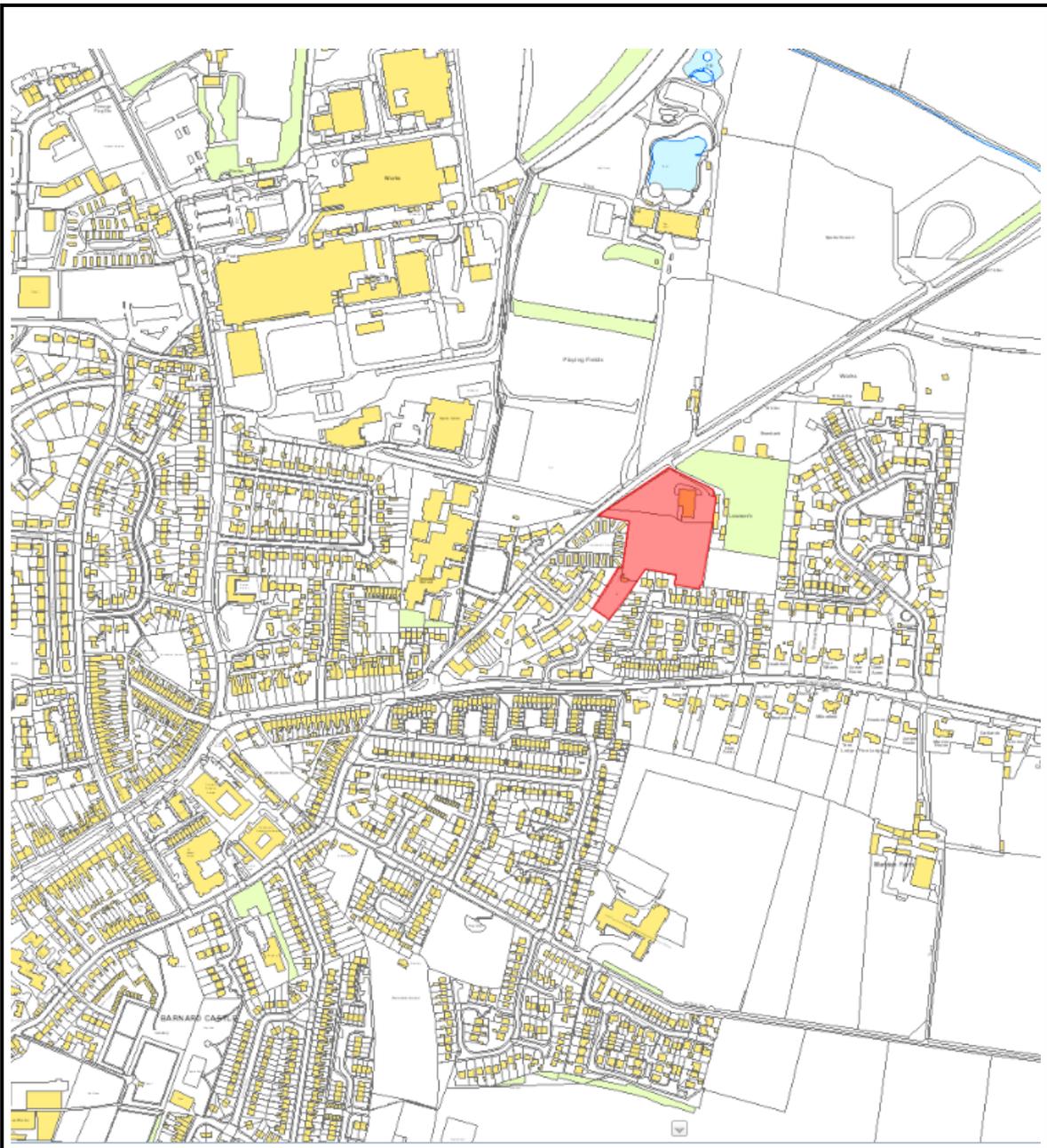
National Planning Practice Guidance Notes

Teesdale District Local Plan

The County Durham Plan (Submission Draft)

Retail and Town Centre Study – June 2018

Statutory, internal and public consultation responses



**Planning Services**

Outline planning application (landscaping reserved) for demolition of existing buildings and construction of 1 no. Class A1 foodstore and 1 no. Class A1 retail unit with associated parking, landscaping and servicing.

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**Date** January 2020

**Scale** Not to scale

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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APPLICATION No:	DM/19/03226/FPA
FULL APPLICATION DESCRIPTION:	Erection of dwelling (demolition of workshop)
NAME OF APPLICANT:	Mr D Harper
ADDRESS:	Land to the rear of 13 Bede Road, Barnard Castle, DL12 8HB
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Jill Conroy, Planning Officer, 03000 264955, <a href="mailto:jill.conroy@durham.gov.uk">jill.conroy@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is located on land to the rear of Bede Road (A67), Barnard Castle, within the designated Conservation Area. The site is bound to the north by a single-track access lane, serving the terrace properties of Bede Road. To the east of the site, detached outbuildings and a garage block are located, beyond which lies the residential terrace of Victoria Road. Residential gardens associated with Victoria Road are located on the southern site boundary while allotment gardens are present to the west.
2. The site consists of two parcels of land, a triangular shaped plot, and an adjoining rectangular plot totalling approximately 780 sqm in area. The triangular plot is partly hardsurfaced, with a large workshop building sited to the north eastern corner. This is used for informal general storage, with pallets of building materials. Soil mounds and small self-seeded areas are on the remainder of the site. The adjoining rectangular plot is mainly grassed with varying levels of vegetation cover. The two sites are separated by low-level fencing and a hedgerow principally forms the northern boundary of both plots. The sole vehicular access to the site is taken from an unadopted lane to the rear of Bede Road.

#### The Proposal

3. Planning permission is sought for the demolition of the workshop building on site and for the erection of 1no. dwelling with an associated detached garage. The proposed two storey dwelling would be arranged in a 'L' shaped form located towards the southern boundary of the site. The main two-storey element is to be orientated on a north to south axis and would measure 12m x 8m with a pitched roof at a maximum height of 8.5m. A single storey, lean-to element is proposed to the northern gable,

with a further 3m projection. Windows are proposed on all 3 elevations, serving accommodation across three floors, including rooms in the roof space.

4. A 1.5 storey garage element measuring 6.7m x 6.7m is proposed, adjoining the single storey lean to at a 90-degree angle to the main dwelling. Garaging space would be provided on the ground floor with a storage/games room above. A detached single garage measuring 7.5m x 4.m is also proposed to the northeast corner of the plot. The existing vehicle access to the site would be retained.
5. The application is being reported to the Planning Committee at the request of Cllr Rowlandson regarding concerns over visual impact and highway safety.

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## **PLANNING HISTORY**

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6. Planning permission 6/1976/0368/DM was granted in December 1976 for the erection of a detached garage/garden storage shed.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
8. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
9. *NPPF Part 2 - Achieving sustainable development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
10. *NPPF Part 4 - Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

11. *NPPF Part 5 - Delivering a Sufficient Supply of Homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
12. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
13. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
14. *NPPF Part 11 - Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
15. *NPPF Part 12 – Achieving well-designed places* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
16. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
17. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
18. *NPPF Part 16 – Conserving and enhancing the historic environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Teesdale District Local Plan (TDLP) 2002 saved policies:

19. *Policy GD1: General Development Criteria:* Development will be permitted providing it complies with a number of criteria in respect of design, impact on the character and appearance of the surrounding area and landscape; avoiding conflict with adjoining uses; and highways impacts.
20. *Policy ENV8 – Development affecting plant or animal species protected by law –* Sets out that development which would significantly harm any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity.
21. *Policy ENV10 - Development Affecting Trees or Hedgerows –* Sets out that development will only be permitted where it avoids unreasonable harm to or loss of important trees which contribute significantly to the setting of nearby existing or proposed buildings.
22. *Policy ENV14 – Protection of water quality –* Sets out that development will not be permitted which would unacceptably prejudice the quality of surface or ground water
23. *Policy ENV17 – Sewage infrastructure and Sewage Disposal –* Sets out that proposals for development which will increase the demands for off-site sewerage infrastructure, such as surface water drainage, sewerage and sewage treatment, will be permitted only where adequate capacity already exists or satisfactory improvements can be provided in time to serve the development without detrimental effects on the environment.
24. *Policy BENV4: Development within Conservation Areas –* Sets out that development will only be permitted provided that among other things the proposal respects the character of the area and does not generate excessive environmental problems which would be detrimental to the character and appearance of the conservation area.
25. *Policy H4: Infill Development on Sites of Less Than 0.4 Hectare:* Sets out that small scale housing development will be permitted on sites of less than 0.4 hectare, comprising previously developed land, within the development limits of Settlements. Proposals should satisfy the criteria contained in policy GD1. Tandem development will not be permitted. Backland development will only be permitted where it would not cause unacceptable harm to the privacy or overall residential amenity of the occupants of neighbouring dwellings, and an adequate and safe access can be provided.
26. *Policy H12: Design:* The local planning authority will encourage high standards of design in new houses and housing sites, in terms of layout and organisation of public and private open space, including meeting the needs of the disabled and elderly and the consideration of energy conservation and Local Agenda 21. Residential proposals should comply with the criteria of policy GD1 where relevant to the development involved.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3271/Teesdale-Local-Plan>

## RELEVANT EMERGING POLICY:

The County Durham Plan

27. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. An Examination in Public (EiP) of the County Durham Plan (CDP) is currently in progress. The programmed hearing sessions closed on 4th December 2019. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process at the present time. This position will be subject to review upon receipt of further correspondence from the Inspector

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

28. *Barnard Castle Town Council* – Supports the application while highlighting reservations regarding the adequacy of the site access for construction vehicles.
29. *Highways Authority* – raise no objections due to the lawful presence of an existing building and associated movements and that car parking is likely to be fully contained within the site. The narrow width and limit visibility of the unadopted highway is recognised, however the development would not impact on highway safety over and above the current situation.

### NON-STATUTORY RESPONSES:

30. *Design and Conservation* – Advise that while the proposed dwelling is undoubtedly at the upper end of the scale that can comfortably be accommodated within the site, and makes a conscious decision to reflect the larger more institutional buildings to the south (rather than the proportions and detailing of the surrounding terraces) this is considered a legitimate design decision which relies then on the quality of detailing and materials. Overall the impact of the dwelling is considered to be neutral in heritage terms given the location of the site and the design proposed. No objection is therefore raised.
31. *Ecology* – Raise no objections subject to the inclusion of a breeding bird informative to ensure no impacts as a result of the proposed demolition/vegetation clearance.
32. *Environmental Health and Consumer Protection (Contaminated Land)* – Advise that there is no requirement for a contaminated land condition after assessing historical maps and available information with respect to land contamination, including the submitted screening assessment. However, an informative should be applied in case any unexpected contaminants are found.
33. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the proposed development is noise sensitive receptor, however it is located in a predominantly residential area, with residential properties to the north and south east. There are allotments to the west of the site and stone buildings to the east. The information submitted demonstrates that the application complies with the thresholds stated within the TANS and therefore no objection is made.

34. *Landscape* – Raise no objection to the principle of the proposal. A landscaping plan showing clearly the hedges to be retained, and any new planting, should be conditioned. There are no major trees on site.
35. *Archaeology* – Verbally advise that given the nature of the site and its history there is no requirement for any archaeological investigations or mitigation.

#### **PUBLIC RESPONSES:**

36. The application has been publicised by way of site notice, advertisement in the local press and individual notification letters to neighbouring residents. In total 16 no. letters of objection have been received. The comments have been summarised below:
  - Concerns are raised in relation to highway safety including vehicle access of the site, intensification of traffic in the locality and access for emergency vehicles.
  - The proposed dwelling will impact upon outlook surrounding properties and will reduce privacy levels by virtue of its size and location.
  - Concerns about disruption and noise, particularly during construction
  - The dwelling is too large and will impact upon the visual amenity of the area.
  - There are concerns over drainage and services disruption.
  - The construction traffic will severely damage the back lane which is already in poor condition.
  - Planning permission has previously been refused for residential development on the site.
  - There are concerns that the development will lead to further development of the immediate area.
  - The access lane is owned by residents of Bede Road. No right of easement will be granted.
  - There is new housing in Barnard Castle which has yet to be sold. No further housing is required.
  - Due to the size of the dwelling it could be used for non-residential purposes.
  - There are concerns that the development will affect local wildlife and trees on site.
  - The development will potentially impact upon the value of surrounding property.

#### **APPLICANTS STATEMENT:**

37. The application site is not subject to any listing but is within the Barnard Castle Conservation Area. The site has been used as an allotment until recent times and currently has a blockwork and Yorkshire boarded workshop on the land which would be demolished as part of the proposal. The land is to the south of Bede Road and is accessed via the single-track lane leading from the A67 to the west of 13 Bede Road. Given the workshop and yard on the site, it is considered to be 'brownfield' land.
38. The site is bounded on two sides, by Bede Road to the north and the garages behind Victoria Road to the east. To the south west, the site overlooks an extensive area of well-maintained allotments.
39. The proposed dwelling is to the south of Bede Road and located to the rear of the terrace. The proposal will not be visible from the main road or pedestrian route but can be seen from the rear lane behind Bede Road. As such, its visual impact is limited.

40. The site is a reasonably large area of land amounting to 0.078ha and can easily accommodate the proposed dwelling, private gardens and adequate parking without impacting on neighbouring properties. Prescribed planning separation distances have been observed to protect the privacy of neighbouring dwellings. It is noted that there are a variety of building styles and sizes adjacent to and near the site. The proposal has been designed to offer a family home set within its own grounds and will be constructed using sympathetic materials as seen on adjacent properties.
41. It is proposed that the entrance to the development site is set back by approximately 1.5m to allow better vehicular movement to the rear of Bede Road. This gesture is of no real benefit to the site owners but would greatly improve access to those living on Bede Road who park their vehicles in the sporadic garages behind their homes. By widening the lane at the corner, visibility and manoeuvring will be greatly improved.
42. The site is in a sustainable location within walking distance of the town centre and with public transport available on Bede Road itself. Barnard Castle offers a wide variety of services including schools, shops, leisure facilities and places of worship.
43. On the concerns by neighbours who have raised objections we would say;
- No deliveries during or after construction will be made via the back lane to Bede Road properties.
  - All new site services will be via the lane to the west of 13 Bede Road. The lane will be re-surfaced after work is complete.
  - Proposed access onto the site is set back by 1.5m to improve vehicular movement onto the lane to the rear of Bede Road.
  - There is adequate parking within the proposed site and no vehicles would be parked on Bede Road.
  - Discussions with DCC Highways Dept. have confirmed that a single dwelling on the site could be supported with regard to vehicle movements.
44. We hope this statement assists with the planning process and committee members can approve the application in its current form.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: the principle of development, housing land supply, locational sustainability of the site, heritage/visual impact, residential amenity, highway safety, ecology and other matters.

### Principle of Development

46. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Teesdale District Local Plan (TDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.

47. The TDLP was adopted in 2002 and was intended to cover the period to 2010. NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
48. In terms of policies most relevant to the principle of development of the site, TDLP Policy H4 of the TDLP, sets out that new small scale housing development on previously developed land will be permitted within the development limits of identified settlements including Barnard Castle. The locational approach of development advocated by Policy H4 is considered consistent with the NPPF, which seeks to focus development in sustainable location or that can be made sustainable. However, given the age of the evidence which informed Policy H4, in terms of housing supply need, the policy is considered out of date. Whilst this does not mean that it should be disregarded or be given no weight, the weight that can be afforded to it is reduced. Furthermore therefore, the acceptability of the development must be considered in the context of Paragraph 11(d) of the NPPF this requires that:-
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
    - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
    - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Policies in this Framework taken as a whole

#### Housing Land Supply

49. Paragraph 73 of the NPPF maintains the requirement for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
50. Within County Durham all the extant development plans are more than five years old and their housing figures need revising so the starting point for calculating land supply will be local housing need using the Government's standard methodology. The County Durham Plan (CDP) is aligned with the standardised methodology and identifies a housing need figure of 1,308 dwellings per annum (dpa). At this time, the Council is able to demonstrate 6.37 years supply of deliverable housing land against this figure. The Council also has commitments of an additional supply beyond the deliverable 5-year supply period.
51. The Government has also recently published its Housing Delivery Test (HDT) results alongside the publication of the update NPPF in February 2019. The HDT outcome for the Council indicates that housing delivery has been above the requirement over the last three years, which is evidence that delivery of housing on the ground is on track and exceeding our housing targets.

52. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. This will need to be factored into the planning balance.

#### Locational Sustainability

53. Policies GD1 and H4 of the TDLP jointly seeks to ensure that developments achieve adequate links and have access to public transport to access facilities and services to help reduce the need for additional car journeys. These policies are considered consistent with the NPPF in this respect, with paragraph 103 of the NPPF setting out that the planning system should actively manage patterns of growth including to promote walking, cycling and public transport use. Paragraph 110 of the NPPF also sets out that applications for development should give priority to pedestrian and cycle movements, facilitate access to high quality public transport, address the connections between people and places and the integration of new development into the natural and built environment. Policy GD1 of the TDLP should therefore be afforded full weight in the decision-making process. Although consistent with the NPPF in this respect, Policy H4 should be afforded reduced weight, as due to the age of the information which informed it.
54. In assessing the development against the above policy context, the site is centrally located in Barnard Castle, amongst residential dwellings to the north and east and is approximately 680m from the central core of the Market Place. Barnard Castle is ranked 10<sup>th</sup> in the County for its sustainability in the Council's Settlement Study (an evidence base which informs the County Durham Plan) due to a wide range of local services and amenities, all of which are easily accessible for future occupiers of the dwelling. Furthermore, the site is served by a bus stop adjacent to 13 Bede Road which provides a regular bus service to other settlements including Bishop Auckland and Darlington.
55. Overall, the local amenities within Barnard Castle are considered sufficient to serve a development of this scale and are accessible for future residents by foot. It is also noted the sites close proximity to an established bus route, residents would also not be wholly reliant on private car travel. The development is therefore considered to comply with Policies GD1 and H4 of the TDLP and Paragraphs 103 and 110 of the NPPF in this respect.

#### Heritage/Visual Impact

56. Policies GD1, BENV4 and H12 of the TDLP seek to ensure that developments protect the character and appearance of the area, including Conservation Areas and represent good design. This approach is generally in accordance with Part 16 of the NPPF which seeks to conserve and enhance the historic environment in a manner appropriate to its significance, whilst recognising that some harm may be appropriate when weighed against the public benefits of a scheme. Part 12 of the NPPF also seeks to promote good design ensuring developments add to the overall quality of the area and are sympathetic to local character.
57. Furthermore Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
58. In accordance with Paragraph 189 of the NPPF, the applicant has submitted a heritage statement which appraises the impact of the development on the character

and appearance of the Conservation Area. A number of concerns from local residents, have been received stating that the proposed dwelling is disproportionately large and will impact upon the visual amenity of the site and wider Conservation Area.

59. In this respect the proposed dwelling would be located towards the southern boundary of the site, furthest away from the access lane, sitting on a north to south axis. Its visibility from Bede Road to the north and Victoria Road to the east would be limited, principally due to the large terraced properties lining these roads. Whilst it is acknowledged that it would be large in comparison to the surrounding terraces, it is considered that the dwelling would sit comfortably in its surroundings, due to the size of the plot. It would also be seen in the context of larger residential properties to the south and in the context of nearby commercial buildings including the Community Hospital and the care home of Charles Dickens Lodge.
60. The Council's Design and Conservation Officer advises that while the site is within the designated Barnard Castle Conservation Area, it contains no heritage assets and does not fall within the setting of any beyond the application site boundary. It is relatively well concealed and although not attractive in the current form, it does not necessarily detract from the character and appearance of the surrounding Conservation Area. Although it lies within the Conservation Area this is primarily to provide for completeness and a rational boundary rather than the intrinsic quality of the space itself.
61. It is advised that that the site has capacity for change and could accommodate an appropriate dwelling without harm to the character, appearance or significance of the conservation or surrounding area. The proposed dwelling is undoubtedly at the upper end of the scale which can comfortably be accommodated within the site and makes a conscious decision to reflect the larger more institutional buildings to the south rather than the proportions and detailing of the surrounding terraces. However, it is advised that this is considered a legitimate design decision, although relying on the quality of detailing and materials. Overall the Council's Design and Conservation Officer advises that impact of the dwelling is considered to be neutral in heritage terms and would not have a negative impact on the character of the surrounding area.
62. In addition to the works describe above, it is proposed to provide a modest detached garage to serve the new dwelling. This is to be constructed of suitable matching materials and in view of its size and location, on the site would not negatively affect the visual amenity of the area. External works proposed include new hardsurfacing which is predominately block paving sets with Yorkstone paving around the property perimeter, with the remainder to be laid to grass. Boundary wise, a large proportion of the hedgerow is to be retained, however a section adjacent to the vehicle entrance will be cut back and set into the site with a view to ease access and manoeuvrability. This section of hedgerow would be replaced with a new 1.5m high timber close boarded fence with incorporating metal double gates. The Council's Landscape Officer advises that there are no objections in principle to the works proposed subject to a detailed landscaping plan which could be conditioned, where it would be encouraged to replant some of the hedgerow removed. There are no mature trees on the site.
63. Overall, therefore subject to appropriate conditions controlling the finished appearance and materials of the development and agreeing a suitable landscaping scheme, it is considered that the proposed development would be in keeping with the character and appearance of the surrounding area and would result a neutral impact upon the character and appearance of Barnard Castle Conservation Area.

The proposal is therefore considered to accord with Policies GD1, BENV4, ENV10 and H12 of the TDLP and Parts 12, 15 and 16 of the NPPF. The development would also accord with the requirements of Section 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990 by preserving the character and appearance of the Conservation Area. It is however considered expedient to remove permitted development rights given the relative scale of the building.

### Residential Amenity

64. Policies GD1 and H4 of the TDLP requires that residential developments do not disturb or conflict with adjoining uses. These policies are considered consistent with Part 12 of the NPPF, in this respect, which seeks to ensure a good level of amenity is achievable for existing and future residents.
65. In this respect, the main issue of the proposal in terms of amenity relates to window placements and potential loss of privacy and overshadowing impact, all points of which have been raised as objections by neighbouring properties.
66. In terms of assessing any potential loss of privacy and overshadowing impact, the proposal would result in a separation distance of approximately 21m from the single storey projection of the proposal, to the rear projection of the closest neighbouring properties on Bede Road. A distance of approximately 29m would be evident from the rear elevation of the property to the rear projections of dwellings of Victoria Road to the east. These separation distances meet the minimum 21m facing separation distances advocated in the TDLP, whilst recognising that existing vegetation is to be retained and intervening structures would filter views.
67. Given the relatively close proximity of neighbouring residents, and largely quiet environment, it is considered expedient to control working hours on site through condition. It is also considered expedient to remove permitted development rights for the property to maintain appropriate separation distances.
68. Overall, whilst taking into account objections received, it is considered that due to the proposed dwellings general relationship with the surrounding properties, the proposals would not have any overbearing impact or result in a significant loss of amenity that would justify refusal of the planning application. The development is therefore considered accord with Policies GD1 and H4 of the TDLP and the aims of Part 12 of the NPPF in this respect.

### Highway Safety

69. Policies GD1 and H4 of the TDLP requires development proposals achieve a satisfactory means of access onto the wider highway network in order to protect highway safety. These policies are considered consistent with the NPPF in this respect, where Paragraphs 108 and 110 seek to ensure that a safe and suitable access to the site can be achieved whilst seeking to maintain highway safety.
70. Significant local concern, including from the Town Council, has been raised with respect to Highway Safety, highlighting substandard sight visibility, the intensification of traffic in the locality and access for emergency vehicles.
71. In this respect, as the statutory consultee for such matters, the Highways Authority note the general poor condition of the single-track lane and that at the western entrance of the track, which also provides access to the allotments. Sight visibility to the west is restricted due to the highway alignment and parked vehicles associated with existing Bede Road dwellings also inhibit sight visibility to the east

72. However, having regard to the existing workshop building, which generate trips in its own right, the Highways Authority consider that the one new dwelling on the site would be acceptable in principle and would not reduce highway safety. Parking is likely to be contained within the site, given the space available and therefore no objection is raised.
73. Overall, whilst appreciating the concerns of local residents, and constraints of the site, based on the advice of the Highway Authority, the proposed development will not have an adverse impact on highway safety. A refusal of the application could therefore not be substantiated on these grounds. The development is considered to accord with Policies GD1 and H4 of the TDLP and Part 9 of the NPPF in this respect.

## Ecology

74. Policies GD1 and ENV8 of the TDLP seek to ensure that developments do not endanger or damage important national or wildlife site or that of the ecology of the wider area. These policies are considered consistent with Part 15 of the NPPF which seeks to ensure that developments protect and mitigate harm to biodiversity interests, providing net biodiversity gains.
75. Local concern has been raised with respect to the impact of the development on local wildlife and trees on site. The Council's Ecology Officer advises that based on the nature of the site, the proposed development and likely impacts there is no requirement for any ecological assessments. A standard breeding bird informative has however been recommended with respect to proposed demolition and vegetation clearance.
76. Accordingly, it is considered that the proposal does not conflict with Policies GD1 and ENV8 of the TDLP and Part 15 of the NPPF. The council can also satisfy its obligations under the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended) in this respect.

## Other Issues

77. In relation to land contamination the Council's Environment, Health and Consumer Protection officers (Contaminated Land) advise that after assessing historical maps and available information, including the submitted screening assessment there are no requirements for intrusive site investigations and remediation. However, it is advised that an informative should be applied in case any unexpected contaminants are found. The development would accord with Part 15 of the NPPF in this respect.
78. In relation to drainage, the development proposes to connect into the mains sewerage system whilst utilise soakaways to control and dispose of surface water would be utilised. This is considered acceptable for a development of this nature and the proposal would comply with Policies ENV14 and ENV17 of the TDLP and Parts 14 and 15 of the NPPF in this respect.
79. In terms of archaeology, the Councils Archaeology Officer advises that given the nature of the site and its history there is no requirement for any archaeological investigations or mitigation. The development would therefore comply with Part 16 of the NPPF in this respect.
80. Concerns have been raised with respect to the size of the dwelling and its intended end use and further development of the immediate area. Whilst these matters are speculative, should the property be used outside of the C3 use class and further

development be proposed, an appropriate planning permission would be required, and associated impacts considered at that time.

81. Objections suggest that previous applications for residential development on the site have been refused and this should lead to refusal of this application. However, there is no history of planning applications for residential development on the site, whilst each application is required to be considered on its own merits,
82. Issues over land ownership including the access lane, excess unsold properties in the locale, loss in value of properties and loss of view are not material planning considerations.
83. Issues have been raised with respect to drainage and disruption of services. This is however covered under separate legislation and are not material to this application.

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## **CONCLUSION**

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84. It is concluded that application site would represent a sustainable location for new residential development, allowing future residents to access services and amenities without relying on the private motor car, in accordance with Policies GD1 and H4 of the TDLP. It is also concluded that the development would not have a negative impact on the site or wider Barnard Castle Conservation Area, while representing good design, complying with the provisions of the Policies GD1, BENV4 and H12 of the TDLP in this respect. It is also concluded that the development would not have an adverse impact on residential amenity of neighbouring properties, highway safety and ecological interests in accordance with Policies GD1 and ENV8 of the TDLP.
85. Whilst complying with relevant TDLP policies, due to the out of date nature of Policy H4, which is considered to be the most important policy relating to the principle of development, consideration needs to be given Paragraph 11 (d) of the NPPF. In this respect there are no policies within the framework that protect assets of importance, while no adverse impacts are identified that would significantly and demonstrably outweigh the benefits associated with the development, including the provision of housing in a sustainable location.
86. The proposal has generated some public interest, with letters of objection having been received. Concerns expressed regarding the proposal have been taken into account, and carefully balanced against the scheme's wider social, economic and community benefits. there are no material considerations which indicated otherwise and therefore the application is recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions:

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

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

2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority.

Plan Reference Number	Date received
OS Location Plan	09.10.19
01 General Details Preliminary	09.10.19

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, ENV8, ENV10, ENV17, BENV4, H4 and H12 of the Teesdale District Local Plan and Parts 12, 15 and 16 of the NPPF.*

3. Notwithstanding the details of materials submitted with the application, the external walls shall be formed using natural stone and the roof from natural slates. There shall be no development above base course level until a sample panel of the roof materials and proposed stone and pointing to be used in the construction of the main walls of the buildings have been erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be retained for reference on site throughout construction and the development shall be constructed in accordance with the approved details.

*Reason: To ensure a high quality of development and to comply with Policies GD1, BENV4, and H12 of the Teesdale District Local Plan and Parts 12 and 16 of the NPPF.*

4. Notwithstanding details submitted with the application, all external windows, doors and rooflights shall be installed unless in accordance with details, which have first been submitted to and approved in writing by the local planning authority. The development shall be constructed and retained in accordance with the approved details thereafter.

*Reason: To ensure a high quality of development and to comply with Policies GD1, ENV4, H4 and H12 of the Teesdale District Local Plan and Parts 12 and 16 of the NPPF.*

5. Notwithstanding the submitted information, prior to the first occupation of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include the following.
- Any trees, hedges and shrubs scheduled for retention, including method of protection
  - Details soft landscaping including planting species, sizes, layout, densities, numbers;
  - Details of planting procedures and/or specification.
  - Finished topsoil levels and depths.
  - Details of temporary topsoil and subsoil storage provision.
  - The timeframe for implementation of the landscaping scheme.
  - The establishment maintenance regime, including the replacement of vegetation which die, fail to flourish within a period of 5 years from planting.
  - A plan showing the public/structural landscaping and private/in-curtilage landscaping.
  - Full details of the management, maintenance and accessibility of all areas of open space in perpetuity.

The approved landscaping scheme shall thereafter be undertaken and adhered to in accordance with the approved details and timeframes.

*Reason: In the interests of the visual amenity of the area and to comply with Policies GD1, ENV10, BENV4 and H12 of the Teesdale District Local Plan and Parts 12, 15 and 16 of the NPPF.*

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B, C, D, E and G of Part 1 of Schedule 2 of the said Order shall be carried out without an application having first been submitted to and approved by the local planning authority.

*Reason: In the interests of the visual amenity of the area and amenity of surrounding residents, to comply with Policies GD1, H4, H12 and BENV4 of the Teesdale District Local Plan and Parts 12, 15 and 16 of the NPPF.*

7. In undertaking the development that is hereby approved:  
No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.  
No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.  
No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays  
For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

*Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies GD1 and H4 of the Teesdale District Local Plan Local Plan and Part 15 of the National Planning Policy Framework.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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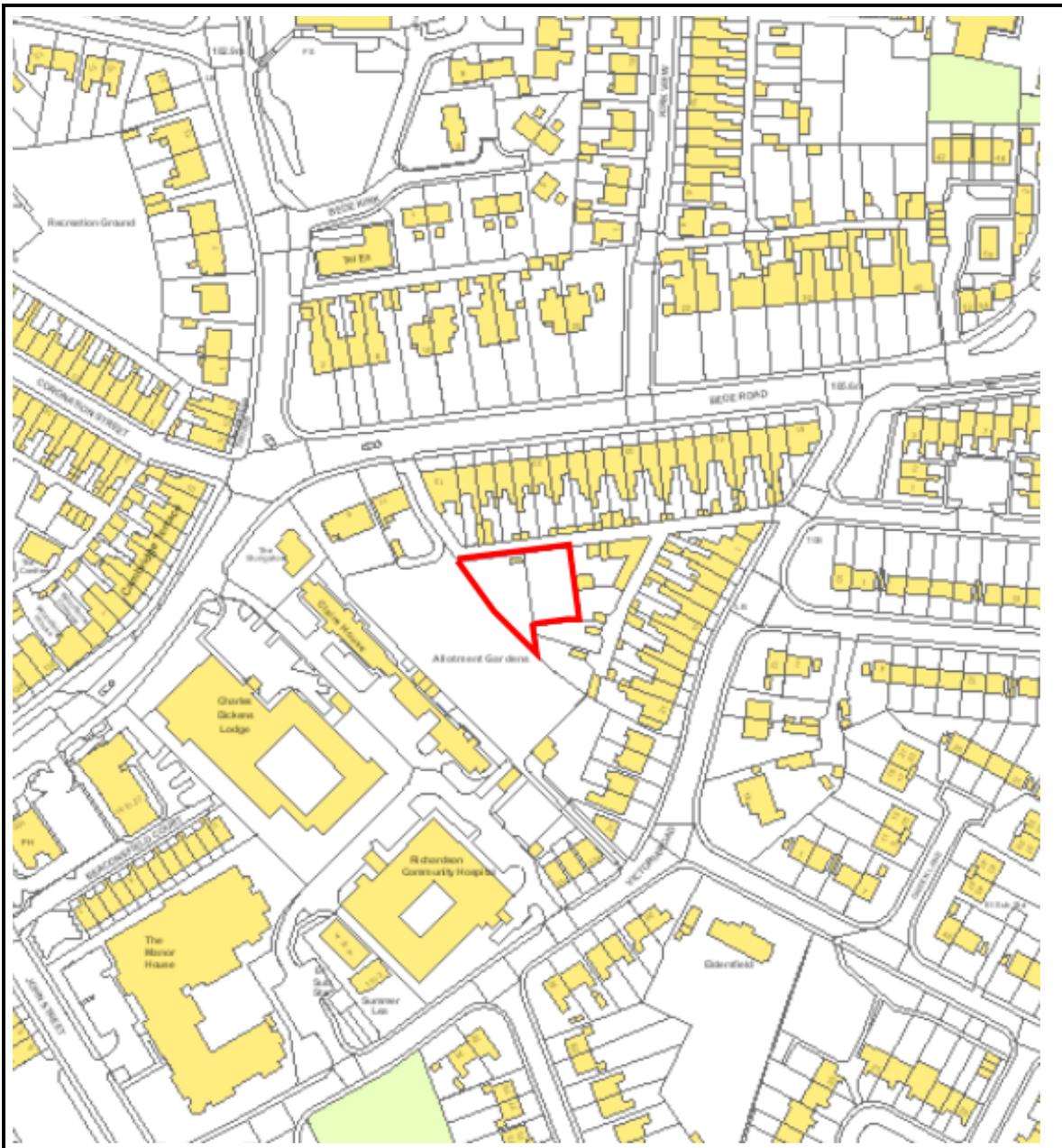
The Local Planning Authority in arriving at its recommendation to approve this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documents  
National Planning Policy Framework  
Teesdale District Local Plan  
Statutory consultation responses  
Internal consultations responses  
External consultations responses



**Planning Services**

Erection of dwelling (demolition of workshop)

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Ref: DM/19/03226/FPA

Land to the rear of 13 Bede Road, Barnard Castle

Date: January 2020

Scale: NTS