

COMMITTEE REPORT

APPLICATION DETAILS

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, jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

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.

PLANNING HISTORY

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

PLANNING POLICY

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.

LOCAL PLAN POLICY:

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

CONSULTATION AND PUBLICITY RESPONSES

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.

PLANNING CONSIDERATIONS AND ASSESSMENT

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 10th 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 contaminates 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.

CONCLUSION

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.

RECOMMENDATION

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.

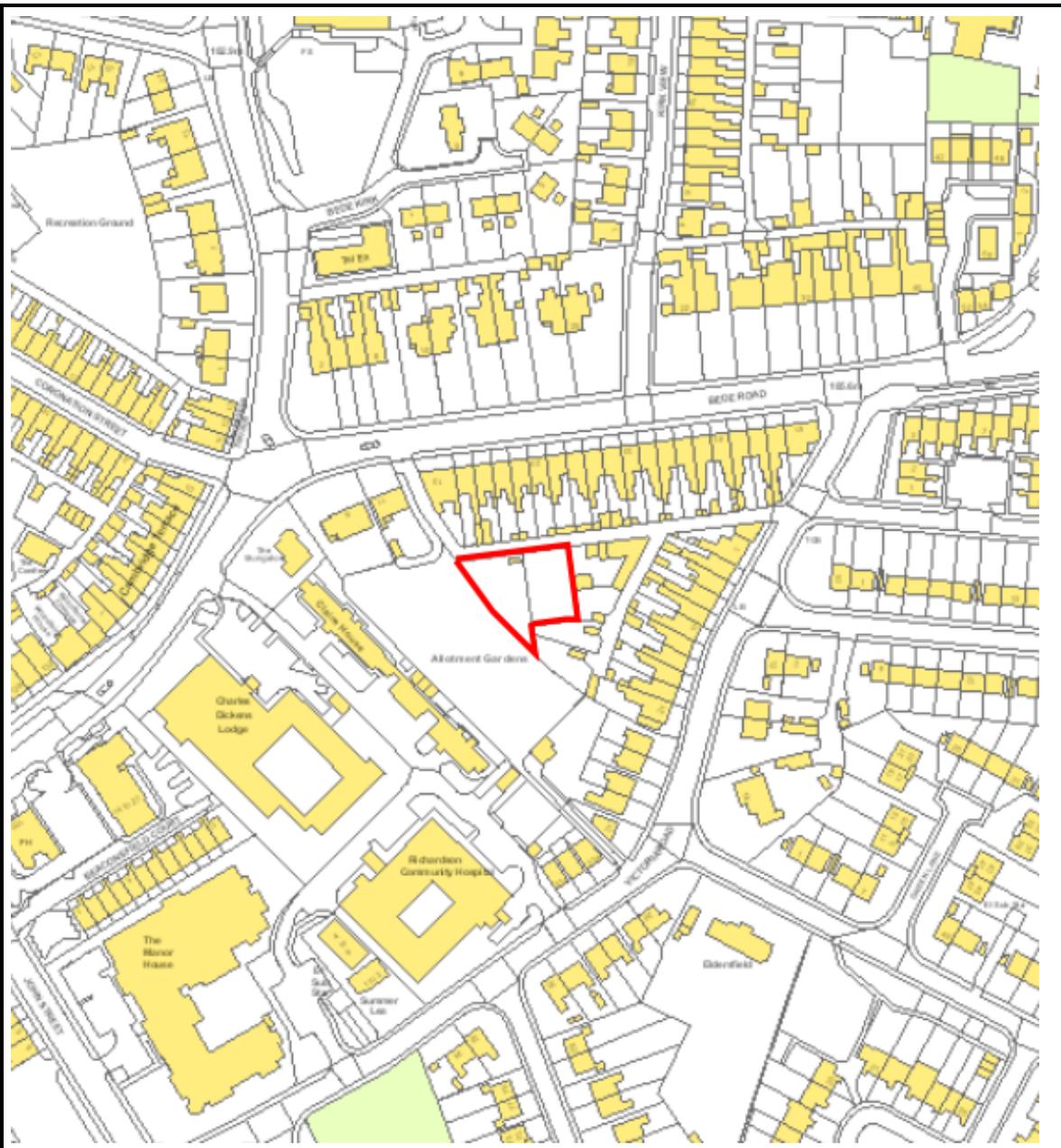
Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policies GD1 and H4 of the Teesdale District Local Plan Local Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

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.)

BACKGROUND PAPERS

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