
it to provide a wider range of comparison goods up to 1,429 sq m.⁹² That is less than the 2,232 sq m proposed in the appeal scheme but only 800 sq m less. Paragraphs D9-D10 of the Practice Guidance⁹³ confirms that such a fallback scenario is a relevant consideration in the decision making process. From the evidence before me I consider that the intention of Sainsbury's to do this cannot be doubted. This is not a 'hypothetical' fall back position. It is credible because Sainsbury's clearly wishes to increase the amount of comparison floorspace⁹⁴. It follows that I attach significant weight to the fallback position in assessing the impact of this proposal.

92. I have taken into account the evidence submitted to the Inquiry on behalf of the Darlington Town Centre Traders' Association and the Darlington National Market Traders' Federation, including the petition from over 300 retailers who are concerned that the proposed extension would have an adverse impact on the vitality and viability of the town centre. They consider that the introduction of additional shopping floorspace outside the core of the town centre would further weaken an already fragile centre and is likely to impact on existing retail business as well as further private investment in the centre. I have also considered the letters of objection submitted by other town centre retailers such as Binns/House of Fraser, the owners of the Cornmill Centre and others expressing their concerns about the impact of the proposals. Many Darlington residents have expressed similar concerns indicating through their local representatives that they oppose the development due to the likely negative impact on the viability of the town centre. Several letters supporting the proposals have also been submitted both at application and appeal stages.
93. I have already dealt with the retail matters raised in these representations earlier in my decision and come to the view that the proposals would have no significant detrimental effect on the town centre or indeed any other centre. Taking all of these matters into account, I conclude on the main issue that the appeal proposal would comply with the principal policies in the development plan most notably S1 and S2 of the BDP. Accordingly it would not undermine the Council's retail strategy of sustaining and enhancing established centres in the light of the development plan and PPS4.

Other matters

94. I have taken into account all other matters raised including other planning appeal decisions submitted. I note that the police objected to the proposals on traffic grounds. No such objections have been raised by the Council as highway authority. From the transport evidence provided by Mr Dyson, I consider that the appeal proposals would bring substantial betterment to the existing situation, in particular by improving the existing arrangements for the egress from the site onto Victoria Road, reducing traffic and delays. Mr Dyson's evidence was not challenged at the Inquiry. In my view any additional traffic generated by the proposed development would be mitigated by the revised access and egress arrangements.
95. Some local residents suggested that the appeal proposals would be detrimental to the Darlington West End Conservation Area and to their own residential amenities in terms of visual effect and noise. These are concerns

⁹² GW1 paragraph 5.108

⁹³ CDA/3

⁹⁴ GW1 paragraph 3.6, page 15, indicates that this fall back position has internal approval

which the Council does not share. I note that they were assessed in considerable detail (and rejected) in the officer's report to the Committee⁹⁵.

96. In terms of the impact of the proposed development on the character and appearance of Conservation Area, I consider the most significant element is the decked car park. While the proposed extensions to the store and PFS are outwith the Conservation Area boundaries, the impact of these elements on the character and appearance of the Conservation Area must nevertheless also be taken into account in consideration of the proposal. The Council's Character Appraisal indicates that the surface car park of the Sainsbury's store and the lack of enclosure or boundary makes a poor contribution to the character of the area⁹⁶.
97. I note that the proposed decked car park would be supported by a lightweight steel structure with lattice beams. A parapet would enclose the car park deck set at a height that would screen vehicles from view. The parapet would be faced with perforated grey cladding panels against which climbing plants would be grown. In addition, the landscaping strip which runs parallel to the Grange Road boundary of the site would be reinforced by the planting of additional trees. A new boundary wall would also be built along this frontage, to reflect the low stone boundary wall and mature trees on the opposite side of Grange Road. Furthermore, as the site sits at a considerably lower level than Grange Road, much of the car park and the extensions behind it would be screened by the retaining wall and the reinforced planting. I consider, in the light of relevant national and local policy guidance, that the proposed extensions to the store and the PFS are acceptable in terms of their design, scale, siting and use of materials. Overall I consider that the proposal would preserve the character of the Conservation Area.
98. I have considered the potential impact of the proposals on the residential amenities of nearby residents including, in particular, those at 85 Grange Road, Polam Lane, Oaklea Court, 10 Quaker Lane, Kirklee House, Peases Cottages and South Terrace. I note the proposed changes to the boundary treatment along Polam Lane⁹⁷ which would screen views from the windows of 85 Grange Lane. It is proposed to raise the height of the existing brick piers of the boundary wall and replace the metal railings with taller close boarded timber fence panels and extend the boundary enclosure by an additional bay towards Grange Road. From the evidence of Mr Partridge, Mr Rigg and my site visit, I consider there would be no unacceptable impact on the occupiers of nearby properties in terms of loss of outlook, light pollution, loss of privacy, visual impact or additional noise. The evidence of Mr Partridge and Mr Rigg was not challenged at the Inquiry. Overall, in the light of relevant national and local policy guidance, I consider that the proposal would not have significant detrimental effects on the amenities of local residents.

Conclusions

99. I conclude that overall the proposal would be in accordance with policies in the development plan and Government guidance notably that contained in PPS4. The proposals would have no adverse impact particularly on the town centre. Furthermore, they comply with the sequential approach. There is therefore no reason to refuse the proposals having regard to PPS4 Policy

⁹⁵ CDC/14

⁹⁶ CDB/8 page 29

⁹⁷ GW2 Appendix 20 (Volume 2) Architect Statement by Mr Partridge paragraph 3.11 page 10

EC17.1. In relation to Policy EC17.2, and the balancing of positive and negative aspects, no negative aspects have been identified. Indeed there are a number of positive impacts which reinforce the presumption that planning permission should be granted. The proposals would have positive impacts on the town centre, by bringing an increased amount of trip linkage between the Sainsbury's store and the town centre by reason of the greater number of customers that would come to the Sainsbury's store. The proposal would also lead to more customer choice, better quality of provision and encourage competition. It would deliver additional jobs, thus contributing to economic development and social inclusion. I conclude the appeal should be allowed.

Conditions

100. The Council submitted a schedule of suggested conditions at the Inquiry⁹⁸. I have considered these conditions in the light of the advice within Circular 11/95 and amended these as appropriate in the interests of clarity. In addition to the standard time limit condition, I agree that conditions are necessary to ensure that the permission is only carried out in accordance with the approved plans and to ensure the provision of approved parking facilities and servicing areas to secure a satisfactory development.
101. I agree that a condition requiring approval of sample materials to be used in the construction is necessary in the interests of the appearance of the development. I agree that conditions are required to ensure the submission, approval and implementation of hard and soft landscaping schemes including the protection of existing trees in the interests of amenity. Further details also need to be submitted in relation to boundary treatment to Grange Road to ensure a satisfactory development.
102. Conditions are necessary to control external lighting and to ensure the submission, approval and implementation of a surface water drainage scheme for the site including provision for the surface water from parking areas and hardstandings to pass through an oil interceptor. The Council proposed two specific contamination conditions. Whilst I agree that a contamination scheme is required to deal with contamination issues, I consider the suggested conditions can be combined in the interests of clarity.
103. Further details are required to be submitted, approved and implemented in relation to the plant and machinery to be installed on the site of the petrol filling station including details of sound levels and attenuation. Conditions are also necessary to secure control over the hours of demolition and construction works and to ensure that a construction method statement is submitted, approved and implemented in the interests of amenity. Conditions are also required to ensure submission of a noise impact assessment, details of security measures including CCTV and an information board to secure a satisfactory development.
104. A condition is also required to ensure the submission of details, approval and implementation of a scheme of highway improvement works to the A167 Victoria Road/Grange Road roundabout, the provision of a new junction onto the A167 to the west of the existing light controlled crossing and the re-configuration of the access and egress in the interests of amenity and highway safety. A condition is required to ensure that a car park management

⁹⁸ Set out in SCG1 CDE/9

plan is submitted, approved and implemented. A condition is also required to secure further details in relation to (i) pedestrian and cycle routes through the site, to include proposed signage measures, (ii) detailed plans of the proposed access ramp at the Polam Lane access; and (iii) detailed plans showing the provision of secure covered parking for at least 15 no. cycles within the site. Further details of the Travel Plan are required to be submitted, approved and implemented in the interests of a satisfactory development. A condition is required to ensure control of the recycling facilities.

105. There was disagreement in relation to suggested condition 25 regarding deliveries to or despatched from the store. The Council argued that there was no justification to change the existing restrictions on deliveries. The Appellant disagreed. In my view it is necessary to strike a reasonable balance between protecting the living conditions of the occupiers of nearby residential properties and allowing the business to flourish. The suggested wording needs to be amended. I consider that deliveries should be restricted to between 0700 and 2200 hours Monday to Saturday; that deliveries may take place between 1000 hours and 1700 hours on a Sunday provided that the number of deliveries accepted shall not exceed 2 and that deliveries to the store, not exceeding 3 per night, may be accepted between 2200 hours and 0700 hours on any night, except on a Sunday night. A condition requiring a management plan in relation to night time deliveries is necessary in the interests of residential amenity. I agree a phasing condition is necessary to ensure a satisfactory development.
106. Suggested condition 28 was not agreed. The Council considers that comparison goods should be limited to no more than 1,685 sq m of the net area of the store and within that area not more than 562 sq m should be used for the sale of clothing, footwear and other town centre type goods listed in the suggested condition. However, from the evidence that is before me, I consider it would not be reasonable to restrict the floorspace area for comparison goods to 1,685 sq m, nor would it be reasonable to restrict the floorspace area for the sale of clothing to 562 sq m or to restrict the sale of other items listed in suggested condition 28. Condition 28 should do no more than set a limit of the area to be devoted to comparison goods (2,232 sq m) and within that a limit of 842 sq m can be imposed on the sale of clothing which is the main area of concern. To impose further restrictions as suggested by the Council would place unjustifiable burdens upon the Appellant which would be contrary to advice in Circular 11/95. I have amended the condition accordingly.

Harold Stephens

INSPECTOR

APPEARANCES

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Whitehead, Borough Solicitor,
Darlington Borough Council

He called:

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Planning Officer, Darlington BC

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Retail Consultant

Lisa Hutchinson BA (Hons), BTP

Planning Officer, Darlington BC

FOR THE APPELLANT

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He called:

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Associates

INTERESTED PERSONS

John Coxon

Chair of Darlington Town Centre
Traders Association

Allan Draper

Chair of Darlington Branch of the
National Market Traders Federation
(NMTF) and president elect of their
national body

Paul Nicholson

Local resident

Councillor Cyndi Hughes LLB MA MEd MPhil

Ward Member for Park East Ward

INQUIRY DOCUMENTS

INQ1	Inquiry Notification Letters
INQ2	Letters received in response to the Notice of the Inquiry

CORE DOCUMENTS

A.	GOVERNMENT GUIDANCE AND OTHER CENTRAL GUIDANCE
1	PPS1 – Delivering Sustainable Development and Planning and Climate Change
2	PPS4 – Planning for Sustainable Economic Growth
3	PPS4 Practice Guidance – Planning for Town Centres: Practice guidance on need, impact and the sequential approach
4	PPS5 – Planning for the Historic Environment
5	PPG13 – Transport
6	PPS22 – Renewable Energy

B.	DEVELOPMENT PLAN AND DARLINGTON BOROUGH COUNCIL DOCUMENTS
1	The North East of England Plan – Regional Spatial Strategy to 2021
2	Darlington Local Plan 1997 (as amended) and saved policies
3	Adding to Quality: A Development Strategy for Darlington Town Centre (2001)
4	Design of New Development – Supplementary Planning Document (2009)
5	Darlington Local Development Framework – Core Strategy: Publication Draft (2010)
6	Darlington Retail Study (2008)
7	Darlington Retail Study – update (2010)
8	Darlington Borough Council – Darlington West End Conservation Area – Character Appraisal (March 2010)

C	PLANNING APPLICATION DOCUMENTS (REF: 09/00775/FUL)
1	<p>Application form dated 3 November 2009, Site Plan, Catchment Area Plan and plans:</p> <p>Plans dated 01.10.2008 prepared by Hadfield Cawkwell Davidson</p> <ul style="list-style-type: none"> • P01 Rev B – Existing Site Plan Ground Floor • P02 Rev K – Proposed Site Plan Ground Floor • P03 Rev H – Proposed Site Plan First Floor • P04 Rev B – Existing Store Plan Ground Floor • P05 Rev B – Existing Store Plan First Floor