



County Planning Committee

Date Tuesday 7 January 2020
Time 1.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 8 October 2019 (Pages 3 - 14)
5. Applications to be determined
 - a) DM/19/03094/OUT - Land to the South East of Fieldfare Court, Crookgate Bank, NE16 6LW (Pages 15 - 46)
Outline planning application for the erection of up to 60 dwellings (Class C3) with all matters reserved except access (resubmission of DM/18/02937/OUT)
 - b) DM/19/03233/FPA - Aldi foodstore with associated access, car parking and landscaping (Pages 47 - 68)
Site of The Kingfisher, Public Car Park and part of The Festival Walks Parade, Oxford Road, Spennymoor, DL16 6AF
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
7. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

8. 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
27 December 2019

To: **The Members of the County Planning Committee**

Councillor J Robinson (Chair)
Councillor F Tinsley (Vice-Chair)

Councillors J Atkinson, A Bell, J Clare, K Corrigan, K Hawley,
I Jewell, C Kay, A Laing, G Richardson, A Shield,
J Shuttleworth, A Simpson, M Wilkes and S Wilson

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DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber - County Hall, Durham on **Tuesday 8 October 2019 at 1.00 pm**

Present:

Councillor J Robinson (Chair)

Members of the Committee:

Councillors J Atkinson, A Bell, J Clare, K Corrigan, I Jewell, L Marshall, L Pounder, G Richardson, A Shield, A Simpson, F Tinsley (Vice-Chair), M Wilkes and M Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors Kay, Laing and Wilson.

2 Substitute Members

Councillor L Marshall as substitute Member for Councillor Laing, Councillor L Pounder as substitute Member for Councillor Kay and Councillor M Wilson as substitute Member for Councillor S Wilson.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 3 September 2019 were confirmed as a correct record and signed by the Chairman.

5 Applications to be determined

a DM/19/01479/FPA - Former Electrolux Site, Merrington Lane Industrial Estate, Spennymoor, DL16 7EY

The Committee considered a report of the Senior Planning Officer regarding an application for the provision of site infrastructure (highways, drainage,

utilities) pursuant to 8/CMA/7/91 (outline consent for mixed use development comprising up to 425 dwellings and commercial uses including associated access and landscaping works with all matters reserved) at the former Electrolux Site, Merrington Lane Industrial Estate, Spennymoor (for copy see file of Minutes)

L Eden, Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, vehicular access points, the location of existing businesses within the site, retained industrial units, proposed plan and views from within the site. Members of the Committee had visited the site and were familiar with the location and setting. During the presentation of the application Councillor M Wilkes joined the meeting.

The Senior Planning Officer informed the Committee of two updates since the publication of the report as follows:

- Condition 2, the approved plans condition to be updated to include a drainage plan, and;
- Condition 3, relating to a construction management plan, proposed to add an additional clause to fully consider how the developer would retain the access for existing occupiers of the site;
- A letter of comfort had been received from Homes England acknowledging that Mitchinson's had a right of access through the site and that they would be working with the contractor to ensure this was maintained throughout the development process.

The Chairman informed Councillor Wilkes that he had joined the meeting too late to be able to take part in the decision on the application. Councillor Wilkes understood this and asked whether he would be able to ask a question on the application. N Carter, Planning and Development Solicitor advised that Councillor Wilkes could ask a question by way of clarification but could not take part in the decision.

Councillor Wilkes replied that he had more of a comment than a question. On page 31 of the papers pack was a map to show the location of the application site. To then go online to find the detail of what was proposed there were 76 documents for this application, none of which showed what was proposed for the site, for example where the proposed roundabouts would be located and what the road layout would look like. A diagram to show what was proposed would be useful.

The Chairman informed the Committee that Councillors L Maddison and K Thompson of the Spennymoor Electoral Division, which was an adjacent Electoral Division and could be impacted by the application had registered to speak. However, Councillor Thompson was not in attendance and his request to speak would therefore fall.

Councillor Maddison informed the Committee that her involvement with Mr Mitchinson, an objector to the application, had only been recent when he sought advice from local County Councillors on options available to him to enable continuity of his business after plans had moved forward with Homes England following their acquisition of the Merrington Lane site. While not the Member for the Electoral Division Councillor Maddison informed the Committee that her interest was to find a solution that would protect Mr Mitchinson's business and safeguard the workforce which he employed from the local area. Councillor Maddison informed the Committee that the drawings displayed during the Senior Planning Officer's presentation did not show the barriers which had now been erected immediately adjacent to Mr Mitchinson's premises and it would have been good for Members to have seen the current position on site.

The Merrington Lane site was once a thriving major industrial area of Spennymoor and was sold by Thorn and Electrolux for housing development. Mr Mitchinson acquired his premises, which were previously owned by Remploy, approximately 6 years ago and the site was only yards away from areas now planned for housing development. Through County Councillor involvement Mr Mitchinson had now been put in touch with Business Durham who were working with Mr Mitchinson to ensure the future viability and growth of his company. There were a number of opportunities now open to Mr Mitchinson but he needed time to enable these options to come to fruition. The immediate plans of Homes England to develop the road infrastructure to attract future housing development on the site would create almost immediate access restrictions to the loading bay area of Mr Mitchinson's premises which had been witnessed by Members at the site visit. The road reduction plan proposed the width of the road would be reduced from 9 metres to 6.75 metres and with barriers now erected at the side and opposite to Mr Mitchinson's premises it could be seen there was insufficient turning circle to allow safe swing and clear vision on all sides for vehicles to reverse safely into the existing loading bay area. A 40 foot vehicle needed the full width of the road as it currently existed to make this manoeuvre.

The spine road through the development had been designed so it was capable of being used by both commercial and residential traffic as it would link both the commercial area and the housing development to the main highways. The relationship between residential development and retained industrial uses was considered at the time of the outline application and deemed to be acceptable. The plan for both commercial and housing development on the site was not new and it was recognised that this once thriving industrial brownfield site needed to be developed. Earlier consents established that residential phases of development would be located immediately adjacent to the objector's premises. Councillor Maddison asked that a time delay be afforded before immediate implementation of works to

allow Mitchinson's to work with Homes England and Business Durham to find an early solution to maintain continuity of Mr Mitchinson's business on the site or elsewhere to protect the jobs of 25 full time employees and upwards of 30 to 50 part-time and casual workers who were local to the Spennymoor area.

The County Durham Plan had an aim to establish industrial sites close to local areas of population. Over the last few years Spennymoor had experienced a decline in the availability of prime industrial sites and a rise in housing development of which at least 1,400 houses were still to be built or planned. The requirement for new homes on this site would add to existing pressures on local services, particularly on infrastructure and health services and a need for a new primary school.

The immediate plan was only to build and adopt a new spine road through the industrial estate and Councillor Maddison considered that a delay of several months to allow negotiations to take place on future options for Mr Mitchinson would be welcomed.

The Chairman informed Councillor Maddison that time delay was not in the gift of the Committee, which could only determine the application.

The Chairman referred to Councillor Maddison's reference to barriers being erected by Homes England and asked the Senior Planning Officer to provide clarification on this. The Senior Planning Officer replied that Homes England had erected barriers around their land to secure the site but had not erected barriers around any land which was not in their ownership or their control.

Louise Wood of ELG Planning addressed the Committee on behalf of J Mitchinson Ltd to object to the application on the grounds of highway safety and impact on their existing business.

Mitchinson's was a well established and growing business with 24 full time members of staff and up to 40 seasonal staff throughout the year, serving clients such as the NHS, Royal Mail, Amazon and Waitrose as well as other major retailers and were permitted to operate 24 hours a day, 7 days a week. Currently the business could receive up to up to 50 heavy goods vehicles in a 24-hour period but there was no cap on the number of HGV movements permitted on the site.

The Company had recently received an option to expand their fleet but had put these plans on hold due to this proposed development and their concerns at the impact it could have on their future operations.

Ms Wood queried whether the correct ownership notices had been served, as from Land Registry searches it appeared that the land passing in front of the Mitchinson site was un-registered.

With reference to highways matters, whilst the applicant had provided additional details on vehicle tracking it was still considered there were a number highways objections and safety matters. There was a lack of separation between the Mitchinson site access and the proposed new roundabout which could result in queuing traffic from both cars and HGV's which would block the access to the Mitchinson site. The proposed new roundabout would be of a painted type rather than a formal raised type to facilitate HGV movements but there were concerns that this could further impose an increased risk to highway safety. The narrowing of the spine road would further restrict the movements of HGV's across the site which could lead to HGV's mounting kerbs to get a swing on to the site which could significantly impact on highway safety. More than one HGV could and did arrive on site at the same time which resulted in queuing on the spine road while vehicles were unloaded. While vehicle tracking had been shown to be achievable multiple HGV's arriving at the site at the same time could significantly impact on highway safety particularly in the context of residential development and the associated trips generated from it. This had not been considered as part of vehicle tracking and could happen on a daily basis particularly during busy periods of the year such as the run up to Christmas when days would be darker which could further exacerbate the problem.

The number of HGV's within the site and moving across the site in a 24-hour period would also further put pedestrian safety at risk. The road was due to be adopted by the Council and the movement of HGV's was likely to increase wear and tear on the surface of the road which would lead to potholes, requiring frequent repair and investment from the Council to maintain it. Mitchinson's had a legal right of access over the road.

Mitchinson's were no longer able to use the wider site for storage of HGV's and this meant that vehicle movements across the site would be greater than currently existed.

While outline permission for the site had already been granted it was considered that in practice there would be a number of conflicts on the highway as a result of this proposal. An up to date Transport Assessment should be required to assess the changes which had occurred since the outline permission was granted over 6 years ago.

For the reasons outlined it was considered that the proposals would lead to an unacceptable impact on highway safety and in accordance with Paragraph 109 of the NPPF and saved Local Plan Policy T7 it was requested that the application be refused.

The Chairman sought feedback from officers on issues raised by Ms Wood. A Inch, Strategic Development Manager referred to the query regarding whether the correct certificate had been served in terms of unregistered land. The application detailed that there was an area of unregistered land but this was publicised in the Northern Echo and dealt with correctly.

J McGargill, Highway Development Manager responded on highways issues raised. The volume of HGV traffic travelling to the site of 50 HGV's in a 24 hour period was not a significant volume of traffic and equated to 2 every hour. Even if over a 12-hour period, 4 HGV vehicles per hour on a road was not significant.

With reference to vehicles queuing on the road outside of the development this could happen. However, a vehicle could be overtaken in a 6.75 metre wide carriageway if the vehicle was parked at the side of the road.

The roundabout was standard roundabout design with a raised middle which allowed HGV's to travel over if necessary, without splitter islands at the roundabout with thermoplastic markings to allow HGV's to travel across if necessary. This was standard design which could be found in many industrial and residential areas.

The road would be designed to carry standard traffic, along with HGV traffic, and the volume of HGV traffic was not significant. There were no concerns regarding the construction of the road. The existing road was an industrial estate road 9 metres wide with no signs of significant deterioration and the new road would be built over the top of the existing road and therefore would be as structurally stable as the existing road which carried HGV traffic.

Referring to a Transport Assessment, a Transport Assessment was carried out in 2012. When Transport Assessments were carried out the Council asked consultants who undertook them to growth traffic up to a predicted 10-year future.

A vehicle had been witnessed during the site visit carried out by the Committee attempting to reverse into one of the two access points at the Mitchinson premises. The Highway Development Manager asked that the photograph showing the two access points be displayed. The vehicle was attempting to reverse into the northern of two access points at the site which was 5 metres wide and had a no entry sign on the gate. In contrast the other access point was 16 metres wide. Normally for an industrial development of this type it would be expected for a vehicle to enter in a forward gear from the highway and exit in a forward gear. The Highway Development manager suggested that a vehicle could do this at this location by entering the 16

metre wide access point, which had a sign which read 'Goods Delivery', drive around the building then leave by the narrower 5 metre egress point.

The current road width was 9 metres without footways in parts. To the north of the site was the former Thorns development which had housing on it including access to the Thorns development. This was a 6.75 metre wide carriageway and operated successfully with HGV's and residential traffic. Running parallel to the industrial estate road was Viners Close, Merrington Lane which was a 7.3 metre wide carriageway and was a classified B road, the B6233. The distance to travel to the Mitchinson site via the industrial estate was 437 metres from the junction, via Viners Close it was 453 metres. The new development would incorporate two new roundabouts which would slow traffic and it was therefore likely that commercial traffic would defer to travelling on the B road, even though this was a slightly longer route by some 16 metres.

Councillor K Thompson, who joined the meeting late, informed the Committee that he had been delayed by traffic caused by an accident and asked whether he would be able to speak. The Chairman sought legal advice and informed Councillor Thompson that he could speak.

Councillor K Thompson addressed the Committee. Councillor Thompson informed the Committee that he was not seeking the application be overturned, but was requesting that it be deferred. Mitchinson's had faced a difficult period and because of communication problems Business Durham had not been involved at the outset to help the business. If this application proceeded immediately then Councillor Thompson considered that Mitchinson's would be in serious trouble with jobs jeopardised. The Council had recently approved a development at Bowburn for Amazon and this company dealt extensively with Amazon and was looking to see an increase in business.

Councillor Thompson did not want the application overturned but considered it should be deferred. Over the next few months Business Durham would be more involved with the business and Councillor Thompson considered a deferment of 3 to 6 months would be of benefit. There were currently 5 building sites in Spennymoor producing 150 houses a year and this site being brought forward now and placing this business under pressure would benefit nobody.

Michael O'Brian of Homes England addressed the Committee. The application represented a critical milestone in Homes England strategy to unlock the delivery of the former Electrolux site for development. The site was granted outline consent for residential development in 2013 but subsequently failed to attract any interest from developers when it was marketed by the previous owner. The lack of interest was due to the

significant up-front costs known to be involved with preparing a highly complex former industrial site for residential development. The business models of volume house builders operated on the basis of return on invested capital and they were typically unwilling to invest significant amounts of up front capital in a site before returns began to be generated through the sale of completed homes.

Part of the remit of Homes England was to bring forward housing sites where the market would not. After recognising the quality of the development approved in outline Homes England acquired the site from Electrolux in 2017 and had since worked to fully understand the complexities involved in delivering the site and to develop a strategy to unlock it for development. The strategy involved Homes England investing capital in remediation of the site and the provision of enabling works to create a fully remediated and serviced development platform with a view to recouping the investment over time through the disposal of parcels of land ready to be built upon.

Last month Homes England completed the procurement of a contractor to deliver a package of enabling works which represented an investment of around £5 million in the site. The works included site-wide remediation to address historic ground contamination, works to address ground stability issues from historic mining activities, the rationalisation of electricity, gas and water networks which remained configured for industrial use and which had complex relationships with neighbouring sites which remained in industrial use, the reconfiguration of drainage infrastructure including the diversion of a culvert which ran beneath the site and the provision of a key piece of highways infrastructure in the form of a central boulevard from which each subsequent phase of development would be accessed.

Although site remediation and ground stability matters had been addressed separately through a discharge of Condition attached to the original outline consent the upfront delivery of onsite utilities, drainage and highways works was not envisaged in the original outline consent , hence this application being submitted to facilitate the delivery of a comprehensive package of enabling works.

Delivering these works as a single comprehensive package had a wide range on benefits including cost and time savings through a logical sequencing of works by a single contractor and minimising construction phase impacts on neighbouring residents and occupiers.

Homes England had worked closely with Council officers to ensure that the works proposed in the application were both well-aligned with the overarching outline consent and to ensure that the proposals met all of the technical requirements needed to meet the required approvals. The proposal represented a fully considered package of works which would allow Homes

England to progress towards the aim of bringing forward a stalled site which was well aligned to the Council's strategy for housing delivery.

Homes England were aware that concerns had been expressed by J Mitchinson Ltd in relation to the impact of the proposed work, particularly with regard to their right of access over Homes England land both during and after the construction phase. Homes England had provided further information to reassure both J Mitchinson Ltd and Members that the legal rights of access which exist across the site were fully recognised and that access for those with these rights must be maintained both during construction and upon completion of the development. As part of the application Homes England had submitted information which demonstrated that the types of vehicle used by J Mitchinson Ltd would be able to navigate from the currently adopted highway across the proposed roads and on to the Mitchinson site with a number of access/egress options available. Referring to access during the construction phase, a detailed program of works was still being finalised and once the timing and sequencing of works which could impact on any legal right of access had been established proposals would be presented to all affected parties for agreement to ensure their operational requirements were fully taken into account. Ongoing contact would be maintained with all affected parties throughout the delivery of the works and direct points of contact would be made available to ensure that any issues could be quickly addressed.

No objections had been received from Northumberland Estates who were the owners of the remaining industrial estate to the south who also benefitted from a similar right of access across the Homes England land. Northumberland Estates had confirmed they were satisfied that their legal rights of access would be maintained throughout the construction phase of works with details to be established through agreement in due course as the works programme progressed.

In summary, the application represented a proactive investment in a long stalled site and a significant milestone in the work undertaken by Homes England to unlock it for delivery. The proposal was acceptable regarding all relevant planning considerations and it was requested that the application be approved.

The Chairman referred to the requests from Councillors Maddison and Thompson for time delay and deferment and sought advice from the Planning and Development Solicitor. The Planning and Development Solicitor advised the Committee that in relation to the request for the implementation of any permission which may be granted to be delayed this was not a matter for the Committee to consider. This would be a matter for the applicant if permission was to be granted. There was a standard Condition which required implementation within a three-year period it would

then be up to the applicant to decide at what point implementation would take place. With reference to the request for a 3 to 6 month deferment, deferment was within the remit of the Committee, but cogent reasons for deferment being appropriate would be needed. From the representations made the objector would require further time to engage with Business Durham but what the end result of this would be or what was envisaged was not clear. While Councillor Thompson had referred to the inability for the company to expand, planning permission had been granted on this site since 2013. The Highways Development Manager had advised that the access arrangements were acceptable on highway safety terms and the proposed Condition 3 would safeguard access arrangements for the objector by way of a construction management plan. The Planning and Development Solicitor advised that he was not convinced at this stage that there were any proper grounds for a deferment but this was a matter for the Committee.

Councillor Jewell sought clarification about when the development of the new highway was likely to start. Mr O'Brian replied that Homes England had been in the process of procuring a contractor to undertake a full package of works and this was due to start on site later in the month. This would be a programme of approximately 12 to 14 months of work. Work would not commence and affect the entirety of the site in one go.

Councillor Jewell thanked officers for the presentation and the site visit arranged for the previous day which he had found to be most helpful. He concurred with the Highway Development Manager in terms of the access regarding entering the Mitchinson site at the large entrance and egressing by the small exit. It was positive that this was a brownfield site which was being developed. There were many positives in the application and Councillor Jewell **moved** approval of the application.

Councillor Tinsley informed the Committee that, given the jobs mentioned at the Mitchinson site, it was right for the Committee to give this application due consideration. However, he was cognisant that the principal of the development had been established by the permission granted in 2013 and this was a brownfield site. Development could come forward at any time on the back of the extant permission. The only mechanism for a time delay would be to defer determination of the application to a later date. The outline permission had been in place for some time and the objector would have been aware of the chance of significant housing development within very close proximity and Councillor Tinsley thought the objector would have engaged with Business Durham as soon as possible on this issue. Councillor Tinsley would be more minded to a deferment if the objector could show something specific, for example a planning application on their part which was pending determination. The character of this area was changing dramatically, it had been known the character of the area was going to change dramatically for a number of years and nothing specific had been

mentioned other than further conversations. Councillor Tinsley agreed with Councillor Jewell and **seconded** approval of the application.

Councillor Clare referred to the request by the local Members to defer the application to give Mitchinson's time to work with Business Durham because they had been going through difficult times and because they wanted to expand and asked whether this was a material planning consideration. The Planning and Development Solicitor replied that these could amount to material planning considerations but how much weight was afforded to them was a matter for the Committee.

Councillor Clare informed the Committee that the representative of ELG Planning had not mentioned these matters, which had been raised by the local Members. Councillor Clare concurred with Councillor Tinsley that there was no tangible evidence to support the statements made. The matters raised by the objector's representative related to road safety and access.

Councillor Clare referred to paragraph 65 in the report regarding a pending application to discharge several conditions, particularly that referring to trees. Internal consultees had identified tree works as an area of problem and the report acknowledged the problem regarding trees and this would be conditioned. The conditions contained a tree protection plan during construction only and a landscape scheme which did not mention trees specifically. Councillor Clare sought reassurance that the condition sufficiently protected tree to meet the concerns of the internal consultees.

The Senior Planning Officer advised that that if approved the site would benefit from two separate consents, the outline consent and the current application for site infrastructure. Tree protection conditions were repeated on both these applications to ensure trees were protected regardless of which application came forward first. Officers were satisfied that both applications adequately protected trees.

Councillor A Bell asked whether the earlier application for 425 houses was still live and whether it had commenced. The Senior Planning Officer replied that this was an extant consent and was still live by the fact that a reserved matters application was pending consideration.

Councillor Bell asked whether commencement of works could be deferred by Condition. The Planning and Development Solicitor understood that the request for a Condition was part and parcel of the desire for either a deferment or a delay in terms of implementation and he did not see any grounds for that type of Condition.

Councillor Thompson made a point of personal clarification. His request was a genuine attempt to ask for a Condition and he was sure there were situations where this could apply.

Councillor Shield informed the Committee that there was a potential £5 million of development work outstanding which would take some 14 months. The Highways Officer mentioned that the increased distance to use the bypass road was an extra 16 metres, and given that the preparatory work was not to start at the western extremes it was possible for all parties, including Mitchinson's and Business Durham to co-operate in a proactive way that it wouldn't threaten the potential development of this site.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the Conditions contained in the report and as amended by the verbal updates..

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/03094/OUT
FULL APPLICATION DESCRIPTION:	Outline planning application for the erection of up to 60 dwellings (Class C3) with all matters reserved except access (resubmission of DM/18/02937/OUT)
NAME OF APPLICANT:	iMpeC Real Estate Ltd
ADDRESS:	Land to the South East of Fieldfare Court, Crookgate Bank
ELECTORAL DIVISION:	Burnopfield and Dipton
CASE OFFICER:	Laura Eden, Senior Planning Officer 03000 263980, laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a roughly rectangular shaped parcel of land located immediately to the south east of Fieldfare Court and lies within Crookgate Bank. The site extends to approximately 4.9ha and comprises of a single agricultural field. There are hedgerows, albeit with gaps, to the north-east, south-east and south-west boundaries. An area of mature woodland, protected through a Tree Preservation Order (DER-145), extends along the western and south western boundaries. Land levels across the site are relatively even (approx. 4 metres variation across the site) with the site sitting on an elevated ridge therefore occupying higher ground in comparison to surrounding areas.
2. Immediately to the north of the site lies Barcusclose Lane which provides highway connections to Burnopfield to the north-west and Tanfield to the south. The site is bordered to the north-west by residential properties with the A692 and Burnopfield lying beyond. Hobson Golf Club lies to the south, agricultural fields and open countryside lie to all other sides.
3. Two Public Rights of Way (PROW) lie within the site. Footpath no.80 (Stanley) roughly crosses the middle of the site (N/S) and connects onto Footpath no. 79 (Stanley) which runs alongside and within the majority of the site's southern boundary. A number of unrecorded desire lines also cross the site, most notably through the woodland area connecting Barcusclose Lane to footpath no.79.
4. The site lies outside of any nationally or locally designated landscape, heritage or ecological areas. A number of Local Wildlife Sites (LWS) lie close to the development site including Burnopfield Meadow (approx. 700m to the west), Beckley Wood (approx.700m to the north-east/east) and Causey Burn Wood (approx.1.3km to the east/south-east). The site lies approximately 1.5km to the north-west of Tanfield Lea March Local Nature Reserve (LNR) and 1.8km to the west of Causey Bank Mires Site of Special Scientific Interest (SSSI). Approximately 500m to the south of the site lies the northern edge of Tanfield Conservation Area (CA) which includes a number of

Grade I, II* and II listed buildings. Burnopfield Conservation Area, containing Grade II* and II listed buildings, lies approximately 720m to the north west of the site.

The Proposal and Background

5. In March 2019 the County Planning Committee considered an outline planning application for the same development site for up to 105 dwellings. Members resolved to refuse planning permission on account of the proposed development's landscape impact and that the site was considered to not be a sustainable location for new housing development. The applicant has made a considered effort to address these concerns and has now submitted a revised scheme reducing the number of units sought down to 60. The reduction in the developable area has allowed an area of public open amenity space to be created to the south eastern end of the site. The application is also supported by a landscape strategy plan, Sustainability Appraisal, and Building for Life Assessment. The application seeks to articulate the locational sustainability credentials of the site and how the landscape impact of the development would reduce through the amendments now proposed.
6. The application itself seeks outline planning permission for up to 60 dwellings with all matters reserved except access. Access into the site would be taken from Barusclose Lane via a new priority T-junction and ghost island facility. The scheme also includes proposals to reduce the speed limit with a 40mph buffer zone along the site frontage as well as incorporating traffic calming measures and associated gateway features. The proposals also include partially extending the existing footpath by around 300m along Barusclose Lane in addition to a new pedestrian refuge island linking the site to the surrounding PROW network and improvements to the existing south bound bus stop.
7. The application is accompanied by indicative site layout plans. Being an outline application there is no defined housing mix at this stage however the indicative plan suggests a mixture of detached, semi-detached and terraced properties being proposed including 2-5 bed homes and bungalows. The plan indicates that amenity open space would be provided around the built development with a larger area of open space to the east. A sustainable drainage system (SuDS) is proposed to the northern-most part of the site. Supporting reports outline that existing hedgerows, trees and PROWs are sought to be maintained and enhanced however a section of hedgerow along Barusclose Lane would require removal to accommodate the highway works. The landscape parameters plan indicates there would be a structure planting belt developed on low mounding along the south eastern edge of the built development, and narrower or more dispersed bands of tree planting along the edges of the proposed public open space. It also shows a corridor of tree planting between the proposed housing and Barusclose Lane.
8. The application is being reported to the County Planning Committee as it constitutes a major residential development proposal on a site in excess of 4ha.

PLANNING HISTORY

9. As noted above, in March 2019 the County Planning Committee considered an outline planning application for the same development site for up to 105 dwellings with all matters reserved except access (DM/18/02937/OUT). Members resolved to refuse the application in line with the Officer's recommendation for the following reason;

The proposed development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and beyond an established settlement edge which would result in significant adverse harm to the

character of the local landscape in conflict with Policies EN1 and EN2 of the Derwentside District Local Plan and Parts 12 and 15 of the NPPF. The site also has poor access to services and facilities resulting in reliance upon private car movements and would represent a significant development proposal within a location is not sustainable thereby in conflict with advice contained within Part 9 of the NPPF. In the context of paragraph 11d of the National Planning Policy Framework, such adverse impacts are considered to substantially and demonstrably outweigh the benefits of the development.

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in July 2018. 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.
11. 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.
12. *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.
13. *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.
14. *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 and that the needs of groups with specific housing requirements are addressed.
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 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.

17. *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.
18. *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.
19. *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.
20. *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.
21. *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.
22. *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>

23. 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 well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments

and statements; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The Derwentside District Local Plan (DDLPL) 1997

24. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
25. *Policy EN1 – Development in the Countryside* – will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
26. *Policy EN2 – Preventing Urban Sprawl* – Except where provision has been made in the plan, development outside built up areas will not be permitted if it results in: the merging/coalescence of neighbouring settlements; ribbon development or; and encroachment into the countryside.
27. *Policy EN9 – Works to Trees Covered By Preservation Orders* - Only allows the cutting down, lopping, pruning, topping or uprooting of protected trees if the work is necessary because of good arboricultural reasons or the survival or growth prospect of other protected trees is threatened, or if the tree is causing structural damage and no other remedial action is possible, or the tree is a danger to life or limb.
28. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible. Consideration will be given to the effect of development on any affected trees, taking into account; landscape diversity, the setting of existing or proposed buildings, wildlife habitat and visual amenity.
29. *Policy EN19 - Protection of Sites and Settings of Ancient Monuments and Archaeological Features* – seeks to protect such heritage assets by precluding development that would damage them. Pre-application evaluation or an archaeological assessment should be carried out, and where present such assets should be either preserved in situ or investigated and recorded.
30. *Policy EN26 - Control of Development Causing Pollution* - permission will only be granted for development which is not likely to have an adverse impact on the environment having regard to likely levels of air, noise, soil or water pollution.
31. *Policy HO5 - Housing Development on Small Sites* - Lists settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
32. *Policy HO22 – Recreational Public Open Space within Housing Layouts* - states planning permission for new housing developments will be granted if they include

sufficient open space and play areas to meet the demands of the residents of the development.

33. *Policy AG1 - Protection Of Better Quality Agricultural Land* – Development of Grade 2 of 3a agricultural quality will only be permitted provided there is no irreversible loss of agricultural land or no other sites of lower grade land exists where the development could reasonably be sited.
34. *Policy RE4 - Protection of Public Footpaths* - Development should facilitate the incorporation rather than the diversion of public rights of way and other recreational footpaths.
35. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access/exit, adequate provision for service vehicle manoeuvring, access for emergency vehicles and access to the public transport network.
36. *Policy TR3 – Cycling* – Requires cyclists' needs to be taken into account when considering proposals for new traffic management, road improvements and new developments. Permission will only be granted if safe and convenient access and cycle parking facilities such as racks or wall bars are provided.

EMERGING PLAN:

The County Durham Plan

37. 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:

38. *Coal Authority* - Raise no objection subject to the imposition of a condition.
39. *Drainage and Coastal Protection* – No objections providing a condition is imposed to ensure the development is carried out in accordance with the submitted drainage strategy.
40. *Highway Authority* – The Transport Statement shows that the proposed development will not result in severe residual cumulative impacts on the operation of the current and proposed highway network. The site access arrangements and highway improvement works are considered to be acceptable in principle however a condition is required to secure the full engineering details and its full implementation on site in addition to the bus stop improvement works.
41. *Northumbrian Water Limited* – Raise no objection provided that a condition relating to foul and surface water drainage is imposed.

INTERNAL CONSULTEE RESPONSES:

42. *Spatial Policy* – DDLP Policies EN1 and EN2 seek to protect the countryside from inappropriate development and preventing urban sprawl and therefore would indicate that the scheme should be resisted. The site has also been assessed through the SHLAA and was deemed unsuitable (amber) on account it would result in significant adverse landscape and visual impacts and would be poorly contained within the existing settlement layout. The application should be subject to the planning balance exercise outlined in Paragraph 11d of the NPPF.
43. *Landscape* – Effects on the landscape of the site and the immediate local landscape would be transformative. Development would entail an incursion of built form into open countryside beyond a well-defined and mature settlement edge. This would be most notable in views from Barusclose Lane and from public footpath 79 (when approaching from the east) where the character of the immediate landscape is strongly rural, and the built form of Crookgate Bank is well assimilated by mature vegetation. The road needs to be widened to accommodate the highway works which result on the removal of some roadside hedge would transform its present rural character. The impact on the character of the local landscape in these views would be high at the time of development. Although landscaping is proposed to mitigate this impact it is anticipated that it would take around 5 years for the planting to soften the appearance of the built form and it would begin to obscure it more substantially after 10. The planting proposed along Barusclose Lane and the proposed housing might be expected to soften the appearance of the development although it would remain essentially suburban in character. In the wider local landscape – within around 2 km – the development would benefit from the visual containment of vegetation to the north and south in varying degrees. In these views the development would be generally seen as a small feature in visually complex views of a settled landscape and the effects on character would not be significant.
44. *Arboriculture* – Mature trees and hedgerows lie within the site boundary including trees which are protected by a Tree Preservation Order, therefore, a Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement is required all of which must comply with BS 5837 2012. The street trees shown within the indicative plan require further thought to ensure their long-term survival and consideration should be given to the use of tree pits.
45. *Archaeology* – The geophysical survey notes archaeological potential on the site and recommends trial trenching evaluation. No objection is raised subject to a condition to secure this work in advance of a Reserved Matters submission.
46. *Clean and Green Team* – It is recommended that a financial contribution is secured to enhance the play area within the vicinity of the site.
47. *Design and Conservation* – The application was considered by the DCC Internal Design Review. The application was assessed against the outline application questions which resulted in 3 red scores, 3 amber scores, 0 green scores and 0 unknown scores. The proposed development would be contrary to emerging planning policy and should be amended with a view to ensuring a re-assessment would result in 0 red scores. The red scores were given in the Principle, Facilities and Services and Character categories. With regard to the illustrative layout, the concept of perimeter blocks which provide strong built frontage and passive surveillance to streets and public open space would be acceptable within a reduced density scheme should the principle of development be deemed acceptable.

48. *Ecology* – Raise no objections as the application should deliver net gains for biodiversity subject to conditions securing a long-term management plan for the site including appropriate monitoring, a low-level lighting scheme, a mitigation strategy and the provision of bat and bird boxes.
49. *Environment, Health and Consumer Protection (Air Quality)* – The development will not have a significant effect on air quality and there is no requirement to undertake further assessment.
50. *Environment, Health and Consumer Protection (Pollution Control)* – No objections subject to a condition to secure a construction management plan.
51. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise a conditional approach in relation to land contamination.
52. *Housing Delivery* – Advise the area has a need for more 2 bedroomed affordable properties to rent and 3 bedroomed affordable home ownership. There is a slightly lower demand for bungalow accommodation and for affordable rented properties in comparison to neighbouring areas. The lower demand in this area in comparison to neighbouring settlements is likely due to its size. Some information has been provided in this application detailing the type and location of houses that will be delivered as affordable housing, however further discussions will be needed with the developer and Housing Development Team to ensure that the affordable housing requirements of the area are met.
53. *Public Rights of Way* – There are two public rights of way directly affected by this application, these being public footpath nos. 79 and 80 Stanley. A number of unrecorded desire lines also cross the site, the most notable of which skirts the mature woodland to the rear of Lapwing Court. Any deviation of either of the two registered public footpaths away from the definitive routes to accommodate the development will require a diversion application under the relevant legislation. The development will place additional pressure on the network therefore a contribution of £27,631 is sought to make upgrades to a section of footpath 79, and also a shorter length of footpath 192.
54. *School Places Manager* – It is considered that the development is likely to produce 18 primary pupils and 8 secondary pupils. There are sufficient secondary places available, but insufficient places at the nearest primary school. Consequently, a contribution of £264,654 would be required for the provision of additional teaching accommodation.
55. *Sustainable Travel* – The site is relatively weakly served by buses. Barusclose Lane basically has a 1 per hour, Mon-Sat daytime service on the M8 and this only operates as far as the Metro Centre (not Newcastle). In the other direction it provides decent links to Stanley. There are also other services operating along the A692, but this is some considerable distance away (several hundred metres and well outside of our set 400m walk distance criteria.) As it stands our only option is to deprecate the development on accessibility grounds. A contribution of £101,400 is sought to strengthen the existing M8 bus service over a period of five years through providing an extra journey at either side of the day (morning and afternoon/evening) to cater for worktime travel and provide a more robust daytime operation (Mon-Sat). The submitted Travel Plan (TP) meets the required DCC standards therefore a condition is recommended to secure this.

EXTERNAL CONSULTEE RESPONSES:

56. *North Durham Clinical Commissioning Group* – Cedars Medical Group based in Burnopfield is the practice most likely to be affected by the proposed development. The development is expected to generate a maximum of 138 additional patients. Based on the current list size of the practice and their existing floor there is no requirement for the developer to make a financial contribution to mitigate the impacts of the development as there is sufficient capacity at the local surgery to accommodate the additional residents.
57. *Police Architectural Liaison Officer* – The crime risk assessment for the proposed development is low to moderate based on recorded incidents in the surrounding area. A series of recommendations are made regarding the detailed design which should be taken into account if this application proceeds to reserved matters stage.

PUBLIC RESPONSES:

58. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents.

Objection

59. 25 letters have been received from neighbouring properties objecting to the proposal. The main concerns are summarised as follows:

Principle of development

- A previous application to develop the site was refused on account of the resultant landscape impact and that the site was not considered to be a sustainable location for new housing development. These adverse impacts were considered to substantially and demonstrably outweigh the benefits of the development. It is not considered that the revised application, although now proposing 60 houses, would be an improvement as the above issues would still result.
- Facilities are not available in the location to support additional housing without reliance on cars which would be unsuitable and add to the already stretched infrastructure. There are also no amenities (social or commercial) on Crookgate, the closest being in Burnopfield (Tanfield has none) and for many getting to Burnopfield would require reliance on private transport or the intermittent and dwindling bus service. Walking is difficult due to the steep banks.
- The site has been assessed in the SHLAA and has an unfavourable (amber) classification. Nothing has changed since this assessment was undertaken which would allow for a more positive outcome.
- Represents an unnecessary expansion to the village extending it beyond the current, natural, physical boundary of the woodland area to the east of Fieldfare Court.
- New homes are not required especially given the consented mixed-use development including residential at the former Ever Ready Industrial Estate at Tanfield Lea, Stanley. There is plenty of affordable housing in Burnopfield in addition to existing housing consents within Burnopfield.
- There are more preferable and suitable brownfield sites to develop before greenfield sites such as this are considered.

Highway safety

- Concerns regarding the additional volume of traffic that will use Barusclose Lane especially at the junction with the A692 which already suffers from significant queuing at peak times.

- Traffic congestion is exacerbated in winter when the roads becomes slippery and icy. Barcusclose Lane can be badly affected by snow with the road being inaccessible or down to one lane at such times. This is made worse by cars parking on the road as they cannot get into the housing estate.
- Barcusclose Lane is also a dangerous road because there are no street lights or footpaths and the verges are not kept cut and there are a number of holes at the sides of the road.
- Other consented developments will increase traffic on the network which already struggles with congestion.
- Additional volumes of traffic will go through Tanfield Village where there are already concerns with parking and speeding traffic.
- The proposed alterations to the speed limit are inadequate and consideration should be given to changing the speed limit to 30mph along Barcusclose Lane and also the use of signals at the A692/Barcusclose Lane junction.
- The A692 is already busy, the development would add to this, however there are no crossing points. Given the volume and speed of traffic this is considered to be dangerous and a concern.
- Barcusclose Lane is damaged in areas with uneven surfaces and potholes.
- The road running past the proposed site is currently has a de-restricted speed limit, the road is a typical narrow, bumpy country road and will struggle to cope with this increase in traffic and increase the likelihood of road traffic accidents.
- The site has poor access to services and facilities which will increase congestion on the local roads. There is no dedicated parking in Burnopfield Village around Costcutter, Fryer's Plaice and other small businesses at that end of the village. Additional residents, who will likely use their cars to frequent these facilities, will make this problem worse.

Other matters

- The proposal would change the character and appearance of the village.
- It would only leave a small margin between the communities of Tanfield and Crookgate.
- The scheme was assessed at the Council's Internal Design Review which resulted in 3 red scores, 3 amber scores and 0 green scores. This is only a marginal improvement from the original submission. The proposed development would be contrary to emerging planning policy and should be amended with a view to ensuring a re-assessment would result in 0 red scores.
- Local services within the locality are stretched, namely doctors, dentists and schools.
- The widening of the road would destroy the rural aspect and stop the expansion of the woodland area.
- The loss of countryside and the impact that this will have on wildlife including protected species. The inclusion of open space within the development will not make up for the loss of natural environment.
- Fully supported the previous recommendation for refusal therefore are disappointed that a further application has been received. The resubmission does not address the refusal reasons.
- The trees to the south of the existing houses are protected through a tree preservation order.
- The impact that the development will have on Public Rights of Way.
- The site is valued by locals for recreation and walking. Development of the site would diminish this.
- It would result in the destruction of remnant medieval landscape
- Concerned that the letters of support advise there are currently no suitable, quality houses available in the area. A review of online estate agents reveals there are multiple homes for sale.

- Concerns that existing drainage problems on the site will be made worse through the development of the site.
- The noise, fumes and disruption to existing properties as a result of the development.
- The development will go beyond an established settlement edge which would result in significant adverse harm to the character of the local landscape.
- Query whether the homes will actually be affordable or marketed to first time buyers.
- A gas pipe runs through the site.
- Concerns that the developer's public consultation exercise did not extend to surrounding areas such as Tanfield.
- Concerns that the Council's consultation exercise did not consult with Tanfield Village, Tantobie or Hobson.

60. A letter of objection has also been received from the Campaign for the Protection of Rural England (CPRE) who are objecting to the development on the grounds that;

- The development is contrary to a number of policies within the Derwentside District Local Plan so should be refused unless material considerations indicate otherwise.
- The development represents encroachment into the countryside resulting in urban sprawl contrary to DDLP Policies EN1 and EN2. These policies are not considered to be housing supply policies therefore they are not out of date and can be given weight in the determination process.
- DDLP Policy H5 permits small developments in certain locations including Crookgate however as this proposal relates to 100+ houses it draws no support from the policy. Policy HO5 is considered to be housing supply policy however it doesn't necessarily follow that weight cannot be attributed to it.
- Recent committee reports indicate that there is in excess of a 5 year housing land supply therefore additional housing is not required.
- There are no material planning considerations to justify a decision contrary to Policies EN1, EN2 and HO5 of the Derwentside District Local Plan.
- Crookgate is a hamlet separated from Burnopfield by a busy road which is a material consideration in determining whether this is a sustainable location for development.
- They support the refusal of this application on the same grounds as the original.

Support

61. 27 letters of support have been received outlining;

- The development would be a fantastic addition to Burnopfield with safe streets for children, it appears to provide a spacious development and areas to encourage walking and wildlife.
- There are a lack of suitable and available homes in the area. The proposals indicate a range of homes would be available including homes at an affordable price.
- It would allow people to move closer to their place of work.
- The open space is a welcome addition.
- The area does have a lack of leisure amenities and additional housing would support local businesses and sports facilities.
- Responses express some disappointment that the previous application was refused

The above is not intended to repeat every point made and 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/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

62. Impec is a developer building high quality homes in County Durham under its bespoke Maple Oak Homes brand.
63. This application site adjoins an established housing estate at Crookgate Bank at the eastern edge of Burnopfield. The development is linked directly to the village centre and beyond by a series of footpaths and regular bus services.
64. We have taken on board comments raised by Members at the last committee meeting, and, as a result we have significantly reduced the scale of this development to one which we believe is now entirely in keeping with the adjacent housing and is contained behind existing tree lines and defined by footpaths and landscaping. We have worked hard to increase the benefits to local residents. This includes providing new public open space for all the community, three times larger than council requirements. This open space provides a full stop to development along Crookgate Bank and creates a much improved gateway into the village.
65. This application provides the following benefits for local people:
 - 2.4 hectares of managed public open space, which will be available for everyone in the community to use.
 - A net gain in biodiversity as confirmed by the council Ecology Officer, this includes enhancements to the hedge row boundary and additional new tree planting.
 - £27,631 for improvements to the existing footpath network. In addition, there will be a new footpath along Barcusclose Lane improving pedestrian safety.
 - £101,400 to increase the frequency of the existing M8 bus service.
 - Upgrading the existing bus stops to bus shelters, a much needed improvement for local people.
 - New highways works to prevent speeding along Barcusclose Lane. This will resolve an existing problem identified by many local residents.
 - £35,640 to provide local allotments.
 - £8,976 to improve youth play space in the local area.
 - £5,610 to upgrade and improve the adjacent Sycamores Children's Park.
 - £264,654 for new Primary School places.
 - 15% of the homes will be affordable.
 - 10% of the homes will be bungalows provided specifically for older persons.
 - A choice of high quality new homes ranging from 2 bed bungalows to 5 bed family homes responding to local demand, including demand by local employers seeking to attract and retain employees. This is fully in line with Durham's 2019 Housing Strategy.
 - £1.42 million additional spend for local retailers and services.
 - Direct employment of 188 people, including not less than 2 apprentices during the construction period.
 - Approximately £101,301 per annum of Council Tax Revenue, in addition to £12,600 New Homes Bonus.
 - A total investment for the village of £443,911, in addition to the affordable homes, older persons homes, increased local retail spend, council tax and the new public open space.
66. We have worked tirelessly with officers and local people to ensure that the development maximises benefits for the residents of Crookgate Bank and Burnopfield. This work has paid off; over the determination period only 22 objections have been received whereas an unprecedented level of local support has been given for a development of this scale, with 27 letters of support demonstrating demand for quality homes in this area. In

addition, there have been no objections from the following Council departments: highways, housing, drainage, ecology, heritage, contamination, public rights of way, landscape, archaeology and environmental health.

67. We respectfully urge Members to review the Design Review and Building for Life Assessment which has been undertaken by the applicant's team of accredited professionals. The Design Review confirms the proposed development to be sustainable, high quality and suitable for its location.
68. The public open space will undoubtedly be used for walking, as well as events for charity, sports, the community and local schools. This public open space is 3 times larger than required by the Council's policy - and will be maintained for the benefit of the whole community. The Council's own landscape officer confirmed that the '*area of open space proposed is robust and likely to be attractive to residents*' and he confirmed it should be afforded positive weight in the planning balance.
69. The applicant has worked hard with the Council's landscape officer to create a positive landscape with new trees and planting to maintain and enhance its green presence. The Council's landscape officer has confirmed that '*the overall effect on landscape character would be relatively low*' and in distant views, '*the development would benefit from the visual containment of vegetation to the north...*' The Landscape Officer has not objected and has confirmed that effects on landscape character would not be significant.
70. Burnopfield offers a range of local services for these 60 new houses; all accessible within an established and recognised walking time of 25 minutes or by taking the bus from the bus stop, only 3 minutes walk from the site. Local facilities include a dentist, food store, post office, school, hairdressers, pubs, restaurants and sports facilities. The adjacent bus service offers hourly buses directly to the edge of the village and beyond, including Stanley Town Centre, the Metro Centre, secondary schools and major bus interchanges. Further services are available 9 minutes walk from the site which run additional half hourly service to the edge of Burnopfield and to Whickham, Sunnyside, Stanley, Eldon Square and other major bus and rail interchanges. The site is also well connected by a series of public footpaths and cycle routes which will be enhanced as part of this development improving opportunities to exercise and access sporting facilities such as the golf course and cricket club, which are all a short walk away. The addition of 60 new households to the village also helps sustain local shops and services, including adding to bus passenger numbers. There is a very clear case to demonstrate that the site is accessible and sustainable in all respects.
71. The decision on the application is a finely balanced one with no significant harm identified to the local landscape and any minimal harm is time limited as the landscape matures (the Council's landscape officer comments 5-10 years) and furthermore as we have identified there is a clear case to demonstrate that the site is readily accessible to services. There is a presumption in favour that this planning application is approved and a decision rests solely on planning balance and judgement. Officers have confirmed that the recommendation is finely balanced. In our view, the benefits of the development to both Crookgate Bank and Burnopfield overwhelmingly outweigh any time-limited landscape harm or unsubstantiated accessibility concerns expressed by officers. We therefore respectfully encourage Members to approve this application.

PLANNING CONSIDERATIONS AND ASSESSMENT

72. 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 the development, locational sustainability of the site, highway safety and access, impact on the character and appearance of the surrounding area, ecology, infrastructure and open space provision, affordable and accessible/adapted housing, residential amenity, flooding and drainage, heritage and archaeology and other matters.

The Principle of the Development

The Development Plan

73. 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 Derwentside District Local Plan (DDLDP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
74. The DDLDP was adopted in 1997 and was intended to cover the period to 2006. 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. However due weight should be given to them, according to their degree of consistency with the NPPF.
75. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:-
 - c) approving development proposals that accord with an up to date development plan without delay; or
 - 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.
76. No saved policies within the housing chapter of the DDLDP are directly applicable to the site and development which directs upon the principle of housing at this site. Policy H05 is a saved policy and provides advice in regards to housing development on small sites. However, the application site does not constitute a small site as discussed under Policy H05 and therefore is not strictly applicable.
77. Policies EN1 and EN2 of the DDLDP which relate to protection of the countryside and preventing urban sprawl are applicable to the development proposal and are policies most important to the determination of the application. More detailed discussion on the assessment of the proposals against these key policies is provided elsewhere in the report. The general thrust of the advice to protect the countryside and prevent harmful incursions into the countryside are considered to be consistent with advice within the

NPPF and substantial weight to the policies can therefore be afforded. However, the policies are informed by evidence of significant age and in this sense cannot be considered fully up to date. As a result the application must be considered in the context of the planning balance at NPPF paragraph 11d.

Housing Land Supply

78. 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.
79. 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 'Pre-Submission Draft' County Durham Plan (CDP) was subject to consultation in January 2019 and was submitted for Examination in June 2019. The CDP sets out that housing need in County Durham is based on the minimum assessment of Local Housing Need adjusted for recent past delivery. The housing need for County Durham is, therefore, 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.
80. In a written representations appeal involving a site in Esh Winning, the Inspector took the view that housing supply had not been demonstrated by the Council in the terms of paragraph 74 of the NPPF. However, the Planning Inspectorate have subsequently confirmed that the Inspector misapplied Paragraph 74, as it was impossible for the Council to have an Annual Position Statement in place at the time of the appeal. In addition, in three further, more recent, written representation appeals, the Inspector outlined that there are also the requirements of Paragraph 73 under which councils are required to identify annually a supply of housing sites to provide a minimum of 5YHLS, set against local housing needs where strategic policies are more than 5 years old. The Council's approach to demonstrating a 5YHLS is, therefore, considered to be appropriate in the circumstances, and in line with the requirements of the NPPF.
81. 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.
82. To summarise, the Council's position is that, in line with Paragraph 60 of NPPF and national planning guidance, the housing need in County Durham and, as set out in the emerging CDP, is 1,308 dpa and a supply of 6.37 years of deliverable housing can be demonstrated. 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.

Locational Sustainability of the Site

83. DDLP Policy GDP1 amongst its advice states that the form of development should be appropriate to the sites location and located to conserve energy. The justification to the policy states that development should be carefully located to reduce the need for additional car journeys and should be easily accessible and capable of being served by public transport. DDLP Policy TR2 requires that development proposals would have

satisfactory access to the public transport network. DDLP Policy TR3 requires that the needs of cyclists are taken into account as part of new developments and Policy RE4 seeks the protection of public footpaths. These policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods therefore can be given full weight in considering the application. Specifically, the NPPF sets out at Paragraph 103 states that 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. At paragraph 108 the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken whilst paragraph 110 amongst its advice seeks to facilitate access to high quality public transport.

84. The County Durham Settlement Study 2018 is an evidence-based document which seeks to provide an understanding of the number and range of services available within the settlements of County Durham. Whilst Crookgate Bank is not specifically listed, the settlements closest to it to are including Burnopfield, which is rated as having a settlement score of 49.8, the Pickering Cluster (Pickering Nook and Hobson) as scoring 15 and Tanfield as scoring 4.5. Given the relative lack of services within the Pickering Cluster and Tanfield as evidenced by the low settlement scores, it would appear that future residents would be more likely to look towards Burnopfield as the nearest settlement to meet their living needs.
85. Burnopfield benefits from a range of facilities including a primary school, community centres, social clubs, GP surgery, public houses, places of worship and local convenience stores/supermarket therefore is relatively well serviced. Nevertheless, the application site is significantly detached from these services. Burnopfield Primary School is located approximately 1.7km from the closest part of the application site and the GP's surgery is around 2.1km away. The nearest convenience store lies around 1km from the site boundary. All of these are either at the very upper limits or exceed the preferred maximum walking distance (1200/2000m respectively) suggested by The Institution of Highways and Transportation (CIHT) in their document "Providing for Journeys". Walking therefore isn't considered to be an attractive prospect not only in light of the distances involved but given the route involves crossing a busy section of the A692, cutting through a heavily wooded area albeit partially lit or alternatively extending your journey length quite considerably by continuing along the A692 and then cutting back on yourself along the B6310. Regardless of the route taken it involves sections with steep gradients. For similar reasons cycling is also unlikely to be a viable alternative.
86. Two Public Rights of Way (PROW) lie within the site. Footpath no.80 (Stanley) roughly crosses the middle of the site (N/S) and connects onto Footpath no. 79 (Stanley) which runs alongside and within the majority of the site's southern boundary. There are also a number of unrecorded desire lines which cross the site most notably through the woodland area connecting Barcusclose Lane to footpath no.79.
87. The shortest pedestrian routes from the site into Burnopfield involve walking through the woodland where users have the option of utilising three public footpaths (nos. 189, 190 and 192) depending at which point they want to exit onto the B6310 Front Street. Not all routes are fully lit. There are however a number of public rights of way in the vicinity of the site and the development will place additional pressure on the network. Public Rights of Way officers therefore seek a contribution of £27,631 to a section of footpath 79, and also a shorter length of footpath 192 which will improve the linkages into Burnopfield. Paragraph 98 of the NPPF outlines that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users. The contribution sought would accord with the intentions of the NPPF

and could be secured by means of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

88. The indicative plans and supporting statements suggest that the two public rights of way (no.79 and 80 Stanley) directly affected by the proposal would be accommodated within the scheme and the desire line through the woodland area is proposed to be formalised. Any deviation to either of the two registered footpaths would require a diversion application under the relevant legislation. The proposal therefore has the potential to comply with DDLP Policy R4 and paragraph 98 of the NPPF. No objection is raised from the PROW team subject to the securing the financial contribution.
89. DDLP Policy TR3 requires that the needs of cyclists are taken into account as part of new developments. The TA outlines that Barcusclose Lane can be used as an on-road cycle route to Burnopfield for those who are confident with vehicular traffic and that there are connections points onto a National Cycle Route within the wider Burnopfield area. The response from the Sustainable Travel team offered no comments in relation to potential improvements for cyclists.
90. New footways are proposed as part of the scheme to connect the site with the existing pedestrian infrastructure and to provide links to the existing bus stops. These are located on Barcusclose Lane near to the entrance with Plover Drive and to the north of the site. The site would lie within the recommended 400m walking distance criteria to bus stops. The M8 service that operates from these stops is relatively weak being a daytime service, running Monday to Saturday on roughly an hourly basis between Stanley and the Metro Centre. Whilst other services operate along the A692 these stops are a considerable distance away (approx. 900m from the centre of the site) and well outside of the recommended distances. Furthermore, the services that operate from these bus stops are predominantly scholar services (836, 841 and S341). The no. 6 Toon Link operates a roughly hourly service throughout the week approximately between 7am-7pm with a slightly more limited service on a weekend. On the basis of the aforementioned it is not considered that these bus stops are within ease of use and the services that operate from there are not considered attractive. The Public Transport Team advise that on this basis their only option is to deprecate the development on accessibility grounds. Notwithstanding, they consider there is an opportunity to strengthen existing public transport provision and have been in contact with Go North East regarding extending the scope of the M8 service to include additional journeys at peak times. The estimated cost of this would be £390 per week/£20,280 per annum and would provide an extra journey at either side of the day (morning and afternoon/evening) to cater for worktime travel and provide a more robust daytime operation (Mon-Sat). The contribution would be required over a period of 5 years to allow the service time to become established, increase patronage and ultimately move towards commercial sustainability. A contribution of £101,400 is therefore sought to strengthen the existing M8 service and this requirement can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990.
91. Although the contribution would help to improve some aspects of the service other concerns remain. Bus stops in the vicinity of the site do not offer frequent or convenient services which would provide a viable or realistic alternative to the private motor vehicle. The developer's sustainability appraisal acknowledges that future residents are likely to utilise the facilities in Burnopfield rather than surrounding settlements. There is however no direct bus route from the site into Burnopfield itself as the closest bus stop is the Pack Horse. Such circumstances would make reliance on public transport unappealing meaning future occupiers would be much more likely to rely on private car journeys to access employment, amenities and service opportunities.

92. The submitted Travel Plan (TP) meets the required DCC standards. In practice however, sustainable transport aspirations are unlikely to be fulfilled placing a reliance on the private motor vehicle. This is considered to conflict with advice promoted within both the NPPF and DDLP Policy GDP1.
93. Furthermore, any development which takes place should be commensurate with the role and function of the settlement. Crookgate Bank is physically detached from Burnopfield and essentially comprises of a couple of hundred houses with the only facilities of note being a café off the A692 and a children's play area. Although the scale of the development has reduced from the previously refused scheme comprising of up to 105 dwellings, it is considered that the addition of up to 60 dwellings at land off Barcusclose Lane would still be inappropriate especially considering the scale, form and location of existing development.
94. Local residents have written in to express concerns that there are more favourable brownfield sites to develop out before considering greenfield sites such as this and there is sufficient new development consented in the surrounding area. Although the NPPF encourages the use of land by reusing land that has been previously developed, it does not preclude the development of greenfield land. However, any adverse impacts of development on greenfield land should be considered in the planning balance.
95. Further detailed discussion on the highways and access implications of the development is made in the below section. However, the NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It highlights the overarching economic, social and environmental objectives which are interdependent. Significant development should be focused on locations which are or can be made sustainable in location and accessibility terms. The site is considered to score poorly in terms of locational sustainability and as such would be contrary to advice contained within DDLP Policies GDP1 and TR2 and relevant sections of Part 9 of the NPPF in this regard.

Highway Safety and Access

96. DDLP Policy TR2 requires that development proposals achieve a satisfactory means of access onto the wider highway network. This policy is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods, while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. Specifically, the NPPF sets out at Paragraphs 108 that safe and suitable access should be achieved for all people. In addition, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts on development are severe. Concerns over highway safety including the capacity of the road network to accommodate additional flows have been raised by local residents.
97. A Transport Statement (TS) has been submitted to consider the potential highway and transport related impacts associated with this proposal and any mitigation required. The TS demonstrates that the traffic flows associated with the proposed development will be satisfactorily accommodated on the local road network and no mitigation is required. The Highways Authority is satisfied with the submitted TS including the modelling undertaken and conclusions reached by the transport consultant which indicate that the proposed development will not result in severe residual cumulative impacts on the operation of the current and proposed highway network.
98. The means of access to the development is a matter for consideration in this application and the developer has put forward a comprehensive scheme of works. Access into the site would be taken from Barcusclose Lane via a new priority T-junction and ghost island

facility. Although the existing speed limit along the site frontage with Barusclose Lane is 60mph changing to 30mph just prior to the junction with Plover Drive, speed survey results have demonstrated that a number of vehicles are travelling above the speed limit within the 30mph zone. The scheme also includes proposals to reduce the speed limit with a 40mph buffer zone along the site frontage as well as incorporating traffic calming measures and associated gateway features. The proposals also include partially extending the existing footpath along Barusclose Lane by around 300m in addition to a new pedestrian refuge island linking the site to the surrounding PROW network and improvements to the existing south bound bus stop. The onsite layout and parking provisions partially detailed on the indicative plans are noted although such details would need to be the subject of any future reserved matters application.

99. The Highway Authority consider that the proposed arrangements offer the opportunity for the delivery of a safe and suitable access for all users. A condition would be required to secure the detailed design and its implementation within certain timescales thereafter and also the bus stop improvement works. Subject to this condition the Highway Authority raise no objection to the development.
100. Overall, the highway impacts of the proposed development are considered acceptable, subject to the imposition of a condition, in accordance with DDLP Policy TR2 and Part 9 of the NPPF. Notwithstanding this, concerns regarding the locational sustainability of the site still persist.

Impact on the character and appearance of the surrounding area

101. DDLP Policies EN1 and EN2 seek to protect the countryside and prevent urban sprawl including through only allowing developments which maintain or enhance landscape character, are sensitively related to existing settlement patterns and don't encroach into the surrounding countryside. DDLP Policy GDP1 expects developments to achieve a high standard of design which is in keeping with the character and appearance of the area, the protection of existing landscaping and the provision of adequate landscaping within the design and layout of the site. Policies EN9 and EN11 of the DDLP outline that trees covered by preservation orders should be protected and retained with removal only to be permitted on specific grounds. The aforementioned policies are reflected in Parts 12 and 15 of the NPPF which promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. It is therefore considered that substantial weight can be afforded to DDLP Policies EN1, EN2, EN9, EN11 and GDP1 due to their compliance with the NPPF in this respect. Albeit policies EN1 and EN2 are nevertheless not fully up to date. The key policy considerations therefore are whether the site reads as an appropriate natural extension to the settlement or appears as an incursion into the open countryside and whether it represents good design. The application site has been assessed within the Strategic Housing Land Availability Assessment (SHLAA). The site (ref: 1/BU/08) has an unsuitable (amber) classification on account that development would result in significant adverse landscape and visual impacts and would be poorly contained within the settlement layout.
102. The site lies in the *West Durham Coalfield* Character Area which forms part of the larger *Durham Coalfield Pennine Fringe* National Character Area (NCA 16). It lies in the *Northern Coalfield Uplands* Broad Character Area which belongs to the *Coalfield Upland Fringe* Broad Landscape Type. The site lies on the ridge between the Derwent Valley to the west, the Kyo Burn Valley to the south and the Beamish and Causey Burn Valleys to the north and east. The site is made up of a single arable field on the relatively flat ridgetop. There are hedgerows, albeit containing gaps in areas, to the north-east, south-east and south-west boundaries. A copse of broadleaved mature woodland, protected

through a Tree Preservation Order (DER-145), extends along the western and south western boundaries. The site does not lie within a locally or nationally designated landscape. The application is accompanied by a Landscape Appraisal and a Landscape Strategy document in addition to a landscape strategy and a parameters plan which provides a broad overview of the surrounding site context, the potential landscape and visual effects which may arise as a result of the development and possible mitigation measures to address the potential effects.

103. Given the site occupies an elevated position on a ridgetop it is visually open to the north, south and east and therefore visible from a number of general and some greater distance views including those in much of the surrounding footpath network. It is generally well screened in views to the west by intervening housing in the locality and the existing landscaping within the golf course. The existing woodland copse to the south east of Fieldfare Court creates a strong and effective settlement edge and largely screens the development beyond. The site lies within the open countryside where the surrounding area is strongly rural in character.
104. Development in this location would have a transformative impact on the immediate local landscape. It would form a spur extending southwards entailing an element of ribbon development which would not form a natural extension to the existing pattern of development. Development would entail an incursion of built form into open countryside and an attractive landscape beyond a well-defined and mature settlement edge. This impact would be most notable in views from Barusclose Lane and from public footpath 79 (when approaching from the east) where the character of the immediate landscape is strongly rural, and the built form of Crookgate Bank is well assimilated by mature vegetation. It would introduce an urban element which is largely missing at present due to existing development being barely visible through the mature vegetation.
105. The proposed site access arrangements with traffic calming features are fully detailed as part of this application (see drg. no. JN1614-dwg-0020). Access into the site would be taken from Barusclose Lane via a new priority T-junction and ghost island facility. The road needs to be widened from two to three lanes to accommodate the highway works which result on the removal of some roadside hedge. The proposals also include partially extending the existing footpath along Barusclose Lane by around 280m, a new pedestrian refuge island, traffic calming measures and associated gateway features which include road signing and lining. This would be a significant change from the existing situation and the rural approach into Crookgate Bank, where the existing built form is barely visible through the mature vegetation and road signing and lining begins just prior to the entrance with Plover Drive. Under this proposal, road signing and lining would begin approximately 70m in advance of the site boundary on the southern approach. The impact on the character of the local landscape in shorter distance views would be high at the time of development and would transform its present rural character through introducing and creating an urbanised approach.
106. Although landscaping is proposed to mitigate this impact it is anticipated that it would take around 5 years for the planting to soften the appearance of the built form and it would begin to obscure it more substantially after 10 years. The planting proposed along Barusclose Lane and the proposed housing might be expected to soften the appearance of the development although it would remain essentially suburban in character. The additional built form along Barusclose Lane in addition to the required highway works beyond the currently well-established settlement edge will have enduring effects on the immediate local landscape and the character of the Crookgate Bank. This will result in lasting harm to its character and appearance even when the proposed landscape mitigation works have fully established through the urbanisation of what is currently a pleasant rural approach.

107. In the wider local landscape and within around a 2km distance the development would benefit from the visual containment of vegetation to the north and south in varying degrees. The Landscape Officer considers that the development would generally be seen as a small feature in visually complex views of a settled landscape and the effects on character would not be significant. The reduction in the built form development area relative to the previous scheme has reduced the potential landscape and visual effects of the scheme most notably in the aforementioned views. The Landscape Officer notes there would remain some localised harm in the immediate vicinity of the site. Relative to the previous scheme this would be lower and more readily mitigated in the medium and longer term by planting proposals but would still need to be weighed in the overall balance.
108. The detail of layout, appearance, scale and landscaping arrangements of the proposed development is not under consideration at this stage, but an illustrative site plan has been submitted. The concept of perimeter blocks which provide strong built frontage and passive surveillance to streets and public open space would be acceptable should the principle of development be deemed acceptable.
109. Access is a matter for consideration and as previously outlined within the report a comprehensive package of works is proposed. This essentially involves a widening of a section of the carriageway from two to three lanes, a new footway running along a significant proportion of the site frontage with Barcusclose Lane, a pedestrian refuge island, street lighting in addition to gateway entrance features in the form of signing and lining. This would also result in the removal of a portion of the north eastern boundary hedge. It is considered that these works would have a highly transformative and urbanising effect on what is currently an attractive rural approach into Crookgate Bank.
110. There are various trees and hedgerows on the site which contribute positively to the character of the local area including trees covered by means of TPO. The Council's Arboriculture Officer notes a Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement will be required. The street trees shown within the indicative plan require further thought to ensure their long-term survival and consideration should be given to the use of tree pits. Such matters could be addressed through planning conditions.
111. A Building for Life Supplementary Planning Document (2019) (BfL SPD) has recently been adopted. In recognition of national planning advice (outlined above) and to achieve high quality housing developments DCC has adopted an in-house review process to assess schemes against the Building for Life 12 (BfL 12) Standards. The BfL SPD formalises the review process and establishes the guidelines and standards for its operation. It is linked to the Sustainable Design Policy (30) in the emerging County Durham Plan. Policy 30 of the County Durham Plan is not yet adopted. Full weight to the BfL SPD and how it operates in tandem with Policy 30 cannot therefore be provided. However, the SPD is still an adopted Council document and, therefore, weight can be attributed to it in the decision-making process.
112. At the start of the application process the scheme was considered against the BfL standard through a series of 6 (outline development) questions. The scoring is based on a traffic light system with the aim of the proposed new development to secure as many "greens" as possible, minimise the number of "ambers" and avoid "reds". The more "greens" achieved the better the development would be, "ambers" are usually concerns that can be raised to "green" with revisions, whereas a "red" gives a warning that a particular aspect needs strong reconsideration. The scheme resulted in 3 red scores, 3 amber scores and 0 green scores which represents a marginal improvement from the original submission. In response the developer provided their own updated assessment which responds to the feedback provided and scores the scheme with 1

amber and 5 greens. Having reviewed this additional information officer concerns relating to the principle of the development, the ability of future occupants to access facilities and services through sustainable modes of transport and the impact of the development on the character and appearance of the area persist. The scheme has not been referred back through the in-house review process as it is still considered that the scheme would continue to score reds in these questions.

113. The proposed development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and beyond an established settlement edge which would result in significant adverse harm to the character of the local landscape in conflict with Policies GDP1 (a and c), EN1 and EN2 of the DDLP and Part 12 and 15 of the NPPF particularly paragraphs 127 and 170 which promote good design and sets out that the planning system should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside. Such impacts must be weighed against the potential benefits of a development, in the context of the presumption in favour of sustainable development, in order to determine its acceptability.

Ecology

114. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. DDLP Policy GDP1 requires the protection of designated sites, those species protected by the Wildlife and Countryside Act and that there is no harmful impact on the ecology of the District. The advice contained within Policy GDP1 is considered consistent with that within the NPPF and can be afforded weight.
115. An Ecological Appraisal has been submitted in support of the proposal which outlines that there are no statutorily or non-statutorily designated sites on the proposed development site or in close proximity of it. No rare or unusual plants were found within the site boundary and none of the hedgerows are protected under the Hedgerows Regulations 1997. The Preliminary Ecological Appraisal concluded that badgers, roosting, foraging and commuting bats, breeding birds, common frogs and common toads, brown hares and West European hedgehogs were likely to be present or potentially present on and within the vicinity of the site, particularly around the field boundaries. There is also a chance, albeit unlikely, of individual or low numbers of great crested newts and wall butterflies using peripheral site habitats. These species are afforded special legal protection under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) and/or the Protection of Badgers Act 1992.
116. Having regard to this information and based on the likely impacts of the development upon ecological interests Section E of the report recommends that a detailed mitigation strategy is prepared in advance of works commencing on site. As a minimum the mitigation measures would include the carrying out of works at times of the year where disturbance will be minimised, undertaking pre-commencement development checks, implementation of a sensitive lighting scheme, covering foundations and service trenches at night, the installation of bat and bird nesting boxes and additional planting. The mitigation strategy, a low-level lighting scheme and the location, number and type of bat and bird boxes can be secured by condition.
117. The Council's Ecologist advises that the overall landscape strategy approach including proposed ecological enhancement should ensure that there is no net loss of biodiversity in regard to Paragraph 175 of the NPPF. On-site improvement works will need to be fully detailed and agreed, in addition to securing a 25-year management plan for the

habitats to be created on site including an appropriate monitoring programme, all of which could be secured through condition.

118. No interference with protected species is identified as a result of the development. A European Protected Species Licence is therefore not considered to be required as a result of the development having regards to the requirements of the Habitats Directive brought into effect by the Conservation of Habitats and Species Regulations 2017. Therefore, subject to the imposition of conditions to secure a mitigation strategy, a low level lighting scheme, the location, number and type of bat and bird boxes, on site improvement works, a 25 year management plan for the habitats to be created on site including an appropriate monitoring programme the proposal would comply with DDLP Policy GDP1 and Part 15 of the NPPF. The Council's Ecologist offers no objection to the scheme on this basis.

Infrastructure and Open Space Provision

119. Paragraph 94 of NPPF confirms that the government places great importance to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The School Places Manager has advised that the proposed development is likely to generate an additional 18 primary age school pupils and 8 secondary age school pupils and there is insufficient capacity at the local primary school (Burnopfield Primary) to accommodate this need. A total contribution of £264,654 towards education provision is therefore required, secured as a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
120. DDLP Policy HO22 seeks to ensure residential proposals provide sufficient public open space and play areas within the development to meet the needs of the residents or a contribution in lieu. These targets have been revised under the Council's Open Space Needs Assessment (OSNA) 2018, which is considered the most up to date assessment of need for the purposes of Paragraph 96 of the NPPF. Therefore, whilst the general thrust of Policy R2 is consistent with the content of the NPPF, the evidence base in respects to open space requirements has changed and, in that sense, the policy is not fully up to date.
121. The OSNA sets out the requirements for public open space on a population pro rata basis, and this development would be expected to provide provision for five typologies (allotments; amenity/natural greenspace; parks, sports and recreation grounds; play space (children) and play space (youth)), either within the site, or through a financial contribution towards offsite provision, in lieu. Of these typologies, and having regard to the scale of the development, Amenity/Natural Green Space and Play Space (children) would be expected to be provided on site.
122. The OSNA outlines that parks, sports and recreational grounds should be provided on sites with 250 plus dwellings. The application site is therefore not of a scale whereby this type of provision would usually be provided. Notwithstanding this, the requirement for the park and recreation ground typology would be 0.1848ha based on a development of 60 units. In support of the application submission the developer has undertaken their own open space needs assessment. This outlines that the current indicative layout shows that there is potential to provide up to 1.5ha of open space to the east of the site (up to 2.4ha overall site) which could be a combination of amenity/natural green space and the park and recreation ground typology. It is stated that the area of open space to the east of the proposed built development has the potential to accommodate a mix of informal/formal planting, informal recreation and sport areas, walking (including dog walking), areas for events such as charity, community or local schools, landscape amenity and habitats for wildlife. As the minimum requirement for amenity/natural green space and park and recreation ground is calculated to be 0.38ha (0.198ha+0.1848ha)

and can be provided on site (and detailed at reserved matters stage) the developer asserts that a financial contribution (would have been £133,056) is not justified in this instance.

123. Whilst a contribution would normally be sought towards this particular typology there is no objection in principle to a development seeking to mitigate its own impacts in this regard. It is acknowledged that the open space is likely to be attractive to future residents of the estate and indeed those within the wider Crookgate Bank area therefore its inclusion with the scheme can be afforded weight in the planning balance. It is however likely to be of more limited use to the wider community, such as Burnopfield, Tanfield and Hobson, because of its location and the lack of sustainable transport links to access the site. This would therefore reduce the weight to be afforded to this as a benefit.
124. Given the level of open space to be provided relative to the scale of the development the applicant was asked to clarify how the open space would be managed and maintained. It has been advised that a private management company would be used to manage and maintain the areas of open space within the development. Future residents would pay an annual service charge which would be used to fund the management company. Conditions can secure the relevant levels of on-site provision as well as the future management and maintenance of areas of open space within the development.
125. Of the remaining typologies to be provided on site, given the scale of the development, the children's play space would comprise of a non-equipped play area. As there is an existing play area in close proximity of the development on land adjacent to The Sycamores, (approximately 150m to the north west of the site) it is considered more appropriate to secure an off-site contribution towards the enhancement of existing facilities. The developer is agreeable to this approach as well as securing contributions towards allotments and play space (youth) typologies. The development would generate a required contribution of £50,226 for those typologies not provided on site, which would be secured through a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The overall approach to open space would satisfy the OSNA requirements and Paragraph 96 of the NPPF with regards to the provision of public open space.
126. Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result or be exacerbated by the proposal. The North Durham Clinical Commissioning Group (ND CCG) has advised that Cedars Medical Group based in Burnopfield is the practice most likely to be affected by the proposed development and that the development is expected to generate a maximum of 138 additional patients. Based on the current list size of the practice and their existing floor there is no requirement for the developer to make a financial contribution to mitigate the impacts of the development as there is sufficient capacity at the local surgery to accommodate the additional residents. Whilst a number of local residents have expressed concerns regarding the likely resultant impact to healthcare this view is not shared by the CCG.

Affordable and Accessible/Adapted Housing

127. Paragraph 62 of the NPPF sets out that, where a need has been established, an appropriate level of affordable housing should be provided. DDLP Policy HO8 also encourages developers to provide an element of affordable housing on specific allocated sites. This site is not identified as being one of those sites and as a result the

policy is not strictly applicable to this proposal. The Council's Strategic Housing Market Assessment (SHMA) (January 2019) is the evidence base used to inform the need for affordable housing. This document confirms that there is a net shortfall of affordable homes per annum and also provides evidence to inform the tenure split for affordable housing (70% affordable rented housing to 30% intermediate products).

128. The site falls within the medium viability area. This means that 15% of the properties within the scheme would need to be affordable equating to 9 units. The first 10% (6no.) of the scheme should be provided in the form of affordable home ownership as directed by paragraph 64 of the NPPF and the remaining 5% should be in line with the SHMA (2no. affordable rented housing and 1no. intermediate product). The applicant has indicated that this level of provision would be delivered to be secured in perpetuity through a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended).
129. Paragraph 61 states that the size, type and tenure of housing needed for different groups in the community should be assessed. The SHMA demonstrates a need for both affordable and specialist housing to meet the needs of older people. The evidence indicates that sites of 10 or more units can include 10% (or more) of the units to be designed with older people in mind, for example as level-access bungalows or suitably accessible/adapted homes. Whilst these requirements have been included within Policy 15 (Addressing Housing Need) of the emerging CDP, weight cannot be given to the plan at this stage. However significant weight can be afforded to the evidence which underpins the policy, which is up to date and has been tested for viability. Part 5 of the NPPF is also clear that developments should help to address housing needs. These requirements can be met by a planning obligation secured through S106 of the Town and Country Planning Act 1990 and then delivered via through reserved matters in the event planning permission is granted.

Residential Amenity

130. DDLP Policy GDP1 requires that new development proposals protect the amenities of neighbouring occupiers and land users. This policy is considered to be compliant with Paragraph 127 of the NPPF which states that planning decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings therefore can be afforded full weight. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Whilst Part 15 seeks to prevent both new and existing development from contributing to or being put at unacceptable risk from unacceptable levels of pollution.
131. Based on the indicative layout and relationship with existing properties, it is considered that a scheme could be devised that would protect the amenity of neighbouring land users and achieve acceptable separation distances between dwellings.
132. Environment, Health and Consumer Protection officers have not raised any objection to the development however note the potential for disturbance during the construction period. It is considered that conditions relating to a Construction Management Plan and hours of working would provide sufficient mitigation in this case. Similarly, they do not consider that the development will have a significant effect on air quality and there is no requirement to undertake further assessment. The proposal would therefore not conflict with DDLP Policy EN26 as there would not be an adverse impact on the environment having regard to the likely levels of air pollution. This policy is considered to be compliant with paragraph 181 of the NPPF and can be afforded full weight.

133. Overall, it is considered that the development would not cause any adverse impact upon the amenity of those living in the vicinity of the development site, and adequate levels of amenity for prospective occupiers can be secured through the imposition of conditions. The development is therefore considered compliant with DDLP Policy GPD1 in this respect and Parts 8 and 15 of the NPPF.

Flooding and drainage

134. National advice within the NPPF and PPG 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). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment. DDLP Policy GDP1 requires that development proposals provide adequate provision for surface water drainage and the protection of areas liable to flood from development. This policy is considered fully consistent with the content of the NPPF and can be attributed weight in the decision-making process.

135. The application is accompanied by a Flood Risk Assessment and Drainage Strategy report which highlights that the application site is within Flood Zone 1 with a low flood risk probability. The drainage strategy includes the incorporation of Sustainable Urban Drainage (SUD's) including permeable paving and a detention basin to treat and attenuate surface water runoff. Subject to securing the finer detail of this approach if a reserved matters application was to come forward 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.

136. Northumbrian Water has requested that a condition is imposed in relation to foul and surface water drainage so that they can fully assess their capacity to treat the flows from the development.

137. Subject to conditions to detail the final surface and foul water disposal and a management strategy, no objections to the development on the grounds of flood risk or drainage are raised having regards to DDLP Policy GDP1 or Part 14 of the NPPF.

Heritage and Archaeology

138. A geophysical survey has been submitted, including some desk-based assessment work, highlighting there is some archaeological potential on the site and recommends trial trenching elevation. The Council's Archaeologist has raised no objection to the scheme subject to a condition to secure trial trenching prior to the submission of Reserved Matters. The proposal is therefore considered to comply with DDLP Policy EN19 and Paragraph 189 of the NPPF which set out the requirements for an appropriate programme of archaeological investigation, recording and publication to be made. This policy is considered to be partially consistent with the content of the NPPF and can be attributed weight in the decision-making process.

139. The northern edge of Tanfield Conservation Area (CA) lies approximately 500m to the south of the site and is the nearest designated heritage asset. It includes a number of Grade I, II* and II listed buildings. Burnopfield Conservation Area, containing Grade II* and II listed buildings, lies approximately 720m to the north west of the site. A heritage statement has been submitted in support of the proposal which utilises the Landscape Appraisal and Zone of Theoretical Visibility (ZTV) analysis to test the potential intervisibility between the site and the potential impact to heritage assets within the surrounding area. The ZTV Study was commissioned at test heights of 8.3m and

9.53m representing the general and proposed maximum height of dwellings. Based on the submitted information it indicates there would be no intervisibility between the site and the heritage assets within Burnopfield however there is the potential for some intervisibility between western and southern parts of the Tanfield Conservation Area although not in relation to the listed building buildings within it. In any event due to the distance between the two sites, the intervening topography and existing landscaping including boundary hedges, individual trees and groupings it is not considered there would be a direct visual relationship between the sites. The proposal is not considered to adversely impact on the setting of the conservation area. Design and Conservation officers have raised no objections to the proposal. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case it is considered that there would be no harm. This approach reflects the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard must be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and Section 72 of the same Act which requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area.

140. It is therefore considered that the proposal would have no adverse impact on heritage assets within the vicinity of the site. The proposals would therefore accord with Part 16 of the NPPF.

Other Issues

141. Given the sensitive end use of the site a Phase 1 Preliminary Risk Assessment was submitted in support of the application. Environmental Health Officers agree with the conclusions within the report and that a Phase 2 site investigation is required. A condition to secure this will ensure that the site is suitable for its intended use taking account of any risks arising from contamination the proposal would accord with Paragraph 178 of the NPPF.

142. The site lies entirely within the coal mining high risk area. The Coal Authority records indicate that there is a recorded mine entry on the site. The site is also in an area of recorded and likely unrecorded coal mine workings at shallow depth. The application is supported by a number of desk-based assessments and intrusive site investigations have been undertaken. Despite extensive excavations of the site no evidence of the mine entry, disturbed ground or colliery spoil was encountered. The Coal Mining Review outlines a series of recommendations including further intrusive investigations to establish if shallow coal mine workings are present beneath the surface and that a watching brief is observed. The Coal Authority has recommended that such works are conditioned to establish the exact situation regarding ground conditions and to enable appropriate remediation measures to be identified if necessary. Subject to the condition being imposed the proposal would meet the requirements of Part 15 of the NPPF in demonstrating that the application site can be made safe and stable and as such the Coal Authority raise no objection to the scheme on this basis.

143. The proposal has generated some public interest, with a number of letters of objection having been received. The majority of the objections and concerns raised by local residents and the Campaign for the Protection of Rural England have been taken account and addressed within the report. Some local residents have expressed concerns regarding the extent of the public consultation exercise undertaken by both the developer and Council respectively. The application has been publicised by way of press notice, site notice, and individual notification letters to neighbouring residents as

well as all interested parties from the original application therefore in accordance with (and exceeding) statutory requirements. Whilst developers are recommended to undertake pre-application public engagement is it is not a mandatory requirement and locals have had the opportunity to comment on the planning application submission. From a search of the Council's GIS database there is no record of a mains gas pipe running through the site. In any event, this would be a site constraint for the developer to overcome. Residents have also expressed disappointment that the application has been resubmitted as they fully supported the original reasons for refusal and do not consider the amendments to the scheme address this. The developer is entitled to resubmit a revised application to allow consideration of an amended scheme.

144. 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 approach to DDLP Policy AG1 is consistent with the NPPF as it also seeks to protect better quality agricultural land (grades 2 or 3a) therefore can be afforded full weight.
145. The development would result in the loss of approximately 4.9ha of Grade 4 (poor) agricultural land therefore the proposals would not constitute significant development and would not relate to the loss of the best and most versatile agricultural land which are classified by the NPPF as grades 1, 2 or 3a.

Planning Obligations

146. Paragraph 56 of the NPPF, and Paragraph 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. The proposed contributions towards improvements to public rights of ways, off-site open space provision, additional teaching accommodation and strengthening the public transport network are considered to be in accordance with these tests, as is the securing of affordable housing and older person provision.

Planning Balance

147. The acceptability of the application should be considered under the planning balance test contained within Paragraph 11 (d) of the NPPF. No NPPF policies that protect areas or assets of particular importance provide a clear reason to refuse the application and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.

Benefits

148. The development would assist in maintaining housing land supply however this at a time when the Council can demonstrate in excess of 6 years housing land supply against an objectively assessed need. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is reduced.
149. This boost to housing supply would extend to the delivery of affordable homes as the development proposes 15% affordable housing provision and that 10% of all the private or intermediate properties to be for older people in accordance with the Strategic Housing Market Assessment (SHMA). These requirements can be secured through a planning obligation under S106 of the Town and Country Planning Act 1990.

150. To a degree 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 further indirect jobs over the lifetime of the development. A temporary economic uplift would be expected to result from the development and expenditure benefits to the area.
151. Overall, based upon the ecological works proposed, it is considered that the development should lead to net gain in terms of biodiversity.
152. The Highway Authority consider that the proposed access arrangements represent a preferable solution from a highway safety perspective through the creation of a new priority T-junction and ghost island facility including proposals to reduce the speed limit on entering the village. A financial contribution would also be secured which would help mitigate the impacts of the development and provide improvements to the surrounding PROW network.
153. The level of on-site open space is likely to be attractive to future residents of the estate and indeed those within the wider Crookgate Bank area therefore its inclusion with the scheme can be afforded weight in the planning balance. It is however likely to be of more limited use to the wider community, such as Burnopfield, Tanfield and Hobson, because of its location and the lack of sustainable transport links to access the site. This would therefore reduce the weight to be afforded to this as a benefit.

Adverse Impacts

154. The proposed development would amount to a substantial and inappropriate incursion into the countryside which would result in significant adverse harm to the character of the local landscape. Furthermore, it would not relate well to the existing pattern of development. The proposed access arrangements would have an urbanising effect and would result in the partial removal of existing landscape features therefore totally transforming the existing rural approach into Crookgate Bank.
155. The site has poor accesses to facilities and services and therefore does not represent a sustainable location for development of this scale. Sustainable transport objectives are unlikely to be fulfilled as these modes of travel would not provide a realistic alternative to the private motor vehicles. The means to mitigate the accessibility of issues of the site such as through a financial contribution towards bus service improvements and public footpath improvements would aid in improving the locational sustainability credentials of the site but not to an extent to remove the objection on these grounds.

CONCLUSION

156. The acceptability of the application should be considered in the context of the planning balance test contained within Paragraph 11d of the NPPF.
157. Whilst the scheme in its revised form has sought to address the previous refusal reasons, it is considered that the proposed development would continue to amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and beyond an established settlement edge which would result in significant adverse harm to the character of the local landscape in conflict with Policies GDP1 (a and c), EN1 and EN2 of the DDLP and Part 12 and 15 of the NPPF. Furthermore, the site does not represent a sustainable location for the development on account of its poor accesses to facilities and services and sustainable

modes of transport are unlikely to provide a realistic alternative to the private motor vehicles in this instance contrary to advice contained within Part 9 of the NPPF and DDLP Policies GDP1 and TR2.

158. In this instance there are no policies in the NPPF that protect areas or assets of particular importance that provide a clear reason for refusing the application.
159. On balance, it is considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits of the scheme and the application is recommended for refusal as a result.
160. The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised have been taken account and addressed within the report.

RECOMMENDATION

That the application be **REFUSED** for the following reason;

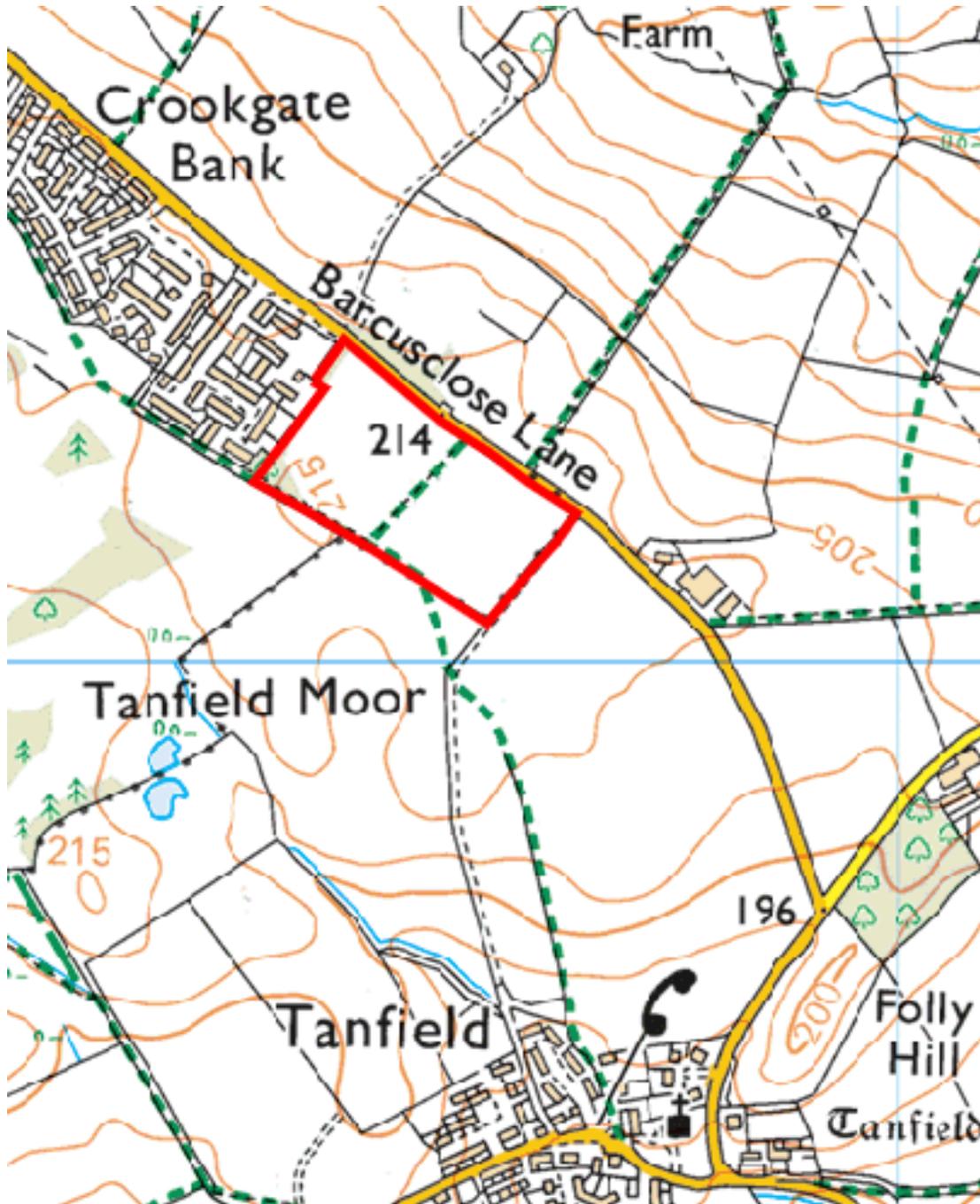
The proposed development would amount to a substantial and inappropriate incursion into the countryside, not in keeping with the existing pattern of development and beyond an established settlement edge which would result in significant adverse harm to the character of the local landscape in conflict with Policies EN1 and EN2 of the Derwentside District Local Plan and Parts 12 and 15 of the NPPF. The site also has poor access to services and facilities resulting in reliance upon private car movements and would represent a significant development proposal within a location is not sustainable thereby in conflict with advice contained within Part 9 of the NPPF. In the context of paragraph 11d of the National Planning Policy Framework, such adverse impacts are considered to substantially and demonstrably outweigh the benefits of the development.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to refuse 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 form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2018)
- National Planning Practice Guidance notes.
- Derwentside District Local Plan
- Evidence Base Documents e.g. SHLAA, SHMA, County Durham Settlement Study and OSNA
- DCC Sustainable Urban Drainage Systems Adoption Guide 2016
- Statutory, internal and public consultation responses



Planning Services

Ref: DM/19/03094/OUT

Outline planning application for the erection of up to 60 dwellings (Class C3) with all matters reserved except access (resubmission of DM/18/02937/OUT)

iMpeC Real Estate Ltd

Land To The South East Of Fieldfare Court, Crookgate Bank

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Comments

Date 7th January 2020

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/19/03233/FPA
FULL APPLICATION DESCRIPTION:	Aldi foodstore with associated access, car parking and landscaping
NAME OF APPLICANT:	Aldi Stores Ltd
ADDRESS:	Site of The Kingfisher, Public Car Park And part of The Festival Walks Parade Oxford Road Spennymoor
ELECTORAL DIVISION:	Spennymoor
CASE OFFICER:	Barry Gavillet, Senior Planning Officer 03000 261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This application site is situated within Spennymoor Town Centre and includes the vacant Kingfisher public house, a public car park accessed from Holborn and part of the Festival Walk parade. The application site is broadly rectangular in shape with the red line boundary extending to 0.65 hectares. Existing vehicular access is taken from Holborn, via Oxford Road.
2. The site is bounded by Oxford Road to the north beyond which are residential properties and an area of public open space. Retail stores including Home Bargains, Iceland and McColls are to the east of the site along with a post office and associated car parking. The southern edge of the site is flanked by part of Festival Walk parade, part of which is proposed to be demolished and is being considered as part of several other applications seeking to regenerate and refurbish this part of Spennymoor town centre. To the west, beyond the redundant Kingfisher public house, is a further section of Festival Walk.
3. This application site forms part of a major redevelopment of Festival Walk, identified in the Spennymoor Regeneration Masterplan, in partnership with Durham County Council and Hellens Group. It aims to regenerate this part of Spennymoor Town Centre that has been largely vacant and derelict for many years.

The Proposal

4. This planning application submitted by Aldi is submitted alongside two other planning applications which together form the scheme to redevelop Festival Walk. Durham County Council are progressing an application for the demolition of the vacant Kwik Save store and a new council car park whilst Hellens Group are seeking permission to demolish part of Festival walk and refurbish the remaining part of the retail parade.

5. This proposed development comprises an Aldi foodstore of 1,837sqm gross external and 1,254 net sales area with 95 associated car parking spaces of which five are accessible bays and nine are parent & child bays. Four of the bays will be designated as electric vehicle parking bays. Three bays will be marked for use by motorcycles. Free parking for customers would be available for up to 90 minutes.
6. It is proposed to use the existing access off the Oxford Road/Holborn junction, a new mini roundabout has been negotiated as part of this planning application.
7. It is intended that the store would be open from 8am until 10pm between Monday and Saturday and between 10am and 4pm on Sundays. Delivery hours were initially proposed to be 24 hours, although this has now been reduced to between 6am and 11pm Monday to Saturday and 9am and 7pm on a Sunday.
8. The proposed store would be single storey with a blade roof and would be similar in height to the vacant pub and the block of retail units to the north occupied by Iceland, Home Bargains, McColls and the post office. The overall design of the store is a modern, contemporary style with a simple palette of materials, with the inclusion of a large expanse of glazing to the store frontage and entrance. The glazing continues from the entrance wrapping around the east elevation in the form of high-level windows for natural light and to create a visually attractive building. An acoustic fence would bound the store to the north west and would serve to reduce noise from the delivery and plant areas within the site. Landscaping is proposed along this elevation which would help screen and soften the expanse of the acoustic barrier.
9. The application is being reported to committee as it constitutes a major retail development in excess of 1,000m² floorspace and is considered to be of strategic significance by virtue of it forming part of wider redevelopment proposals for Spennymoor Town Centre.

PLANNING HISTORY

10. A prior notification for the demolition of 27 - 53 Festival Walk (inclusive) and the Kingfisher Public House was granted on 3 December 2019. There are also two applications currently pending, one for the demolition of the existing Kwik Save store and its replacement with a car park with 47 spaces and one which seeks to demolish part of Festival Walks and refurbish the remaining retail units.

PLANNING POLICY

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 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.

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 well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment;; noise; open space, sports and recreation facilities, public rights of way and local green space; 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:

Sedgefield Borough Local Plan

25. *Policy E15 – Safeguarding woodlands, trees and hedgerows* – Sets out that the council expect development to retain important groups of trees and hedgerow and replace any trees which are lost.
26. *Policy E23 - Priorities for Environmental Improvements:* The borough council will identify opportunities and continue to encourage improvements to the built environment through a broad range of environmental improvements and, as appropriate by co-ordinating public and private resources.
27. *Policy T1 - Footways And Cycleways In Towns And Villages:* The council will seek to ensure that safe, attractive and convenient footpath and cycleway links and networks are provided, where appropriate, between residential areas and local shopping centres, schools, bus stops, areas of open space and leisure routes in the countryside. wherever possible, routes should be capable of use by people with disabilities, the elderly, and those with young children.
28. *Policy S1 - Town Centre Developments:* The role of the Borough's town centres in Newton Aycliffe, Spennymoor, Ferryhill and Shildon as District shopping centres, will be promoted and protected.

29. *Policy S2 - Town Centres:* In the Borough's town centres planning permission will normally be granted for shops, offices; food and drink outlets; business; hotels and hostels; community facilities; leisure and recreation facilities, including open space; launderettes and dry cleaners; car parks and public transport facilities.
30. *Policy S3 - New Development in Town Centres:* Proposals for new development in the Borough's town centres should normally be well-related to the public transport and road network.
31. *Policy S10 - Town and Local Centre Improvements:* The quality of the environment of town and local centres will be enhanced where necessary. Planning permission will normally be approved for measures that will create new or enhanced pedestrian areas; improve access to public transport; improve car parks; improve access to and within the centres for people and increase rear servicing to properties, as appropriate.
32. *Policy D1 - General Principles for the Layout and Design of New Developments:* The council will normally require the following principles to be applied to the layout and design of all new developments: a comprehensive and co-ordinated approach which takes account of the site's natural and built features and its relationship to adjacent land uses and activities; attention to the design of buildings and their spatial relationships to open spaces, landscaping and boundary treatment to help create a sense of place; satisfactory landscaping to be incorporated in the design and layout of the site; assisting in achieving the objective of the conservation of energy; accommodating the needs of users of the development; and satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles.
33. *Policy D2 – Design for people –* Sets out that the requirements of a development should be taken into account in its layout and design, with *particular attention* given to personal safety and security of people.
34. *Policy D3 - Design for Access:* Developments should normally make satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles, and will be expected to include safe and convenient pedestrian and cycle route connections to housing areas, bus stops, schools, shops, community facilities and places of employment; cycle parking facilities at developments open to the public; measures to minimise conflict between pedestrians, cyclists and motor vehicles; measures to meet the requirements of public transport services and users; satisfactory means of access, manoeuvring, turning and parking space for the number and type of vehicles using the development; adequate provision of car parking at least sufficient to prevent serious traffic problems; adequate provision of parking space for vehicles used by people with disabilities close to entrances of buildings open to the public and effective access at all times for emergency vehicles.
35. *Policy D6 - Layout and Design of Pedestrian Areas and Public Spaces:* The layout and design of new and improved pedestrian areas and public spaces will normally be expected to have:- a) a co-ordinated approach to paving, street lighting, signs, bus shelters, street furniture, road crossing points and landscaping; and b) regard to the general design principles set out in policies D1, D2 and D3.
36. *Policy D9 - Art in the Environment:* The council will encourage the incorporation of artistic elements in development schemes. In determining a planning application, the borough council will have regard to the contribution made by any such works to the appearance of the scheme and to the amenities of the area.

EMERGING PLAN:

The County Durham Plan

37. 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:

38. *Spennymoor Town Council* – consider the proposals are broadly welcomed but state that the location of loading bays, traffic issues including the existing T-Junction arrangement, parking restrictions, noise, drainage and potential damage to residential properties should all be taken into consideration.
39. *Highway Authority* – officers have noted that the transport assessment supporting the application sets out the sustainability criteria of the site location. This is considered acceptable and it is noted that this development would result in overall parking capacity of 95 spaces, and along with the proposed 47 space Council car park adjacent would result in a total of 142 spaces. This is to replace existing parking stock used by visitors of Festival Walk of 112 spaces.
40. It is noted that Oxford Road carries 11000 vehicles per day and has an average speed of 28mph. Friday pm peak sees a predicted 1384 two-way trips on Oxford Road whilst 333 would be turning from Holborn. These are high volumes and despite the model indicating the junction would be stable in 2020 and 2029, delays for right turn vehicles would be in excess of 1min. This may result in blocking back and obstruction of the link for left turners. Whilst this would not impact on Oxford Road capacity officers are concerned that the delay will result in inappropriate gap acceptance resulting in an increase in accidents. It has therefore been recommended that, in order to aid efficiency for Aldi customers and to improve road safety, a dot mini roundabout junction should be introduced at the junction which would address concern about right turners blocking.
41. Finally, highways officers note that, as mentioned above, the 2019 measured average speed on Oxford Road is 28mph. This would result in a requirement for a sight stopping distance of 60m in accordance with DMRB. Visibility to the left from Holborn may be compromised by the position of parking bays. Therefore, parking bays should be located outside the 2.4m x 60 m visibility envelope. Internally in the car park it is proposed that HGV will reverse into a loading bay. The reversing will take place towards a pedestrian crossing where a gap in the boundary fence is proposed. Limited visibility for HGV vehicles reversing would mean this pedestrian crossing would be in a dangerous position. It is also suggested that the crossing, together with the gap in the boundary should be removed.

INTERNAL CONSULTEE RESPONSES:

42. *Environment, Health and Consumer Protection (Contaminated Land)* - officers are satisfied with the information provided. No remedial works are required in relation to the soils on site, however elevated levels of ground gas have been identified during the ground gas monitoring and therefore gas protection measures are required. It is suggested that prior to commencement of works, details of the gas protection measures to be installed and a verification plan should be secured by condition.
43. *Landscape* - officers had initial concerns regarding the number of trees being lost and lack of replacements. Officers state that the proposed building presents its rear to Oxford Road, which makes it particularly important that the planting enhances this boundary of the site. Part of the intention should be to hide, or distract attention from, the acoustic fence, not to display it. Amended plans have been received accordingly which shows additional landscaping along Oxford Road.
44. *Design and Conservation* - officers have commented that the proposed development would improve this part of Spennymoor town centre. There are no objections to the proposed development from a design and conservation perspective however the western boundary of the site would benefit from landscaping. Given the prominent location of the site in the town centre, materials of the building and colour of the acoustic fencing should be conditioned.
45. *Environment, Health and Consumer Protection (Nuisances)* - officers have assessed the proposals and commented on potential sources of nuisance. In terms of noise, it is noted that the noise assessment identifies that deliveries would be acceptable 24hrs a day. However, following consideration of the concerns raised by residents and local authority officers, the applicants have proposed a reduced delivery schedule of between 06.00 and 23.00 hours Monday to Saturday and 09.00 and 19.00 hours on Sundays and additional measures in the form of a noise management plan. The noise information submitted demonstrates that the application complies with the appropriate thresholds and indicates that the development will not lead to an adverse impact, with the controls within the noise impact assessment.
46. In terms of lighting, no lighting assessment has been submitted with the application. However, considering the existing street lighting it is not expected that standard car park lighting will impact on any residential receptors. However, considering the location of the loading bay and plant, details should be provided, and the appropriate mitigation should be carried out if required.
47. Officers also note that the construction phase of the development will lead to an increase in the potential for noise, vibration and dust issues. As such a construction management plan will be needed to demonstrate how these impacts will be controlled.
48. Finally, officers note that concerns have been raised in relation to damage to properties from vibration from existing site works. This will be managed via the construction management plan. However, it is advised that the vibration level at which cosmetic damage occurs in a property is extremely high and unlikely in this instance.
49. *Ecology* - officers have no objections to the proposals, subject to the conditioning of the Mitigation detailed in Section 5.4, and the inclusion of a breeding bird informative due to the known presence of nests within the structures proposed to be demolished.
50. *Drainage and Coastal Protection* – have confirmed that the drainage strategy is acceptable. Water treatment devices and filter drains are proposed across the new car parking area. No objections are raised subject to conditions to secure the agreed strategy.

51. *Trees* - officers comment that proposed development would result in the loss of several ornamental trees planted around the existing car park. Most of these trees have stunted form and limited growth, most likely as a result of the poor conditions and limited rooting space they were planted into. Their loss would have a negative impact on the landscape, and it is recommended that to mitigate this, the landscape plan is improved and includes a wider planting area on Oxford Road that includes planting trees and shrubs on the frontage. As previously noted, the landscape plan has since been amended and now incorporates additional planting along the frontage of Oxford Road.
52. *Spatial Policy* - confirm that the principle of development draws support from local, national and emerging policies. The town centre first approach of the Sedgefield Borough Local Plan is in accordance with national policy, notably S1 and S2, these policies are key to its determination, paragraph 11 of the Plan is therefore not engaged and the proposal is acceptable in principle.
53. *Environment, Health and Consumer Protection (Air Quality)* - The applicant has provided a review of the potential impact on air quality associated with the development. The review correctly identifies the relevant guidance to consider and includes both the potential impact of the development and operational stage. The findings demonstrate that in relation to the development phase the impact will not be significant, however a detailed construction management plan is needed to minimise fugitive dust emissions from the site. In relation to the operational phase, the review has concluded that the annual average daily traffic flows are not sufficient to give rise to an annual average daily traffic of greater than 500, to the majority of roads, indicating that a more detailed assessment is not required. However, the worst affected road is in excess of the above and as such the review considers the guidance provided within the design manual for roads and bridges. This guidance provides a methodology where the interaction between the predicted pollutant concentration is considered for the future year with and without the development. This demonstrates that the predicted impact is not significant.

EXTERNAL CONSULTEE RESPONSES:

54. *Northumbrian Water Limited* - have no objections to the proposals subject to the development being carried out in accordance with the submitted Flood Risk Assessment which confirms that both surface and foul drainage will be dealt with appropriately.
55. *The Coal Authority* - have reviewed the available desk based information that confirms that this development is potentially at risk from shallow unrecorded coal workings within the Brass Thill and Hutton coal seams; accordingly intrusive ground investigations were considered necessary. The Phase II Report was therefore informed by the results of intrusive ground investigation works in the form of three rotary boreholes drilled to a depth of 50m below ground level. Based on the finding of the site investigations the report identifies that whilst coal seams were encountered at shallow depth, no evidence of historical mine workings were found. Therefore, there are no objections and no further work is required.

PUBLIC RESPONSES:

56. The application has been advertised by way of a press and site notice, and individual notification letters to neighbouring residents. 17 letters of representation have been received from 12 addresses. The main areas of concern include the following:
57. Noise and vibration – there are concerns that noise generated from deliveries, refrigeration equipment and during construction hours would have an adverse impact on the closest residents with health issues cited. There are also concerns that vibration during

construction could lead to damage to residential properties. It is understood that residents have agreed to have structural surveys undertaken by the developer before and after the construction phase (not part of the planning process). Residents have also requested that the proposed delivery times are reduced.

58. Traffic and parking – residents are concerned about the restriction on parking hours within the town centre. It is noted that the Aldi car park will be restricted to 90 minute stays in order to maintain free spaces for customers. However, residents are concerned that this would lead to congestion on residential streets which would be exacerbated by parking from the nearby school with requests for parking controls made and the re-opening of the High Street for vehicles. Concerns are also expressed with the parking arrangements upon visit lengths to other services. There are also concerns about traffic generation on Oxford Road and highway proposals including the roundabout. Residents state that this is a busy road which is sometimes subject to speeding vehicles, and that the T-Junction arrangement on Oxford Road and Holborn is unsatisfactory.
59. Other concerns relate to drainage and the potential for residential drains to be blocked, privacy issues due to the proximity of nearest residents, dust during construction and general disruption during the construction period, land stability/subsidence and sink hole issues.
60. *Councillor Geldard* (Spennymoor) - states that it is extremely pleasing to finally see what appears to be a financially viable project that will result in the Festival Walk area fully redeveloped for the modern day. However, there are concerns that this development severely reduces the amount of long-term parking bays available in the town centre and will cause a considerable increase in traffic entering and leaving the site of the development via Oxford Road. The Councillor is of the strong opinion that alterations must be included to the junction at Oxford Road, either in implementing a mini-roundabout system, or traffic lights.
61. In addition to the above it is stated that consideration must be given to the impact on the established local businesses on the high street as a result of the additional size of the new Aldi unit.
62. The Councillor also advises that he has been contacted by local residents, who have particular concerns regarding potential damage to properties, dust allergies and lack of privacy.
63. In a final comment he states that in seeing a great new development of Spennymoor Town Centre, we must ensure that our local residents are protected, and that our existing local businesses are supported to develop and thrive. If this can be achieved, then this development has the potential to create the centre that our town truly deserves.

The above is not intended to repeat every point made and 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/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

64. The proposed development is for a replacement Aldi foodstore of 1,837sqm gross external (1,254sqm net sales area). Aldi currently operates a store at Cambridge Street in Spennymoor Town Centre which is out-dated, with no opportunity to extend or rebuild given the site constraints. The site at Oxford Road has been identified for a modern store that will deliver a better shopping experience for residents, bringing high-quality, discount produce in a more spacious and comfortable retail environment. The site forms part of a major redevelopment of Festival Walk, identified in the Spennymoor Regeneration Masterplan, in partnership with Durham County Council and Hellens Group. It aims to

regenerate part of Spennymoor Town Centre that has been largely vacant space for many years.

65. The proposal brings economic and social benefits:
- A proposal that will assist in delivering Durham County Council's regeneration plans for Festival Walk parade, bringing new investment to Spennymoor;
 - A larger foodstore that meets the expectations of customers and retains people in the town centre to go on and use other shops and services;
 - Up to 10 new jobs created in-store, and the retention of existing employees at the Cambridge store;
 - A high-quality and attractive store replacing the vacant public house and part of the Festival Walk parade;
 - Free parking (for up to 90 minutes) for 95 cars, including nine parent & child spaces, five accessible spaces and four electric charging bays;
 - A neighbourhood foodstore with support from 88% of the local community, who provided comments
66. The application site, as a town centre site, is a sustainable location for development being accessible by a choice of means of transport other than the car; and having very good accessibility for pedestrians and cyclists.
67. The application is supported by relevant technical assessments and reports. These demonstrate the proposal does not have any significant adverse impacts.
68. Overall, the proposal brings significant investment to Spennymoor Town Centre. It has been assessed regarding relevant planning policy and technical considerations and complies with the presumption in favour of sustainable development.

PLANNING CONSIDERATIONS AND ASSESSMENT

69. 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 relate to the principle of the development, highway safety and access, visual impact, residential amenity, drainage and ecology.

The Principle of the Development

70. 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 Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
71. The SBLP was adopted in 1996 and was intended to cover the period to 2006. 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).

72. Policy S1 of the Sedgfield Borough Local Plan (SBLP) identifies that the town centres of Newton Aycliffe, Spennymoor, Ferryhill and Shildon will be promoted and protected. It goes on to state that the town centres of Newton Aycliffe and Spennymoor will provide the main locations for major retail and town centre developments. Policy S2 sets out the type of uses that will generally be acceptable within town centres of which shops are included.
73. The site is located in the heart of the town centre, it is therefore considered that the principle of the proposed development is in accordance with the SBLP. Policies S1 and S2 are considered to be broadly consistent with retail policies in the NPPF with regards to defining town centres, identifying their importance, alongside defining a retail hierarchy and the type of uses that will be acceptable within them.
74. The County Durham Plan is currently subject to Examination in Public, and whilst no weight can be attached at this stage, it is noted that the site of the proposed development is located within the town centre boundaries and also within the defined Primary Shopping Area (PSA). Retail development is, therefore, supported in this location.
75. The NPPF recognises that 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 adaptations. It is considered that the principle of development is therefore also supported by national policy in the form of the NPPF.
76. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up to date development plan without delay; or
 - 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.
77. The most important policies within the Local Plan relating to retail and town centres which inform the principle of development are considered to be generally compliant with the NPPF. Officers in spatial policy have suggested that paragraph 11 is not engaged on this occasion as the saved local plan policies are compliant. However, it is considered that the evidence base which underlines these policies which are most important for determining the application is out of date. The acceptability of the development must, therefore, be considered in the context of Paragraph 11(d) of the NPPF as set out above. Clearly, this assessment can only be considered following an examination of all of the issues within the planning balance.
78. It is important to note that paragraph 86 of the NPPF requires a sequential test for main town centre uses that are not located in an existing centre, whilst paragraph 89 requires an impact assessment (when certain thresholds are met) for retail developments outside of town centres. In this instance neither are required as the proposed retail use is within the designated town centre of Spennymoor.

79. SBLP Policies T1, D1, D3, S3, S10 and Part 9 of the NPPF require new development to achieve a safe and suitable access. NPPF paragraph 109 states development 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. The saved local plan policies are considered consistent with the NPPF, which also seeks to ensure that a safe and suitable access can be achieved and, therefore, can be given full weight in considering the application. The NPPF, at Paragraphs 108 and 109, also sets out that when considering development proposals, it should be ensured any significant impacts from the development on the transport network (in terms of capacity and congestion), can be cost effectively mitigated to an acceptable degree.
80. Paragraph 111 sets out that all developments that would generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. In this respect, the application is accompanied by a Transport Assessment, which assesses the impacts of the development.
81. The transport assessment supporting the application sets out the sustainability criteria of the site location. This is acceptable and it is noted development would result in overall parking capacity of 142 spaces. This is to replace existing uncontrolled parking stock used by visitors of Festival Walk of 112 spaces. The applicant states that the Aldi store car park would provide for linked trips to the town centre. However, it is noted that the intention is to restrict parking availability in the Aldi car park to a maximum of 90 minutes. Although on face value it appears that 142 parking spaces are adequate to replace the 112 parking spaces to be lost, on further consideration it is evident that, as 95 spaces will be controlled by Aldi they may no longer serve the unrestricted parking space function to the same level. This would restrict the likelihood of it being used for trips other than those for Aldi. The Highway Authority have, therefore, recommended that the time limit replicates that of the adjacent retail parking at 2 hours and that the spaces should not be reserved for patrons of Aldi only. The applicant has agreed to leave the car park open to the general public rather than Aldi users, although the time limit would remain at 90 minutes.
82. The Highway Authority also note that the applicant has undertaken an exercise to predict and model impact of the store relocation. This concludes that significant queuing is presently not an issue in the study area, and this is accepted.
83. The predicted trip rates are stated as replicating a similar study for an Aldi store at Stanley. The applicant has assessed trip type to determine trip numbers that will impact on the highway network. General assumptions with regards to levels of new and diverted trips are made and it is accepted the majority of users will be those presently using the existing store at Cambridge Street. The transport assessment states that the trip type will relate to specific locations and that 30% will transfer from existing retail in the town which is likely. Linked trips are also assessed, and it is assumed 20% of trips are linked to those in other stores. Provided enough time is allowed and the Aldi car park is not restricted to their patrons only, this would be acceptable to highways officers. As noted above, Aldi have since confirmed that the car park will not be restricted to Aldi users only and will be open to all. In addition to this, it should be noted that a planning application for a new Council car park is pending and if approved would be available for use on the adjacent Kwik Save site which would provide a further 47 spaces.
84. The applicant continues the assessment on the basis that primary new trips on the highway network will account for 30% of trips. This is a robust assumption and indicates the peak arrivals and departures for the development. Saturday peaks show 133 arrivals and 140 departures over the peak hour vying for 95 parking spaces.

85. As mentioned previously, some residents and members have raised concerns regarding the existing T-Junction at the Holborn / Oxford Road junction. The applicants assessment shows this to operate under stable conditions at present. Officers have assessed traffic movements in this location and found that Oxford Road carries 11000 vehicles per day and has an average speed of 28mph. Friday pm peak sees a predicted 1384 two-way trips on Oxford Road whilst 333 would be turning from Holborn. Officers consider these to be high volumes and despite the model indicating the junction would be stable in 2020 and 2029, delays for right turn vehicles would be in excess of 1min. This may result in blocking back and obstruction of the link for left turners. Officers have raised concerns that the delay would result in inappropriate gap acceptance resulting in an increase in accidents. Therefore, it has been recommended that, in order to aid efficiency for Aldi customers and to improve road safety, a dot mini roundabout junction should be introduced at the junction which would address concern about right turners blocking. The applicant has agreed to the provision of this roundabout and a condition will be required in order to ensure it is in place before the opening of the store.
86. The Highway Authority have also requested and received various amendments to the car parking arrangements to ensure that the appropriate visibility splays are achieved and that pedestrian crossings are located in safe areas. Pedestrian routes are also shown leading to Holborn from Oxford Street and dropped kerbs would be provided to permit pedestrians to cross safely towards Holborn.
87. On the basis of the above, officers do not object from a highway capacity or safety perspective subject to conditions being imposed relating to offsite highway improvements in the form of a mini roundabout at the existing T-Junction.
88. Overall, it is considered that the proposed development would be served by an appropriate means of vehicular access and appropriate levels of parking provision in accordance with saved policies T1, D1, D3, D6, S3, S10 and Part 9 of the NPPF.

Visual impact

89. SBLP Policies D1 and D2 seek to promote good design which relates well to the natural and built features of the site, the surrounding area and adjacent land uses. Part 12 of the NPPF also seeks to promote good design, while protecting and enhancing local environments. Paragraph 127 of the NPPF also states that planning decisions should aim to ensure developments function well and add to the overall quality of the area and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Due to their compliance with the NPPF significant weight can be afforded to SBLP Policies D1 and D2 in this respect.
90. The proposed retail store would be single storey in height with a blade roof, approximately the same height as the public house which would be demolished and the block of retail units to the north occupied by Iceland, Home Bargains, McColls and the post office. The overall design of the store is a modern, contemporary style with a simple palette of materials, with the inclusion of a large expanse of glazing to the store frontage and entrance. The glazing continues from the entrance wrapping around the east elevation in the form of high-level windows for natural light and to create a visually attractive building. An acoustic fence would bound the store to the north west and would serve to reduce noise from the delivery and plant areas within the site. During the application process several amendments have been made at the request of officers, these have included the grey colouring of the acoustic fence to match the store along with additional planting along the prominent frontage of Oxford Road which will both add to visual interest screen and soften the expanse of the acoustic barrier.

91. The development site currently consists of a car park and a vacant public house which has become derelict. The public house is unsightly and has an adverse visual impact on this prominent part of Spennymoor town centre. At present the site appears run down and untidy in appearance. Paragraph 118 of the NPPF indicates that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The proposals would involve the demolition of the public house and redevelopment of the site, creating a new retail store, car parking and landscaping and significantly enhancing the visual appearance of the town centre. These benefits should be afforded substantial weight in the planning balance.
92. Subject to the imposition of conditions relating to landscaping and materials, the development is considered to comply with SBLP Policies D1, D2 and E15, as well as Parts 12 and 14 of the NPPF.

Residential amenity

93. In terms of the impact of the Aldi building itself, it is considered that this would not have any adverse impact on surrounding occupiers. The store is single storey in height and would be approximately 25 metres away from the nearest residential property. It is considered that a building of this scale and distance from residential properties would not have any dominant or overbearing impact. Furthermore, there would be no windows which would look directly onto residential properties.
94. It is noted that residents have particular concerns relating to disturbance in terms of noise, vibration, light and dust, both during construction and operation of the store. In considering these impacts, consideration should be given to the existing use on the site which is a public house, and in itself would create issues of noise and disturbance.
95. In terms of noise, it is accepted that the development would be noise generating, mainly associated with the noise from deliveries, plant and vehicle movements. Considering this, the applicant has carried out a noise impact assessment in order to demonstrate the potential noise impact associated with the development. The impact assessment has correctly identified the relevant noise sources and receptors. The methodology used in relation to the assessment and threshold values is appropriate and commensurate with the authority's technical advice notes. Officers in pollution control have confirmed that monitoring periods to establishing the background and residual noise level are sufficiently robust. The monitoring results of the existing background and residual noise levels have been fully considered and a worst-case scenario has been used to assess background level noise in relation to deliveries and plant (initially proposed to operate 24hrs). The level proposed is very quiet and is only present for a very short time of night and, as such, is a very robust method of considering the potential for impact.
96. In terms of the noise arising, the assessment uses measurements from other similar stores, amended for distance etc, to replicate the potential impact on the proposed site. The levels provided are similar to those expected from this type of development across the County. The assessment finds that, with suitable mitigation measures, the noise arising from the plant, general operations and deliveries would not lead to an increase in noise above relevant threshold levels. It is important to note that this is based on worst-case scenario, including 24 hour deliveries, which have now been significantly reduced.
97. In terms of mitigation measures these include switching off reversing sounders before/after a certain time, a 3m high acoustic fence (plant and delivery area) and Aldi's specific delivery method, which allows for wagons to offload directly into stores without the use of noisy cages etc. Officers have witnessed this method of delivery and advise that it does allow for a faster, quieter method of delivery than other lift/cage systems.

98. As noted above, the noise assessment identifies that deliveries would be acceptable 24hrs a day. However following consideration of the concerns raised by residents and officers, the applicant has proposed a reduced delivery schedule of between 06.00 and 23.00 hours Monday to Saturday and 09.00 and 19.00 hours on Sundays, and additional measures in the form of a noise management plan.
99. The noise information submitted demonstrates that the application complies with the thresholds stated within the Council's technical advice notes. This would indicate that the development would not lead to an unacceptable adverse impact on residential amenity, with the controls in place within the noise impact assessment and, therefore, is in accordance with part 15 of the NPPF.
100. Concerns have also been raised by residents in relation to air quality and dust. The applicant has provided a review of the potential impact on air quality associated with the development. The review correctly identifies the relevant guidance to consider and correctly identifies the closest existing receptors. The review considers both the potential impact of the development and the operational stage.
101. The findings demonstrate that in relation to the development phase the impact would not be significant, however, a detailed construction management plan should be secured by condition in order to minimise fugitive dust emissions from the site.
102. In relation to the operational phase, the review has concluded that the annual average daily traffic flows are not sufficient to give rise to an annual average daily traffic of greater than 500, to the majority of roads, indicating that a more detailed assessment is not required. However, at the worst affected road the daily flows are in excess of the above and, as such, the review considers the guidance provided within the design manual for roads and bridges. This guidance provides a methodology where the interaction between the predicted pollutant concentration is considered for the future year with and without the development. This also demonstrates that the predicted impact is not significant.
103. In terms of vibration and dust, the construction phase of the development would lead to an increase in the potential for noise, vibration and dust issues. As such, a construction management plan would need to be secured by condition in order to demonstrate how these impacts will be controlled.
104. It is acknowledged that some concerns have been raised by residents in relation to damage to properties from vibration from existing and proposed site works. This would be managed via the construction management plan. However, specialist officers advise that the vibration level at which cosmetic damage occurs in a property is extremely high. Officers have undertaken monitoring at approximately 6m from vibration piling works and still found it to be less than half the threshold level which would cause cosmetic damage. However, it is acknowledged that the feeling of vibrations can occur at lower levels and can give the perception that cosmetic damage is likely to occur. The applicant has agreed to provide structural surveys to concerned residents, both before and after the development, in order to assess any damage caused; however, this is not a planning requirement and would be carried out privately between the parties involved.
105. In addition to the above, officers have assessed the proposals in terms of lighting from the car park and delivery areas. Considering the existing street lighting it is not expected that standard car park lighting would impact on any residential receptors. The 3m high fence is likely to reduce any potential for light spill. However, considering the location of the loading bay and plant, officers would require a condition in order to assess the proposals in relation to lighting of these areas in accordance with part 15 of the NPPF.

106. To conclude, pollution control officers have assessed the environmental impacts which are relevant to the development in relation to their potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990 and are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.
107. Planning officers must separately consider the impacts of the development in residential amenity terms. Officers consider that there would be no significant adverse impact upon residential amenity. It is acknowledged that within the public responses received that reference to the particular health issues are cited. However, and aided by further control under condition relating to construction management, delivery management, lighting details and delivery hours, the proposals are considered to remain acceptable and would be in accordance with part 15 of the NPPF and residential amenity would be adequately protected.

Drainage

108. National advice contained within part 14 the NPPF and NPPG with regard to flood risk and management of surface water should be afforded significant weight in the decision-making process.
109. Drainage officers have assessed the proposed design with respect to surface water management for the development. It was advised during the application process that a surface water management system should be designed to remove, in a four-stage process, heavy particles, silt, nutrients and dissolved materials, such as heavy metals, from the surface water as part of an integrated Sustainable Drainage Solution. This would improve the water quality ensuring insignificant levels of pollutants leave the site. For a development such as this, officers would expect permeable paving or filter drains to all parking areas and a surface water treatment device for treating water from access roads and other vehicle trafficked areas. On this basis, additional drainage plans and information have been submitted which show proposed filter drains and hydraulic calculations for the design. Drainage officers consider this drainage scheme acceptable and do not object subject to a condition securing the agreed works.
110. Subject to a condition to secure the amended drainage scheme, it is considered that the proposals are in accordance with the relevant paragraphs within Part 14 of the NPPF.

Ecology

111. A bat risk assessment has been submitted as this development involves the demolition of the Kingfisher Public house. No other potential impact on protected species is identified as a result of the development.
112. Ecology officers have reviewed the assessment in regard to bats and are satisfied with the results and conclusions. No objections are raised subject to the conditioning of mitigation detailed in the bat survey and advice relating to breeding and nesting birds as well.
113. Part 15 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests, and where possible, improve them. The Councils ecologists have noted that there are no ecological constraints on the site, nor any protected species. No concerns have been expressed in regard to impacts upon any designated ecological sites in the vicinity of the site.
114. A European Protected Species Licence is therefore not considered to be required as a result of the development having regards to the requirements of the Habitats Directive

brought into effect by the Conservation of Habitats and Species Regulations 2017 and the proposals would be in accordance with part 15 of the NPPF.

Other issues

115. Residents have raised concerns including the restriction on parking hours and loss of trade. With regards to the parking hours, the applicant has confirmed that the car park would be made available for use by all members of the public for 90 minutes and not restricted to Aldi customers. The Highway Authority do not object to this timescale which would allow linked trips to occur with other parts of the town centre. It is also noted that the current car park is privately owned and could be subject to stricter timescales or removed from use should the owner wish to do so. It should also be noted that as part of a separate planning application, the Council intends to create another public car park on the adjacent Kwik Save site which would be less restricted at 2 hours stay and would increase the total car parking provision in this location from 112 to 142 spaces. In terms of loss of trade, this is not a planning consideration and moreover, the addition of another town centre store would promote the vitality and viability of the town centre.

Planning Balance

116. The acceptability of the development should be considered in the context of Paragraph 11(d) of the NPPF. Although the policies most important to the determination of the application are considered to be in accordance with the NPPF, the evidence which underpins them is out of date. In this instance there are no policies in the NPPF that protect areas or assets of particular importance that provide a clear reason for refusing the development. Therefore, in order to justify the refusal of planning permission any adverse impacts of a proposed development must significantly and demonstrably outweigh any benefits.
117. The development is part of a wider regeneration initiative in Spennymoor Town Centre and would result in the positive re-use of previously developed land resulting in significant environmental improvements to the area. The retail development is within the designated town centre of Spennymoor and accords with the 'centres first' aims of both saved local plan policies and the NPPF. The retail store would enable the retention and creation of jobs and would provide direct and indirect economic benefits within the locality and from further afield including the creation of construction jobs.
118. No significant adverse impacts have been identified and the concerns raised by the objectors have been fully considered and addressed in the report. The proposals accord and are consistent with the development plan.

CONCLUSION

119. Section 38(6) of the Town and Country Planning Act states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
120. The NPPF forms a material consideration and states at paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development, and that for decision making this means:
- c) approving development proposals that accord with an up to date development plan without delay; or

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:

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,

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.

121. This proposal proposes a retail use in the heart of Spennymoor Town Centre which is entirely policy compliant. It would involve the removal of the Kingfisher Public House which is currently derelict and unsightly and would provide car parking along with off site highway improvements on Oxford Road. The proposals form part of a wider regeneration scheme which would refurbish and regenerate this part of Spennymoor Town Centre and would lead to job retention and creation, along with significant improvements to the visual amenity of the area.
122. The principle of development draws support from local and national policies, in particular, the town centre first approach of the SBLP Policies S1 and S2 is consistent with the NPPF. There are no adverse impacts which would significantly and demonstrably outweigh the identified benefits and therefore, approval of the application is recommended.

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:

Proposed site plan – 0309 PL(0) 03 REV A
Proposed landscape site plan – 0309 PL(0) 07 REV B
Proposed elevations 0309 PL(0) 06 REV A
15597-3E-00-XX-DR-C-1002 - Rev P3 - Drainage Layout Plan

Reason: To define the consent and ensure that a satisfactory form of development is obtained, in accordance with Policies D1 of the Sedgefield Borough Local Plan and part 12 of the NPPF.

3. No development shall commence until a land contamination scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 3 remediation strategy which shall include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework. Required to be pre-commencement to ensure that the development can be carried out safely.

4. Remediation works shall be carried out in accordance with the approved remediation strategy (required by condition 3). 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.

5. All sound attenuation measures detailed in the noise assessment [Environmental Noise Solutions Limited, NIA/7638/17/7531/v2, June 2018] must be fully implemented prior to the occupation of the development and permanently retained thereafter.

Reason: In the interests of residential amenity and in accordance with Part 15 of the National Planning Policy Framework.

6. Prior to the occupation of the development a delivery management plan shall be submitted to and approved in writing by the local planning authority. Thereafter deliveries must be undertaken in full accordance with the approved delivery management plan.

Reason: In the interests of residential amenity and in accordance with Part 15 of the National Planning Policy Framework.

7. Deliveries shall only be carried out between 06.00 and 23.00 Monday to Saturday and 09.00 and 19.00 on a Sunday.

Reason: In the interests of residential amenity and in accordance with Part 15 of the National Planning Policy Framework.

8. Prior to the erection of any external lighting to the service area details of said external lighting must first have been submitted to and approved in writing by the Local planning authority. The detail provided must be sufficient to demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: In the interests of residential amenity and in accordance with Part 15 of the National Planning Policy Framework.

9. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk and Drainage Assessment" dated June 2019. The drainage scheme shall ensure that foul flows discharge to the combined sewer and ensure that surface water discharges to the surface water sewer at manhole 7003 at a restricted rate of 5l/sec.

Reason: To prevent the increased risk of flooding from any sources in accordance with part 15 of the NPPF.

10. Prior to the commencement of any part of the development or any works of demolition, hereby permitted, a Construction Management Plan shall be 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:

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction
2. Details of methods and means of noise reduction

3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
4. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
5. Designation, layout and design of construction access and egress points;
6. Details for the provision of directional signage (on and off site);
7. Details of contractors compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. 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.

Reason: In the interests of residential amenity having regards to Part 15 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

11. 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 0800 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: In the interests of residential amenity having regards to Part 15 of the NPPF.

12. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with policies S10 and D1 of the Sedgefield Borough Local Plan and part 12 of the NPPF.

13. Notwithstanding any details of materials submitted with the application no development shall commence above DPC level until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policies S10 and D1 of the Sedgefield Borough Local Plan and part 12 of the NPPF.

14. Prior to the occupation the development hereby approved, details of all means of enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The enclosures shall be constructed in accordance with the approved details thereafter.

Reason: In the interests of the visual amenity of the area and to comply with policies S10 and D1 of the Sedgefield Borough Local Plan and part 12 of the NPPF.

15. The development hereby approved shall be carried out in accordance with the mitigation detailed in section 5.4 of the submitted Bat survey report (Penn Associates, June 2017, updated May 2019)

Reason: To conserve protected species and their habitat in accordance with part 15 of the NPPF.

16. The dot mini roundabout access improvement on Oxford Road and Holborn as outlined on drawing 0309 PL(0) 03 REV A should be constructed and be operational prior to the opening/occupation of the store.

In the interests of highway safety and in accordance with saved policy T1 of the Sedgefield Borough Local Plan and part 9 of the NPPF.

17. The car park hereby approved shall be made available to the general public and not restricted to shoppers and the maximum time permitted for visits shall not be less than 90 minutes.

In the interests of highway safety and sustainable travel and in accordance with saved policy T1 of the Sedgefield Borough Local Plan and part 9 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation to approve the 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) of the Town and Country Planning (Development Management Procedure) (England) Order 2015)

BACKGROUND PAPERS

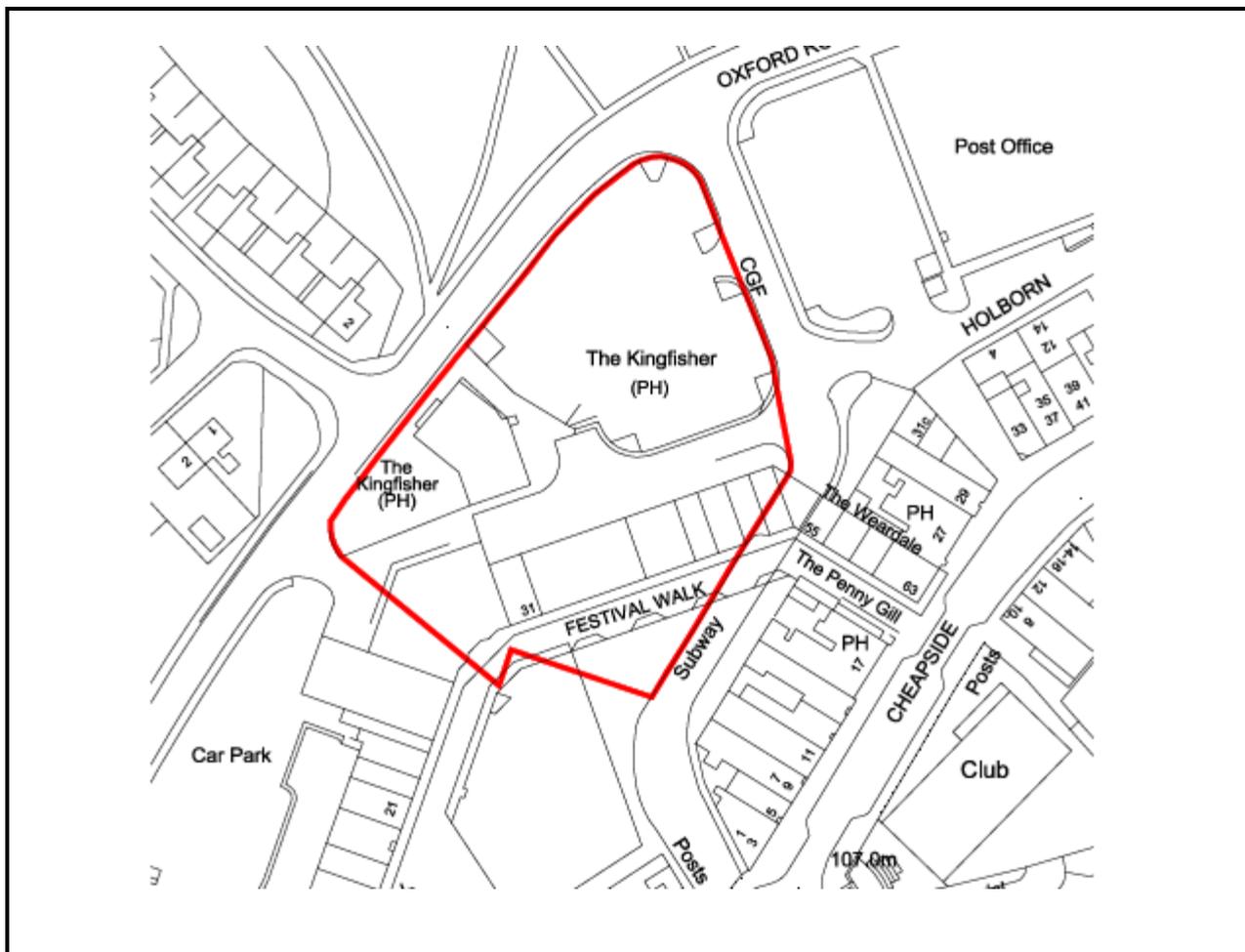
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

Sedgefield Local Plan



Planning Services

Aldi foodstore with associated access, car parking and landscaping

Site of The Kingfisher, Public Car Park And part of The Festival Walks Parade

DM/19/03233/FPA

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Comments

Date: 7 January 2020