



County Planning Committee

Date Tuesday 4 February 2020

Time 1.00 pm

Venue County Hall, Durham

Business

Part A

1. Apologies for absence
2. Substitute Members
3. Declarations of Interest
4. Minutes of the meeting held on 7 January 2020 (Pages 3 - 16)
5. Applications to be determined
 - a) DM/19/01987/OUT - Land to the south of Puddlers Corner Roundabout, Genesis Way, Consett (Pages 17 - 42)
Outline application (with means of access) for a mixed-use scheme comprising: community hospital (C2) and pharmacy (A1); sheltered care unit (C2); residential care unit (C2); gym and wellbeing centre (D2); hotel (C1); public house (A4); micro-brewery (B2/A4); and vets practice (D1).
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 January 2020

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

Contact: Ian Croft

Tel: 03000 269702

DURHAM COUNTY COUNCIL

At a Meeting of **County Planning Committee** held in Council Chamber, County Hall, Durham on **Tuesday 7 January 2020 at 1.30 pm**

Present:

Councillor J Robinson (Chair)

Members of the Committee:

Councillors J Atkinson, A Bell, L Brown, J Clare, I Jewell, B Kellett, L Marshall, S Quinn, G Richardson, A Shield, F Tinsley (Vice-Chair) and M Wilkes

1 Apologies for absence

Apologies for absence were received from Councillors Corrigan, Hawley, Kay, Laing, Shuttleworth, Simpson and Wilson.

2 Substitute Members

The following substitute Members were in attendance:

- Councillor S Quinn for Councillor Corrigan
- Councillor L Marshall for Councillor Laing
- Councillor L Brown for Councillor Simpson
- Councillor B Kellett for Councillor Wilson

3 Declarations of Interest

Councillor Jewell declared an interest in Agenda Item 5 (a) which he would be speaking in support of as Local Member. Once he had addressed the Committee on this application he would withdraw from the meeting and take no further part.

4 Minutes

The minutes of the meeting held on 8 October 219 were confirmed as a correct record and signed by the Chair.

5 Applications to be determined

- a DM/19/03094/OUT - Land to the South East of Fieldfare Court, Crookgate Bank, NE16 6LW**

The Committee considered a report of the Senior Planning Officer regarding an 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) on land to the south east of Fieldfare Court, Crookgate Bank (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, indicative proposed layout plan, proposed site access arrangements various views across the site and available walking routes into Burnopfield.

The Senior Planning Officer informed the Committee that since the publication of the Committee report one additional letter of support for the application had been received from the Director of a local business.

Councillor Jewell, local Member, addressed the Committee. Councillor Jewell informed the Committee that he considered the application to be finely balanced. He had been contacted by both local residents and employees in the area in support of the application which was unusual for a planning application.

Councillor Jewell thanked the Senior Planning Officer for the report, which represented a significant amount of work, however he did not agree with the recommendation from his experience of living in and walking in the area on a regular basis.

Whilst the application had a number of perceived negatives, it also had a large number of positives, which residents of Burnopfield and businesses had brought to his attention. The late representation referred to in the Senior Planning Officer's presentation was a letter of support which had been received from a Director of a local company which employed 200 people at the Hobson Industrial Estate, which was in walking distance of the proposed development.

Councillor Jewell informed the Committee that in the past the main issues raised by residents were speeding traffic along Barusclose Lane and the lack of footpaths. This application sought to partly address these issues. Footpaths would be extended and highways changes would help address the issue of speeding traffic.

Referring to sustainability, it was suggested that there was an issue of no buses on the route past the development. This was a little used route for bus passengers but local bus services were driven by the number of passengers which would be picked up on the route. Sustainability in planning terms was considered in terms of public transport which implied that if there were bus

services these would be used rather than private transport. Councillor Jewell considered this to be a flawed concept.

The report assumed that the walking route to Burnopfield was difficult. However, from the east side of the proposed development there was a walking route to the A692 which was mostly tarmacked and would be improved. On the other side of the road the footpath went down a slope, because of the topography of the area, into Burnopfield. This path was fully tarmacked and had street lighting. This was a well-used footpath. The reality was that people did walk down this path.

Referring to facilities, Councillor Jewell informed the Committee that these seem to be limited to shops, health services and the community centre. However, Burnopfield had other facilities such as a golf course, which was within walking distance, a football field and next to the football field a cricket field, all within easy walking distance. The proposed development was within a quite easy walking distance to an industrial estate and to a local pub and restaurants.

Councillor Jewell referred to bus services. It was considered that what was needed was the ability to catch a bus very near to a property to wherever was needed, however this was not the reality. Residents could walk to catch a No. 6 bus from the main road, could catch an M8 to The Pack Horse and then had the facility to go to the Metrocentre or Newcastle. There were a number of hubs for buses from which travel to Stanley then on to Chester le Street, Sunderland, Consett and Durham was possible. From Burnopfield buses to Stanley and Consett could be caught, which were both hubs. This was how bus services operated.

Councillor Jewell, while considering the application to be finely balanced, thought there were many benefits from the proposed development. If an area did not develop then it died. Burnopfield had residents who came back into the area and criticism from local residents was that the necessary housing for these people was not available. This was the same criticism that the Director of the local company had mentioned with employees travelling some distance which would not be necessary if appropriate housing was available to them within easy reach of the company.

Councillor Jewell considered this to be an acceptable application and considered that it should be approved.

Councillor Jewell left the room.

Mr McMillan of IMPEC Real Estate addressed the Committee. This was a second application for this site. At the Committee meeting which considered the first application it was acknowledged by Members that while the level of

benefits being offered was significant, the main debate centred around the scale of the development which was considered to be too large at that time. As a result the incursion into the countryside was, on balance, too great to warrant approval. At the time some Members did comment that it was a finely balanced decision given the impressive scale of benefits which were on offer.

The applicant had listened to that debate and this application was substantially reduced in scale and the new homes were fully enclosed on three sides by existing mature tree lines. Furthermore, the level of benefits had been increased from the first application by including new bus shelters and adding 2.4 hectares of public open space. These new proposals were as a result of extensive engagement with Council officers, in particular the Council's Landscape Officer who did not support the first application. The Landscape Officer's report for the amended application positively commented that in the wider local landscape the effect on landscape was low and on the immediate local landscape the harm was time limited. The Landscape Officer was complimentary on the applicants landscape strategy and further commented positively on the proposed open space. It was clear that the applicant's interpretation of the Landscape Officer's report was different to that of the Planning Officer. The Committee report summary stated that in reference to landscape there was substantial and inappropriate incursion and also stated significant adverse harm to the local landscape. At no point was this language used in the Landscape Officer's report on the amended application, although it was used for the first application.

The second reason for the recommendation for refusal was that the site had poor access to facilities. The site was immediately adjacent to two bus stops with further bus stops on the A692 which were only a 9-minute walk from the site. Between them, these bus stops offered three buses every hour to the edge of Burnopfield High Street, the Pack Horse stop as well as directly to a number of major retail and employment centres and transport interchanges. From the Pack Horse bus stop within a three-minute walk there was a post office, a convenience store, a number of food outlets and a number of other facilities. Additionally, Hobson Industrial Estate could be accessed on foot within 20 minutes from the proposed development.

The application would provide new, private, affordable and older persons homes ranging from 2 bed bungalows to 4 and 5 bed family homes, was in a location where people wanted and needed to live, with the unprecedented level of written support for the development was testament to this. The applicant had listened to the points raised by the Committee for the previous application and Mr McMillan asked that the Committee approve the application.

The Senior Planning Officer informed the Committee that the Landscape Officer's response were available online for Members to review and officers considered that these had been accurately summarised within the Committee report.

Councillor L Marshall informed the Committee that she had read the report and listened to the points put forward at Committee. The application was one of planning balance and for this application issues for and against were finely balanced. There were a number of benefits to the proposal, not least the provision of new housing in a part of County Durham which had experienced relatively little in recent years. This could only be of benefit in supporting a range of facilities and services in Burnopfield and the surrounding area. This was an issue which had been raised by those who had written in support of the proposal. The developer had proposed a strong s106 package which would see further benefits to the community. The application had been significantly amended in comparison to the previously refused application and the proposed speed reduction measures and areas of open space were to be welcomed. While the site may not be the ideal location for new housing in terms of landscape impact and accessibility to services Councillor Marshall did not consider that the adverse impacts in these areas would be so harmful to warrant refusal of planning permission. The key landscape harm would be for a relatively short period after which the site would blend well into its surroundings. With reference to sustainability Councillor Marshall, while accepting the proximity of the site to facilities and the frequency of bus services may not be ideal, she considered that the option other than using private motor vehicles would be available for future residents, which would limit the harm to the area. On the whole Councillor Marshall considered this to be a well thought out application whose benefits outweighed the disbenefits and Councillor Marshall supported approval of the application.

Councillor Tinsley agreed with the points raised by Councillors Marshall and Jewell. This was a finely balanced application which was different to that previously considered by the Committee, with fewer dwellings proposed. Referring to sustainability Councillor Tinsley acknowledged that this was not an ideal site, and some distance from the centre of Burnopfield, taking into consideration all points raised both by the applicant and by Councillor Jewell he did not consider unsustainability of the site was such to warrant refusal of the application.

The principle of development on Crookgate Bank in the direction away from the main centre of Burnopfield had been established when the adjacent residential development was developed some 30 years ago.

The landscape proposals for tree planting over a period of five to ten years would screen the development to minimise the impact of the development. The landscape impact was therefore significantly reduced.

Other benefits of the development included 2.4 hectares of open space and contributions towards local services. Councillor Tinsley considered that sustainability issues did not warrant refusal and that landscape issues had been addressed to a significant degree and was minded towards supporting approval of the application.

Councillor Shield, while acknowledging that the applicant had made significant amendments to the previous application, could not support the application when it was in breach of certain policies. There was a definite incursion into the countryside. Derwentside had the second highest housing development in County Durham with Stanley and the Tanfield Industrial Estate having some 300 houses planned, and this was less than two miles from this site. Consett was 5 miles by road, Stanley was 3 miles, Tanfield less than this.

Referring to the topography of the land Councillor Shield considered that access would be difficult for people with mobility issues. While acknowledging the comments made by the local Member Councillor Shield was not minded to approve the application and moved the recommendation in the report that the application be refused on the grounds it was in breach of Policies EN1 and EN2 of the Derwentside Local Plan and Parts 12 and 15 of the NPPF.

Councillor Clare, whilst acknowledging the strength of the officers presentation, was not sure that he agreed with the strength of the case. Landscape and sustainability were issues on which Members could have an opinion. There was no doubt that this development was to be built on a slope and that the houses would be visible for a number of years. It was also clearly an incursion into the countryside. The degree and how harmful the incursion would be, given that on either side were clumps of woodland and that the development would be shielded in five to ten years, was not what Councillor Clare considered to be significant.

With reference to sustainability, a bus service ran alongside the proposed development with a bus stop, and Councillor Clare questioned how strong this argument would be at appeal. The development brought with it a range of benefits and financial contributions, there was a significant weight of opinion for the need for housing at this location and the local Member considered that there was a need for the development to support the local area.

The application was not significantly and demonstrably damaging and Councillor Clare agreed with Councillors Marshall and Shield.

Councillor Wilkes agreed with Councillors Marshall, Tinsley and Clare. This was not high quality farmland and the development would be barely visible across the wider landscape within 5 to 10 years. Councillor Wilkes considered that the applicant had proposed mitigation to address the issues raised and could see no reason to refuse the application. However, Councillor Wilkes asked that appropriate landscaping conditions be included in any permission.

Councillor Richardson informed the Committee he had considered all points raised and would support approval of the application.

Councillor A Bell informed the Committee that he had considered the issues raised by the local Member and would support approval of the application.

Councillor Robinson informed the Committee it appeared that it was minded to approve the application and if that was so Conditions and s106 agreement would need to be attached to any permission. Councillor Robinson sought the Committee's approval that any such Conditions and s106 agreement be delegated to officers with the approval of the Chair and Vice-Chair of the Committee.

Councillor Wilkes asked that Members of the Committee be circulated with any proposed Conditions before they were approved.

Moved by Councillor L Marshall, **Seconded** by Councillor Atkinson

N Carter, Planning and Development Solicitor sought clarity on the basis of the proposed decision on the application. The key consideration was Paragraph 11 of the NPPF which was a balancing exercise. The two key adverse impacts of the landscape and visual impact and the lack of sustainability credentials at the site had to be weighed up against the benefits, starting from a presumption in favour of granting planning permission. If the application was approved the Committee would be determining that the adverse impacts did not significantly or demonstrably outweigh the benefits. There would be a need for planning conditions and it was proposed that the wording of these be delegated to the planning officer, taking on board Councillor Wilkes suggestion of circulating these to Members. There would also be a need for a Section 106 obligation to secure a number of planning obligations and the Planning and Development Solicitor sought confirmation from the Planning Officer of what the heads of these obligations would be. The Senior Planning Officer informed the Committee that these would be:

- 15% affordable housing

- 10% older person provision
- £264,654 towards providing additional primary teaching accommodation at Burnopfield Primary School
- £101,400 towards sustainable improvements to the M8 bus service
- £27,631 towards public rights of way
- £50,226 for improving offsite open space and recreational provision within Burnopfield and Dipton Electoral Division.

Resolved:

- (i) That the application be approved.
- (ii) That Conditions and s106 agreement be agreed in consultation with the Chair and Vice-Chair of the Committee and circulated to Members.

Councillor Jewell rejoined the meeting, Councillor Tinsley left the meeting.

b DM/19/03233/FPA - Aldi foodstore with associated access, car parking and landscaping

The Committee considered a report of the Senior Planning Officer regarding an application for an Aldi foodstore with associated access, car parking and landscaping at the site of The Kingfisher, public car park and part of The Festival Walks Parade, Oxford Road, Spennymoor (for copy see file of Minutes).

Before presenting details of the application, B Gavillet, Senior Planning Officer provided the Committee with the following updates:

- Condition 17 on page 67 should read restricted to shoppers and should not include the term 'general public'
- An additional representation had been received from a local businessman who had concerns about the vitality and viability of Spennymoor at the loss of long stay parking spaces in the town centre.

The Senior Planning Officer provided a detailed presentation of the application which included a site location plan, aerial photograph of the site, photographs of the existing Kingfisher pub, views across the existing car park, the areas of Festival Walks to be demolished and indicative proposed layout plan.

Councillor L Maddison, local Member, addressed the Committee. The development and regeneration of Festival Walk had been a main focus of attention for many years. Festival Walk was a 1960's development in the heart of Spennymoor that had suffered from the loss of businesses over a number of years and had many empty shops and declining infrastructure in the centre. Spennymoor was a growing town with a large increase in

housing developments and had a vibrant shopping area at the top and bottom of the High Street. Regeneration of this central spine would be a catalyst for change and was welcomed. Councillor Maddison supported the proposals put forward and also welcomed Aldi's commitment to Spennymoor with their decision to relocate their supermarket from an existing Spennymoor town centre location to a new larger development, also within the town centre area. However, to mitigate against issues raised by local residents in close proximity to the scheme and to perceived issues highlighted by small business owners concerned at the loss of an open access 86 space long-stay car park and loss of footfall onto the High Street Councillor Maddison asked the Committee and Aldi to consider two changes to planning conditions, each to be considered separately on their own merits as follows:

- To consider a change to HGV delivery times currently proposed for delivery 6 a.m. to 11 p.m. to new times of 7 a.m. to 11 p.m. Monday to Saturday, a reduction of one hour each day to give local residents 8 hours of quiet time. Sunday delivery times would be unchanged at 9 a.m. to 7 p.m.
- To consider a planning amendment for a two hour window for public parking in the proposed new 95 space car park rather than the 90 minutes proposed. It was accepted that concessions had already been agreed by Aldi to provide public access to this car park, but an increase to two hours would bring parking availability into line with other supermarket car parks in close proximity to this site where there was already a free 2 hour public car parking window for shoppers.

NPPF Part 7 and Policy S2 of the Sedgefield Borough Local Plan and paragraphs 16 and 73 of the report promoted the need for vibrant town centres, with footfall on the high street being encouraged to assist future viability and the economic prosperity of businesses. Loss of the current open access car park and restricted parking times as outlined in paragraph 73 may have a negative effect on customer experience and the future success and sustainability of small businesses reliant on footfall on the high street. The proposed new council controlled car park was mentioned in the report and Councillor Maddison requested that the County Council consider how the loss of this long stay car park could be mitigated by offering longer stay parking times in this new car park, as well as signposting all available long stay car parking.

If the Committee approved the application Councillor Maddison also sought assurance that alternative parking provision was identified and signposted in the town before demolition works commenced.

Councillor Robinson informed Councillor Maddison that the Committee could only consider the application before it and could not consider any future planning applications which may be determined.

Councillor Thompson informed the Committee he had little to add to that presented by Councillor Maddison. Councillor Thompson thanked officers for the help they had provided over the last two to three years.

Councillor Geldard informed the Council that this was the largest planning application for Spennymoor Town Centre for a number of years. The face of town centres had changed towards out of town developments and online shopping. The proposal and other planning applications would see significant private investment into what was currently a dilapidated eyesore which had blighted the centre of Spennymoor for nearly two decades.

Councillor Geldard informed the Committee of the issues raised with him as a local Member. The initial concern of traffic onto Oxford Road had been addressed by the inclusion of a mini roundabout, but there were still issues about a pedestrian crossing on that road which the Council may need to consider. Councillor Geldard also welcomed the recommended conditions and assurances made which sought to address local residents concerns around impact to their property during the work and to noisy deliveries, but supported the request made by Councillor Maddison that consideration be given to amended delivery times.

The area of most concern to local people and business owners appeared to be issues around changes to parking restrictions in the area of the development. Free unrestricted parking on this site had been enjoyed for many years, and while it was accepted that this was private land and could be withdrawn at any moment, it was important to recognise that given its history there was no way that existing local businesses would be adversely affected in some way by the restriction of the majority of these parking bays.

While welcoming the new development for Spennymoor town centre it must be ensured that local residents were protected and existing local businesses were supported to develop and thrive and Councillor Geldard hoped that in considering the application Members of the Committee did everything in their power to ensure this was the case.

Ms F Shand, local resident, addressed the Committee. Local residents sought clarity on where Aldi staff would park during their shifts. Local residents would like the restriction on the car park increased to two hours which was in line with other local retailers.

With reference to deliveries, Ms Shand informed the Committee that a 24 hour refrigeration unit and loading bay was proposed which would be opposite her bedroom window. The noise calculations showed that in isolation both of these fell under the legal limit, however the noise would be

occurring concurrently and Ms Shand requested that deliveries only take place between 7 a.m. to 11 p.m. Monday to Saturday.

Finally, Ms Shand informed the Committee that while she generally supported the application the issues of parking and delivery times needed to be addressed.

M Jackson, local businessman, addressed the Committee. While he was supportive of the redevelopment of Spennymoor this application would lead to a change in traffic and car parking spaces in the town centre. Mr Jackson expressed concern that local businesses may not remain viable during the construction period of this development. There was a need for the developer to work together with local businesses to identify solutions to problems which may arise during the construction period.

The Senior Planning Officer informed the Committee that the noise impact assessment which had been carried out for the development showed that delivery times would be acceptable 24 hours a day and it was Aldi who had agreed reduced delivery hours. Any further reduction would be a decision for Aldi to agree to.

J McGargill, Highway Development Manager informed the Committee that the car park was currently uncontrolled and offered 112 spaces. This development would result in the provision of 142 parking spaces, 95 of which would be restricted to a 90-minute limit. However, the current car park was privately owned and could be closed at any time by the land owner. Additionally, there was uncontrolled parking available elsewhere in the town centre.

S Plumb, Regional Property Director for Aldi addressed the Committee. Aldi had a premises in Cambridge Street in Spennymoor since 1988 which was now proving to be too small for the company. Aldi was therefore an experienced trader in Spennymoor.

Research undertaken by Aldi on average shopping times showed that the average shop in Aldi was 30 minutes and therefore the proposed 90-minute restriction on parking would allow for shopping in Aldi and also other trips into Spennymoor town centre. There were 900 parking spaces in Spennymoor, half of which were unrestricted, and highways officers had raised no objection to the proposed 90-minute restriction. Currently, 50% of employees walked to work and those who used a vehicle would be exempt from the time restriction.

Feedback from local residents had been incorporated into the development plans, including delivery times and acoustic measures. However, fresh deliveries were made daily and the delivery times of 6 a.m. to 11 p.m. were

required to ensure fresh deliveries were available on the shop floor come store opening times.

Mr Plumb asked the Committee to approve the application.

Councillor Wilkes informed the Committee that he was in favour of the redevelopment of the area but expressed concern about what may happen to the current Aldi site. Additionally, he considered that the time restriction for parking should be 2 hours which would be in line with other car parks in the area. Councillor Wilkes questioned why a supermarket which was in a residential area should have deliveries from 6 a.m. and considered that a 7 a.m. restriction would be more that suitable. Councillor Wilkes asked where the alternative car parking would be during the construction phase of the development.

The Senior Planning Officer replied that as part of the overall regeneration scheme a demolition management plan would be produced which would show how the demolition would be phased and which car parks would remain open. The existing car park which was behind Festival Walk would remain open and temporary signage would be put in place to redirect traffic to temporary car parks.

Councillor Shield agreed with Councillor Wilkes that during the construction period there must be provision of car parking. Councillor Shield expressed a hope that the developers would engage with businesses on the High Street to keep disruption to a minimum.

Councillor L Brown informed the Committee that Festival Walk was in desperate need of redevelopment and asked whether the demolition management plan would be included in the Conditions attached to the planning permission. H Jones, Principal Planning Officer replied that the construction management plan at Condition 10 referenced demolition and a separate application for demolition had previously been submitted and approved had a condition to a similar end.

Councillor A Shield left the meeting.

S Plumb informed the Committee that the proposed Condition enabled the applicant to liaise with demolition and construction experts both on safety matters and business requirements. The redevelopment of the site would be a complex operation and elements of the car park would remain open if this was possible. The Principal Planning Officer informed the Committee that Condition 10 could be amended to include a reference to phasing of the works.

Councillor Jewell informed the Committee that he was in favour of the development and that any development would involve some element of disruption. The Committee had been given an assurance that any disruption would be kept to a minimum.

Councillor Bell informed the Committee that the applicant had given a clear reason why deliveries from 6 a.m. were a necessity, adding that currently traffic could journey along the highway at midnight without restriction.

Councillor Clare informed the Committee that the applicant had stated that if delivery times were amended to 7 a.m. then this would break their business case for the shop. The Committee had been informed that Aldi could actually run deliveries 24 hours a day if it wanted. Councillor Clare could therefore not support amended delivery times to 7 a.m. as there were no grounds for this condition change.

Councillor Clare considered that because this was to be Aldi's car park the Committee had no right to instruct Aldi on how to operate parking restrictions.

N Carter, Planning and Development Solicitor advised the Committee that with reference to Condition 7 – delivery times and Condition 17 – car park restrictions, there was no evidence base to enable these Conditions to be amended.

Councillor Quinn informed the Committee that she considered Aldi should be congratulated for proposing this development in the town centre when it could have been located on the extremes of the town.

Moved by Councillor Atkinson, **Seconded** by Councillor L Marshall and

Resolved:

That the application be approved subject to the Conditions contained in the report.

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/01987/OUT
FULL APPLICATION DESCRIPTION:	Outline application (with means of access) for a mixed-use scheme comprising: community hospital (C2) and pharmacy (A1); sheltered care unit (C2); residential care unit (C2); gym and wellbeing centre (D2); hotel (C1); public house (A4); micro-brewery (B2/A4); and vets practice (D1).
NAME OF APPLICANT:	Project Genesis Ltd
ADDRESS:	Land To The South Of Puddlers Corner Roundabout, Genesis Way, Consett
ELECTORAL DIVISION:	Consett South
CASE OFFICER:	Graham Blakey, Senior Planning Officer, 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site forms part of an agricultural field to the south and west of the A692 Rotary Way / Consett Road, south west of Consett, a large town in the north west of the County. Woodland encircles the site to the west, south and partly to the north, where the tree belt is formed of planting established since the construction of A692 Town Centre Bypass in 1990/91. Puddlers Corner roundabout lies to the northern point of the application site and provides wider vehicular access to the rest of Consett and beyond. The northern boundary to the A692 is more open, featuring a standard agricultural fence line; however, the A692 starts to descend on its route to The Grove / Castleside westward while the field remains relatively level and so the application site appears elevated from views along the A692 and further north including Tesco and Starbucks opposite the site.
2. To the southern boundary, the Consett and Sunderland Railway Path runs south west / north east and which forms part of the 'Coast 2 Coast' or 'C2C' cycle route, with the Terris Novalis sculptures positioned to artificial high ground to the eastern boundary of the site. Hownsgill Industrial Estate lies beyond the railway path to the south, with Hermiston Retail Park and housing located across from public highway which passes the site further to the east, all within 500 metres of the site boundary. The site historically formed part of the wider former Consett Steel Works that was cleared and restored in 1980-82.

3. The site is located approximately 1km (just over half a mile) east of the Grove Ponds Local Wildlife Site (LWS) and north of Knitsley and High House Wood LWS, north of The Grove but accessible via the road and public footpath network. National Cycle Network Routes 7 and 14 run near to the application sites along railway paths around the site, with an NCN Link route running along the northern side of the A692.

The Proposal

4. This planning application seeks outline planning permission for a mixed used scheme comprising of care and residential facilities, gym and well-being centre, hotel, public house, micro-brewery and vet practice. The application places its primary focus upon the provision of health and care facilities by proposing a community hospital and pharmacy, sheltered care unit, residential care unit and the gym and well-being centre. The application cites the future of the nearby Shotley Bridge Hospital as reasoning for its proposals. The care and residential facilities are made up of a sheltered care unit of around 55 beds, a low care residential care unit of around 80 beds (together totalling in excess of 10,000sqm floorspace use class C2), and a community hospital with ancillary pharmacy which includes a circa. 20 bed ward (totalling 3,000sqm use class C2). The hotel is proposed to have a capacity of around 68 bedrooms (3,780sqm use class C1) with the public house (600sqm, use class A4), microbrewery (750sqm use class B2) and vets practice (188sqm, use class D2) also proposed. As the application is in outline the scale of the various buildings and their positions are at this stage indicative.
5. An indicative landscape masterplan has been included with the application which highlights the ability in the future to separate the commercial and health care uses around a central area of open space.
6. Access to the site is included as a detailed matter. Vehicular access is proposed via the installation of a new roundabout to the A692 (Consett Road) just west of the entrance to Starbucks. A multi-user path is proposed the link across the site from the Consett and Sunderland Railway Path to the A692 and Tesco/Starbucks. Access is also proposed from the A692 to the north east close to Puddlers Corner Roundabout.
7. Matters of layout, landscaping, scale and appearance are reserved for consideration at a later stage.
8. This planning application is being reported to County Planning Committee due to the site area being in excess of 2 Hectares.

PLANNING HISTORY

9. No relevant planning history for the application site.

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in February 2019. 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 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.
15. *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.
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; conserving and enhancing the historic environment; determining a planning application; design; ensuring the vitality of town centres; flood risk; land stability; 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:

Derwentside District Local Plan (1997) (DDLDP)

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* - States that development will only be permitted where it benefits the rural economy or helps maintain or 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* - Advises that development outside existing built up areas will not be permitted if it results in; the merging or coalescence of neighbouring settlements; or ribbon development; or an encroachment into the surrounding countryside.
27. *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.
28. *Policy EN22 – Protection of Sites of Nature Conservation Importance* - Sets out that development will only be permitted which would not lead to the loss of or cause significant harm to sites of nature conservation importance.
29. *Policy EN25 – Development Affected by Pollution* - States that residential or other sensitive development will not be permitted on sites affected by unacceptable levels of pollution from adjoining land uses.
30. *Policy EN26 – Control of Development Causing Pollution* - States that planning 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 AG1 – Protection of Better Quality Agricultural Land* - Sets out that development of grades 2 or 3A agricultural quality land will only be permitted if it is demonstrated that there is no irreversible loss of agricultural land or no other site on lower grade land exists which the development could be reasonably be located.
32. *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.
33. *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.

RELEVANT EMERGING POLICY:

The County Durham Plan (CDP)

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

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

35. *Highways Authority* – Raises no objections. The development would be considered to lead to wider impacts upon the highway network in the Consett area associated with the various junctions along the A692 and also Genesis Way, to which the applicant has proposed a package of mitigation measures which are acceptable. The proposed vehicular access is acceptable in principle, subject to technical approval.
36. *The Coal Authority* – Coal mining legacy poses a risk to the proposed development and that further intrusive site investigations and remedial works should be undertaken prior to development in order to ensure that coal mining legacy issues at the site are appropriately investigated and remediated. A condition approach to securing this detail is recommended.
37. *Drainage and Coastal Protection* – Raises no objections subject to adherence to the submitted surface water management strategy.
38. *Environment Agency* – Raise no objections.
39. *Natural England* – Raise no objections.

INTERNAL CONSULTEE RESPONSES:

40. *Spatial Policy* – Advises that the application site is identified in the Consett Inset Map as part of the Berry Edge business park site for use as open space, nature conservation and woodland. The policy controlling this has expired so there is currently no specific land use identified for the site. DDLP Policy IN1 identified the general locations for business/industrial development however these requirements covered the period up to 2006 and have now been updated through more up to date evidence including the Employment Land Review (2018). The ELR does not identify any requirement for employment uses on this site.
41. The site is located away from the area that has been previously identified as Consett town centre however the most relevant DLP policies for considering impact on Consett town centre, namely CO1 and CO3, have expired. Recent iterations of the Council's Retail and Town Centre Study have reviewed and amended the town centre boundaries from those designated by the expired policies above, the result of which leave this site outside of the boundary. Paragraph 86 of the NPPF require sites to apply a sequential test to planning applications for main town centre uses outside of existing centres and not in accordance with an up-to-date plan. Paragraph 87 of the NPPF shows preference to accessible sites which are well connected to the town centre, should out-of-town sites be considered.
42. The application site is considered to be 'out-of-centre' for the purposes of the above. The subsequent submissions by the applicant into alternative premises and competitors, and in conjunction with the Council's knowledge base, come together to confirm that the sequential and impact tests of the floor space levels and planning uses proposed have been passed. Residential care facilities would fall under the

consideration of Policy HO5 (housing), whereby the policy is considered out of date in relation to the supply of new housing.

43. As the policy allocation has expired (Policy IN1), the relevant town centre policies within the DDLP were not saved (CO1, CO3) and the housing policy is out of date (HO5), it falls to the application to be considered against Paragraph 11d of the NPPF. The sequential and impact tests have been passed. There would be a boost to the housing supply and delivery of older persons housing, however the Council can demonstrate a five-year supply. There are also the potential social benefits from new health care facilities and economic benefits associated with the investment and job creation of the scheme as a whole. This will need to be balanced against any adverse impacts of the proposed development.
44. *Landscape* – Widespread tree loss to the woodland to the north and east boundaries would not be supported and should be addressed in a subsequent reserved matters submission. Some selective loss, as part of a wider landscape scheme, could be accommodated.
45. *Ecology* – Raises no objections. Submitted ecological assessment confirms that there will be a loss of habitat on site and that some will be given back through landscaping. Off-site mitigation is proposed to a nearby Local Wildlife Site and an improvement and management plan has been provided which is acceptable.
46. *Environmental Health and Consumer Protection (Air Quality)* – Raise no objections. An assessment of the wider impacts upon the increased trip generation from the development upon the housing adjacent to the A692 (Rotary Way) has concluded no impacts are likely.
47. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure phase 2 and 3 assessments and mitigation and phase 4 verification as necessary.
48. *Environmental Health and Consumer Protection (Pollution Control)* – The development relates to the introduction of a retail/commercial development to the area. It is proposed in an area that already has a lot of activity and therefore can be classed as a high noise area, likely dominated by the nearby transport network. The nearest noise sensitive receptors are located on the chequers approximately 100m from the nearest point of the proposed site.
49. There are a number of uses within the site which potentially could lead to noise arising. Impacts from plant, noise break-out and vehicle movements would all be possible, and with robust design and layout these are unlikely cause impacts at the nearest residential properties. Odour impacts from the micro brewing process are possible, and flue and extraction details should be secured by condition.
50. *Access and Rights of Way* – Raise no objections, improvements for non-motorised access is welcomed.
51. *Archaeology* – Raise no objections.
52. *Design and Conservation* – Raise no objections. The landscape strategy includes large landscaped spaces around the health and social care facilities allowing potential for a good standard of outlook. Sight lines between surrounding features (Terris Novalis sculptures) should be maintained at reserved matters stage. Revised access

and indicative landscape proposals for the interface with the Puddlers Corner roundabout are accepted subject to further detail at reserved matters stage.

53. *Sustainable Transport* – A pair of bus stops to the A692 as part of the proposals are welcomed. A final travel plan should be submitted within 6 months of first occupation of the development.
54. *Sustainability* – Raise no objections. Details of embedded sustainability should be provided as part of any future reserved matters applications.

NON-STATUTORY RESPONSES:

55. *Northumbrian Water* - Raises no objections. Development should be carried out in accordance with the submitted Flood Risk Assessment Drainage Strategy.
56. *NHS* – The Clinical Commissioning Group can confirm that the future of Shotley Bridge Hospital is under review as a result of its age and suitability to deliver modern healthcare facilities for the local population. Funding has been earmarked for the project which will be subject to the development of a Business Case and a formal consultation exercise during the Spring / Summer of 2020.
57. As part of the process the CCG will be considering a number of sites in the area including an assessment of the feasibility of re-using the existing hospital. These options will be assessed against both nonfinancial and financial criteria to determine what option delivers best value for the public purse and greatest benefit for the local population. Although the NHS has not had any direct input to the preparation of the application referred to above, it can confirm that this will be one of the site options that will be considered.
58. *Durham Police* – Risks of nuisance and anti-social behaviour is high, increased traffic and pedestrian access also a concern. The surrounding highway network is busy and there have been a number of serious accidents in recent years. A safe crossing point between Puddlers Corner roundabout and the new roundabout should be included to protect pedestrians. Nuisance is prevalent within the larger car parks of the surrounding retail areas from anti-social car use, measures should be put in place to deter this activity. The use of the circular route within the site should be amended for similar reasons.

PUBLIC RESPONSES:

59. The application has been publicised by way of individual notification letters to neighbouring residents, local members, erection of site notice and publication in the press and the weekly list, and in total one representation has been received raising the following objections.
 - There are already a number of public houses in this area and anti-social behaviour is a problem.
 - The road network in this area is already heavily congested and from a highway safety view point the area cannot support further traffic generation from new development.
 - Recent opening of the new bus depot to Hownsgill Industrial Estate has had an impact upon traffic, noise and pollution levels to nearby residents.
 - The land upon which the development is proposed is lovely open space area just off the C2C cycle path, which would spoil the outlook from adjacent and which would impact upon wildlife which use this area.

- Dog walkers use this field and there are many tracks that criss-cross the field as a result.

APPLICANTS STATEMENT:

60. Project Genesis is committed to the ongoing regeneration of the former steelworks site and the continued development of the town of Consett and the surrounding area. In putting this application forward, focussed on health provision and care, we have sought to tackle the needs of an ageing and growing population by creating opportunities for the delivery and growth of services to meet current and future needs. Additionally following the publication of the 'Consett Destination Plan' by the Derwent Valley partnership, we believe that the proposals put forward create further opportunities for commercial growth which will be consistent with our objective of attracting more visitors and tourists to the area, reinforcing the work of the Project Genesis Trust in establishing the new 'Consett and Genesis Heritage Trail' and the 'Visit Consett' website.
61. The North Durham Clinical Commissioning Group has for some time been reviewing health care requirements in North Durham as part of its appraisal process regarding the future of Shotley Bridge Hospital. Shotley Bridge Hospital was built in 1969 and over the years the level of service as well as the extent of the site has changed considerably. It is no longer an emergency hospital and provides limited day case/residential facilities. The building is in a poor state of repair with an estimated minimum £2m backlog maintenance and an annual running cost of £1.8m per annum.
62. The Clinical Commissioning Group (CCG), Health Trust and Durham County Council (DCC) have been working through a reference group (same membership). It reported early in 2019 on the options for the hospital and health care provision in Consett (and the North Durham area). We believe it is inevitable that Shotley Bridge Hospital will close with the relocation of services to other facilities operated by the Trust which are currently 'underutilised' and/or new facilities in Consett. In addition to the probable closure of Shotley Bridge Hospital other health provision in the town/Derwent Valley is currently under provided. This is a factor of both location and the growth in population the area has experienced in recent years. This linked to an increased delivery of new houses in the coming years is a significant local issue.
63. The proposals for Derwent View provide an opportunity for the provision of both new (responding to population growth) and replacement facilities for Shotley Bridge Hospital. This is not to be a 'hospital' but the provision of clinic/outpatient services, aligned to care provision (mental health etc). Importantly, one of the requirements considered alongside these services by the reference group is the provision of low care beds which are currently not available in the area.
64. Project Genesis Limited consulted the Shotley Bridge Working Group, CCG, DCC and Health Trust on the use of Derwent View for the provision of such facilities and received support for the proposal. A letter of support has been submitted by Shotley Bridge Hospital Support Group.
65. The inclusion of housing through a Registered Provider, with a level of associated care within the proposal, creates the opportunity to 'pair' the two proposals (health and housing) to create more of a care village with shared overhead costs for some of the services has been established with a number of providers. The location of the site in close proximity to the town centre is of significant benefit for access to the health and wellbeing services we hope to establish on the site, and to support Consett's existing town centre offer.

66. Project Genesis Limited has worked positively with the local planning authority to fully address all concerns and demonstrate the scheme is acceptable. There are no identified impacts of the proposed development which would 'significantly and demonstrably' outweigh the benefits identified and there are no policies within the Framework which indicate the development should be restricted. The applicant is pleased to receive a positive recommendation for the grant of planning permission.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/>

PLANNING CONSIDERATIONS AND ASSESSMENT

67. 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, landscape and visual impact, highway safety and access, residential amenity and pollution, ecology and other issues.

Principle of Development

68. 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 at Paragraph 12 of the NPPF.
69. The DDLDP was adopted in 1997, 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).
70. As proposed, the application contains a number of different uses at the site. These range from hospital / care uses, residential and extra care uses, gymnasium and well-being centre, a hotel, public house, micro-brewery and vets practice. These will be addressed in turn below, starting with an overall view upon development in the proposed location.
71. Policies EN1 and EN2 of the DDLDP serve to control development at the settlement edge. Since the adoption of the DDLDP significant development has taken place in the proximity of the application site, drawing the site closer to the built-up area. Landscape impact will however still need to be a consideration of the wider implications of the development. It is considered that the principle of protecting the countryside and the provision of a framework on how to assess development proposals in such locations within policies EN1 and EN2 is consistent with the NPPF. However, it is considered that the definition of the countryside is based on the development needs of the time and is, therefore, time limited. By reason of the out of date evidence base which

informs, policies EN1 and EN2 they are considered out of date and paragraph 11d of the NPPF is engaged. Regardless of this out of date evidence base, the degree of consistency with the NPPF makes Policies EN1 and EN2 the most important for determining the application. Furthermore, Policy GDP1 sets down a range of requirements for all development proposals in relation to design quality, landscape impact, energy conservation and improve safety, and is consistent to the NPPF.

72. 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. The development would result in the loss of approximately 11ha of agricultural land that is not graded by Natural England in their Agricultural Land Classification Maps, this is likely due to the presence of significant land contamination linked to the historic use of the site. Though the application is not accompanied by a site-specific agricultural land classification report it is considered unlikely given the site's location and history that it would constitute best and most versatile agricultural land which are classified by the NPPF as grades 1, 2 or 3a.
73. The development site is located away from the area identified as Consett town centre within the DDLP, however the most relevant DDLP policies for considering impact on Consett town centre, namely CO1 and CO3, have expired. These had previously dealt with the issue of town centre boundaries and out of centre retail development meaning the Local Plan is now silent in terms of assessing these elements of the proposed development. Town centre boundaries are fundamental in the decision-making process for proposals of this type. Paragraph 85 of the NPPF states that planning policies should define the extent of town centres and primary shopping areas and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre.
74. Since adoption of the DDLP, town centre boundaries have been reviewed and amended through more recent iterations of the Retail and Town Centre Study and through annual monitoring of town centres through town centre surveys. Together these provide the evidence for the emerging CDP which as a result of these reviews confirms that the proposed site falls outside the town centre.

Sequential and Impact Tests

75. Paragraph 86 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses (Annex 2 of the NPPF identifies health and fitness centres, bars and pubs and hotels as main town centre uses) which are neither in an existing centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. NPPF Paragraph 87 confirms that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and Local Planning Authorities are required to demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. Paragraph 89 of the NPPF states that when assessing applications for retail and leisure development outside of town centres, which are not in accordance with an up-to-date plan, Local Planning Authorities should require an impact assessment if the development is over a proportionate, locally set threshold or where no such local threshold exists 2,500m².

These proposals are considered to be over this threshold. Failure to meet either the sequential test or the impact test should see an application refused (Paragraph 90 of the NPPF).

76. For the purposes of this application, the development site is considered to be 'out-of-centre' under Annex 2 of the NPPF, being located circa 550 metres from the town centre boundary. The applicants have submitted a sequential test which has considered the potential to locate the development within Consett town centre.
77. As required in Paragraph 87 of the NPPF and in the NPPG it is important to consider the potential for flexibility on issues such as format and scale to be demonstrated for the purposes of the sequential test, whilst recognising that neither the NPPF or NPPG specifically refer to disaggregation (breaking up elements of the proposal). The NPPG provides a 'checklist' for the application of the sequential test in decision taking. It indicates the following considerations:
- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.
 - Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - If there are no suitable sequentially preferable locations, the sequential test is passed.
78. There is a single, larger unit within the town centre that is currently vacant (John Street). However, its re-use would involve significant conversion from its former use as a nightclub, the fact that the total floor space is spread across 3 floors including a basement, and that it is available for lease rather than for sale, would limit the control the applicant could have over its redevelopment. There are subsequent doubts over its suitability for the uses proposed within this application. Disaggregation of the proposed uses would be a possible option that would split up uses into separate buildings showing a degree of flexibility for the sequential test; however, the possibility of this occurring in respect to the above property and with one of the uses from the site being accommodated here is unrealistic given that it would separate a use from the wider site. The scheme should, therefore, be seen as a whole in terms of the wider development of the site. For example, it is the intention for the gym use to be related to other health facilities on site. Consequently, the sequential test is considered to be passed.
79. With regards to the impact test, there are no planned or committed investment schemes within the town centre that would be prejudiced by these proposals. Similarly, the vitality and viability of the town centre would not be adversely affected given the lack of comparable facilities in respect to the proposed hotel use, the complementary nature of the proposed pub use to the hotel would limit the impact upon other pubs in the town centre. The application suggests a close linkage of the gym and wellbeing centre to the proposed health care uses, even if this were not fully the case and the gym did compete with those in the town centre it is concluded that whilst some diversion of trade would be likely this would not be a significant adverse impact. Spatial Policy consider, given the above, that the impact test has been passed.

Hospital and Health Care Facilities

80. A key element of the proposed development is a community hospital and pharmacy, including a circa 20 bed ward. The applicant states that the proposed scheme is based on health provision and care, in order to replace facilities that could be lost by the closure of Shotley Bridge Hospital. The hospital lies 2 miles to the north of the application site and provides a collection of health care services to the local and wider population. In response to the application, the local NHS Clinical Commissioning Group responsible for delivery of health care services at Shotley Bridge has confirmed that the future of Shotley Bridge Hospital is under review as a result of its age and suitability to deliver modern healthcare facilities to the local area.
81. Confirmation has been provided that funding has been earmarked for the project which will begin with scoping of a business case and formal consultation exercise later in 2020. The CCG, as part of their feasibility assessment, will look at re-use of the existing hospital as well as other locations in the area, of which this site would be one of the options considered going forward.
82. There is limited guidance on the location of hospitals within local and national planning policy, however, the development of the proposed hospital would have obvious social benefits noting that the NPPF seeks to support strong, vibrant and healthy communities, supporting communities, health, social and cultural wellbeing. Officers raise no objections in planning use terms to the siting of a proposed hospital within the application site.

Other Proposed Facilities

83. The scheme also includes the provision of sheltered care and residential care units, which are for the purposes of determining these proposals considered to be residential development, albeit of a specialist nature. A number of DDLP policies on housing have expired including those relating to larger allocated sites. DDLP Policy HO5 outlines the scenarios for considering housing development on unallocated sites. However, the policy I relates to proposals that are small scale (0.4Ha). Given the scale of the proposal, the application does not draw support from Policy H05. The evidence which informs the housing policies within the DDLP is considered out of date however and therefore the weight to be attributed to Policy H05 should be reduced.
84. The NPPF highlights the need to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes. It goes onto state that the needs of groups with specific housing requirements should be addressed. Paragraph 61 of the NPPF goes on to recognise that the size, type and tenure of housing needed for different groups in the community should be reflected in planning policies. With this in mind, the Council's Strategic Housing Market Assessment (SHMA) has identified a general need for additional housing provision to meet the needs of older people. The location of such housing accommodation is an important consideration, in terms of residents integrating and becoming part of the community. Considering these factors, it is noted that the proposal is located approximately 550 meters from the facilities within the town centre and less than 300 meters of the facilities on Hermiston Retail Park and the Tesco Extra store, albeit separated by the A692. In addition, the proposed development could be developed alongside the community hospital and pharmacy proposed. Collectively, these would help to provide suitable links and support the provision of specialist residential accommodation.

Presumption in favour of sustainable development

85. As stated previously, the proposals are required to be determined in accordance with the presumption in favour of sustainable development at paragraph 11 of the NPPF with 11d being relevant in this instance as a result of Local Plan policies most important for the determination of the application being considered out of date or expired and considered not relevant to the proposals. Paragraph 11d of the NPPF states:
- 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.
86. This planning balancing exercise can only be undertaken when all planning issues relevant to the proposal have been considered.

Landscape and Visual Impact

87. As set out above DDLP Policy EN1 seeks to prevent encroachment of development into the open countryside, except where it benefits the rural economy or helps to maintain or enhance landscape character, setting out that proposals should be sensitively related to the existing settlement pattern. DDLP Policy EN2 sets out that development outside the existing built up area will not be permitted where it results in the merging or coalescence of settlements, ribbon development or an encroachment into the surrounding countryside. It is considered that the principle of protecting the countryside and the provision of a framework on how to assess development proposals in such locations is consistent with the NPPF and so can be attributed significant weight. DDLP Policy GDP1 also sets out that general development principles including, that development proposals should be well related to the existing environment and take account of the presence of natural features, requiring the protection of the existing landscape. This policy is considered consistent with the NPPF. Paragraph 127 (c) of the NPPF requires that development proposals be sympathetic to their landscape setting. DDLP Policy EN11 requires that existing trees to be safeguarded, where possible on new development.
88. The site is positioned close to the edge of the more substantial built up area of Consett. It is surrounded by ever sporadic built development in form of Hownsgill Park Industrial Estate to the south and Tesco / Starbucks and the Regent's Park housing to the north. Development south and west of Puddler's Corner Roundabout begins to decrease in density and introduce green corridors between built form before arriving at the nearby settlement of The Grove. Areas of woodland and green open space form the application site and the wider area as the former Steel Works site reaches maturity nearly 40 years since works upon reclamation and restoration were undertaken. Construction of the A692 Consett Bypass (Rotary Way) in the early 1990s lead to the construction of a mound that is now within the application site the to the north east boundary. This has been planted with trees that forms a visual barrier and green edge to the dominant Morrison food store to the north east.

89. Presence of built development surrounding the application site makes the assimilation of the proposals in principle an easier task. Some of the structures are significant in scale, such as the Tesco building to the north, and which sit in more visually prominent locations. Woodland to the south and west would substantially contain the proposals to views within the application, or from view points such as the C2C cycle path and Terris Novalis as well as the Tesco / Starbucks and A692 to the north. From these viewpoints, only the views from the high point of the Terris Novalis would allow any built form to be seen against surrounding landscape and so this will be a vital viewpoint when considering future reserved matters.
90. A shift from agricultural to built development will ultimately result in a transformative impact upon the landscape. However, the presence of the surrounding built development, the established woodland areas surrounding the site, and the relatively reduced public vantage points of the site that, when combined, are considered to draw support from Local Plan and NPPF policies in terms of sympathetic landscape setting and preventing coalescence.
91. The proposals are accompanied with indicative site layout and landscape proposals. Here, the application seeks to address the ability of the site to accommodate the proposals as well as how it would interact with the surrounding area. One key area is that of the public road frontage to the A692 and the Puddlers Corner roundabout. Here, ground levels are more closely related, however there is the presence of a pocket of now established woodland that covers a mound created during the construction the bypass. Indicative landscaping proposals show a clear direction to split the town centre uses from the health care uses in terms of layout. It positions the traditional town centre uses closer to the town centre, with the health care facilities, to which there is more uncertainty, further out from the town centre. This offers some potential landscape impact benefits should the proposals not be built out in their entirety if the hospital proposals do not come forward at the site.
92. Landscape officers are concerned over what extent of this tree belt would be removed as a result of these proposals. A pedestrian access is proposed to join the carriageway side footpath close to the Puddlers Corner roundabout following a likely desire line from the town centre, however, the application proposes a wider removal of the tree belt in this location to improve road side frontage and visual connectivity to the town centre. The applicant has acknowledged that this area would be in need of further work and is subject to assessment via reserved matters should the application be approved. The Landscape officer is satisfied that some areas of the tree belt are sporadic in nature and that a fully assessed and conceptualised landscaping scheme at reserved matters could be achieved that would effectively balance the loss of trees and roadside frontage.
93. Overall, the proposed development of the area south of the A692 for the proposed development would be transformative. The presence of surrounding built development and woodland belts combine to limit wider views of the site to key viewpoints, and that as a result the scheme is considered to respect its landscape setting overall. , While the proposals represent an encroachment into the countryside they are considered to not lead to a visually intrusive form of development that would result in the coalescence of neighbouring settlements. Consequently, there would be some conflict with DDLP Policies EN1 and EN2 in this regard, however, this is balanced against the reduced landscape and visual impact. The scheme is, as a result, in more general accordance with Paragraphs 127 and 170 of the NPPF as well as DDLP Policy EN11

Highway safety and access

94. DDLP Policy TR2 sets out that planning permission for development will only be granted where the scheme incorporates a clearly defined and safe vehicle access and exit, satisfactory access onto the public transport network and satisfactory access onto the adopted highway. The supporting text of policy TR2 also sets out that a proposal will not be granted unless adequate traffic flows can be maintained. Policy TR2 is considered consistent with the NPPF, which also seeks to ensure that a safe and suitable access can be achieved and, therefore, it can be given full weight in considering the application. DDLP Policy TR3 requires new development to take account of cyclist provision and needs in ensuring accessibility throughout. 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. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
95. 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, concluding that there would be no impact on the capacity of the wider highway network.
96. The main site vehicular access is proposed from the A692 Consett Road to the north west of the application site via a newly constructed roundabout that also would include bus stops and layby's in both directions. Further pedestrian and bicycle access points are proposed to Consett Road, Rotary Way (both A692) and the C2C / Terris Novalis sculptures. The roundabout would be a three-armed junction of standard design and which would feature a westbound bus stop immediately to the east of the roundabout and an eastbound stop west of the junction.
97. The Highway Authority are satisfied with this chosen method of site access subject to technical approval of the roundabout and proposed bus stops, which can be secured by way of condition. It is also advised that it is likely that the current 50mph speed limit heading south from the Puddlers Corner roundabout would be revised downwards in conjunction with the associated roundabout engineering details and will be picked up by a new traffic regulation order subsequent to any planning permission being granted.
98. No carriageway edge footpath provision is included on the stretch of highway to the site boundary between Puddlers Corner and the site access, however the indicative site layout indicates that an alternative route for both pedestrians and cycles would likely be provided within the site away from the roadside offering safety benefits. This is accepted by the Highways Authority as a suitable alternative for confirmation at reserved matters stage.
99. To the wider highway network, the Highway Authority advise that the assumptions and subsequent conclusions of the submitted Transport Assessment are considered sound. A trip distribution exercise demonstrates that junctions around the Consett area, predominately to the A692 are at capacity and will require mitigation measures. Proposals for junction improvements are put forward at four junction locations around Consett to ease congestion and improve traffic flows. These include the widening of the carriageway of the A692 at the two roundabouts at The Chequers and Delves Lane

to allow for two lanes of traffic through the roundabouts westbound. Further changes in priority of traffic heading west on the A692 approaching Villa Real roundabout would leave the left-hand lane for left-turners only. The final improvement would be a yellow-box junction across the McDonald's entrance for south east bound traffic to maintain access for right-turners in to the McDonald's site. Subject to planning conditions securing the above highway improvement measures, traffic generation from the proposed development could be mitigated within the highway network surrounding the site.

100. Overall, it is considered that the proposed development could be served by an appropriate means of vehicular access in accordance with Policy TR2 of the DDLP. Similarly, the traffic generated by the proposed development would have an acceptable impact upon the highway network in accordance with Paragraphs 108 and 109 of the NPPF and policy TR2 of the DDLP. Cyclists are successfully catered for in accordance with Policy TR3 of the DDLP.

Residential Amenity / Pollution

101. DDLP Policy GDP1 (h) requires development to protect the amenities of neighbouring occupiers and land users. DDLP Policy EN25 states that development will not be permitted on sites affected by unacceptable levels of pollution from adjoining land uses. DDLP Policy EN26 requires that developments protect the environment in terms of likely levels of air, noise, soil or water pollution. These policies are considered consistent with parts 12 and 15 of the NPPF, which require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
102. Featuring a selection of differing planning uses, the proposed development has both the potential to conflict with existing neighbouring residential properties and internally between residential, care and commercial uses in terms of noise, air and odour pollution. The Council's Environment, Health and Consumer Protection officer is satisfied that the proposed development would not, in principle, lead to an adverse impact upon the nearest sensitive receptors of The Chequers and Spiro Court to the east of the application site. However, the presence of some uses have the potential for impacts if suitable mitigation measures are not in place. For example, the brewing process has the potential to release significant amounts of odour into the surrounding area that without suitable mitigation would be considered to have an adverse impact upon surrounding residential areas, new and existing. Therefore, informed by the Council's Environment, Health and Consumer Protection officer, a conditional approach to securing details of extraction and noise generating equipment would be appropriate should the application be recommended for approval.
103. In relation to land contamination, the applicant has submitted Phase 1, 2 and 3 reports that cover desk to study, ground investigation report and outline remediation strategy for the application site in lieu of the site's previously developed past. While dated 2008, the site has not changed since this time and the Phase 1 report is accepted by the Council's Environment, Health and Consumer Protection officer, however updated Phase 2 and 3 reports will be required by condition to validate the findings of the Phase 1 report and as a result of a change to a more sensitive receptor as an end use. Furthermore, the Coal Authority acknowledge that there is presence of shallow mine workings as is outlined in the above reports. These pose a potential risk to the proposed development and further intrusive site investigations are needed to confirm this risk and inform the final layout of any development. The Coal Authority support a conditional approach requiring the necessary information be submitted prior to

commencement of any development and this would be appropriate should a recommendation for approval be forthcoming.

104. In respect to air quality, Environment, Health and Consumer Protection officers advise the site is not in close proximity of any Air Quality Management Areas. The applicant has demonstrated that the impact from the proposed development upon the wider highway network, which runs in close proximity to residential properties in places would produce negligible impacts upon air quality that would be below the national air quality objectives. Therefore, no objections are raised in regard to either the operational or construction phases of the development. It is advised, in respects to the construction phase of the development, that a dust action management plan be secured by condition.
105. Overall, the scheme would comply with DDLP Policies GDP1, EN25 and EN26 and Parts 12 and 15 of the NPPF and would not lead to a significant reduction in residential amenity for existing or future residents, subject to appropriate conditions.

Ecology

106. 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 (d) 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. This advice is considered consistent with the NPPF. Policy EN22 applies to a number of Sites of Nature Conservation Importance (Local Wildlife Sites) across the former Derwentside District and advises that development should only be permitted where it would not lead to the loss of, or significant harm to, said sites. The advice contained within Policy EN22 is considered consistent with that within the NPPF. However, it is noted that the justification to the policy considers potential further ecological site designations which have now occurred, and in that sense, the policy is not fully up to date and therefore weight afforded to the policy should be reduced. The application site is located approximately 1km to the south east of the Grove Ponds Local Wildlife Site, accessible via the public footpath network, with a further 4 Local Wildlife Sites within 2km.
107. An ecological impact assessment has been submitted in support of the planning application. The submitted report concludes that subject to mitigation measures including the provision of onsite green space that is of an appropriate habitat, sensitive lighting to the areas of the site and appropriate future management and maintenance the impacts of the development would be acceptably mitigated and compensated for. The report also concluded that there were no European Protected Species to be found on site. Paragraph 175 of the NPPF encourages opportunities to secure net biodiversity gain. The developer has proposed a package of improvement measures for the nearby Grove Ponds, which when taken together with a future landscape masterplan for the site would deliver an overall net biodiversity gain. The Council's Ecology Team agree with the conclusions of the submission and securing of any mitigation works by way of condition. This will be weighted accordingly within the planning balance.
108. Subject to delivering this mitigation and subject to further review at reserved matters stage, the Ecology Team raises no objections to the application. Natural England have raised no objections or detailed comments. No objections or concerns are raised in regard to the above locally designated sites and local biodiversity. The development is, therefore, considered to comply with DDLP Policies GDP1 (d) and EN22, and Paragraph 175 of the NPPF in this respect.

Other Issues

109. Several comments received in respect to the application relate to specific issues of layout and detailed design which would be agreed at the reserved matters stage should a recommendation for approval be made upon this application. However, the reserved matters stage would permit the opportunity to address the concerns raised by the Police Architectural Liaison Officer as far as is practicable.
110. The Council, as Local Lead Flood Authority, has confirmed that the proposed drainage design demonstrates compliance with national and local policies. The indicative scheme would, therefore, provide a sustainable solution to surface water management and ensure flood prevention to and from the proposed development. A conditional approach to ensure adherence to the drainage strategy should be followed. The application site is located within Flood Risk Zone 1 and, therefore, the land least prone to river flooding. The Environment Agency have also raised no objections. Northumbrian Water, furthermore, raised no objections to the proposed development, highlighting the presence of drainage and supply infrastructure in the vicinity of the development which the applicant has taken note of prior to submission of the application. It is considered that the application is compliant with DDLP Policy GDP1 (i) and relevant paragraphs within Part 14 of the NPPF in this respect.
111. Some informal public use of the land is likely to have occurred in the past given the site is in proximity to the urban areas. The application indicates considerable provision for non-motorised public access including links to the C2C which is welcomed by the Council's Public Rights of Way Team.

CONCLUSION

112. As a consequence of DDLP policies most important for the determination of the application being out of date with respect to the evidence which underpins the policies, consideration would need to be given to the balance set out in Paragraph 11(d) of the NPPF. There are no applicable policies within the NPPF that protect areas or assets of particular importance which provide a clear reason to refuse the development. Therefore, paragraph 11d(ii) requires that planning permission should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits when assessed against the Policies of the development plan taken as a whole.

Benefits

- There would be a boost to housing supply through the provision of older persons housing, however the Council can demonstrate a five-year supply of housing limiting the weight of this benefit.
- Provision of a new community hospital and other health care and well-being facilities would bring social benefits to the area.
- Economic benefits would be associated with the investment and job creation from the scheme as a whole.
- Net biodiversity gains would be secured from the development as a result of landscaping to the site and off-site improvement and management works to a nearby Local Wildlife Site.

Adverse Impacts

- Some transformational landscape harm would occur from the change from agricultural land to built development; however, these are tempered by the existing landscape features and surrounding built development.
 - Loss of functioning agricultural land to built development; however, the land is likely of low-grade quality as a result of the historic use of the site as the steel works.
113. Overall, it is acknowledged that the proposal does result in some adverse impacts through transformational visual and landscape impacts as a result of an encroachment into the countryside and loss of agricultural land. However, these impacts are considered to not be substantial and would not, therefore, significantly and demonstrably outweigh the economic, social and ecological net gains afforded by the proposals and this includes in the unlikely event that the site includes best and most versatile agricultural land. Conflict with some development plan policies (DDLDP EN1, EN2 and HO5), primarily due to the site's position at the urban fringe does result, however, such impacts would not outweigh the benefits of the proposals as outlined above. Accordingly, planning permission should be granted.
114. The proposal has generated very little public interest, with only one letter of objection received. The concerns raised have been taken into account and addressed within the report.

RECOMMENDATION

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

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last reserved matter to be approved.

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

2. Approval of the details of layout, landscape, appearance and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority before any development is commenced other than remediation works.

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

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

<u>Plan</u>	<u>Drawing No.</u>	<u>Date Received</u>
Site Location Plan	AL(0)001	21th June 2019

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, EN1, EN2, EN11, EN22, EN25, EN26,

AG1, TR2 and TR3 of the Derwentside District Local Plan and Parts 2, 4, 6, 7, 8, 9, 11, 12, 14, 15 and 16 of the NPPF.

4. The gross internal floor space of the following elements of the development uses shall not exceed:-

- B2/A4, Micro-brewery 750 sqm
- A4, Public House 600 sqm
- D1, Vets practice 188 sqm
- D2, Gym and wellbeing centre 1100 sqm
- C1, Hotel shall have a maximum of 68 beds
- C2 community hospital, sheltered care unit and residential care unit shall together have a maximum of 155 beds.

Reason: In order to define the permission, in the interests of highway safety and to safeguard the vitality and viability of Consett town centre accordance with Parts 7 and 9 of the NPPF.

5. Application for approval of the reserved matters of the development shall be submitted in general accordance with Landscape Masterplan Strategy, Drg No. 092.01B Rev B.

Reason: To mitigate the impact of the development on the character and appearance of the surrounding countryside in accordance with Policies GDP1, EN1, and EN2 of the saved Derwentside District Local Plan and Paragraph 170 of the NPPF.

Pre-Commencement

6. Prior to the commencement of the development, full engineering details of the proposed new roundabout to the A692 (Consett Road) shall be submitted to and agreed in writing by the Local Planning Authority. The details shall be in general accordance with Plan Ref: "AL(0)003 – Proposed Site Plan - with Access" dated 30/04/19. Once agreed, the roundabout and site access shall be installed prior to commencement of works on site and in accordance with the approved details.

Reason: To ensure highway safety is upheld and maintained from the outset in accordance with Policy TR1 of the saved Derwentside District Local Plan and Part 9 of the NPPF. Required to be pre-commencement to ensure construction access is achieved in a safe manner.

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

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/suppression.
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 all vehicles entering and leaving the site;
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.

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy GDP1 of the saved Derwentside District Local Plan and Part 15 of the NPPF. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

8. 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 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary 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.

9. Any remediation works shall be carried out in accordance with the approved remediation strategy. 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.

At Reserved Matters Stage

10. All subsequent reserved matters shall be accompanied by a report detailing the results of intrusive site investigations to locate recorded on-site mine entries. The report should include a layout plan identifying appropriate zones of influence for mine entries found and identification of 'no-build' zones, a scheme of treatment of the mine entries, a scheme of remedial works for the shallow coal workings and timescales for implementation and completion. Once agreed, the treatment and/or remedial works shall be undertaken in accordance with approved details and timescales.

Reason: To ensure that the presence of mine shaft entries and shallow mine workings are identified, risk assessed, and proposed treatment and 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.

11. All subsequent reserved matters shall be accompanied by full details of foul and surface water drainage works for that phase, to be approved in writing by the Local Planning Authority. The surface water drainage works shall be developed in accordance with Flood Risk Assessment and Drainage Strategy - Ref : 2019024 – April 2019 and the Councils Sustainable Drainage Systems (SuDS) Adoption Guide 2016. The development thereafter shall be completed in accordance with the details and timetable agreed.

Reason: to ensure that surface and foul water are adequately disposed of in accordance parts 14 and 15 of the NPPF.

12. All subsequent reserved matters shall be accompanied by a detailed noise impact assessment and where appropriate a scheme of sound attenuation. The assessment shall be compliant with the methodology stated in BS 4142:2014 and shall demonstrate the potential impact of noise from the installation of any machinery, plant or commercial process at the nearest noise receptors.

The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant, machinery, commercial process on each site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00.

Should the assessment demonstrate that the rating level of proposed machinery, plant or commercial processes be more than 5dB LAeq (1 hour) (07.00-23.00) and 0dB LAeq (15 mins) (23.00-07.00) above the background noise level (LA90) at noise sensitive receptors, then a scheme of sound attenuation measures must also be included. The approved scheme shall be completed prior to the first occupation of the relevant unit and thereafter be retained for the life time of the development.

Reason: To ensure that the amenity of neighbouring residential properties is protected in accordance with Policy GDP1 of the saved Derwentside District Local Plan and Part 15 of the NPPF.

13. All subsequent reserved matters shall be accompanied by full engineering details of the proposed internal roads covered in that submission and shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the works shall be installed in accordance with the approved details and made available prior to first occupation of each relevant unit.

Reason: To ensure highway safety is upheld and maintained from the outset in accordance with Policy TR1 of the saved Derwentside District Local Plan and Part 9 of the NPPF.

Other Conditions

14. Prior to the occupation of the micro brewery hereby approved, details of the fume extraction system together with details of any odour abatement measures shall be submitted to and agreed by the Local Planning Authority. The approved scheme shall be installed prior to the use commencing and shall be operated at all times when brewing is being carried out on the premises.

Reason: To ensure that the amenity of neighbouring residential properties is protected in accordance with Policy GDP1 of the saved Derwentside District Local Plan and Part 15 of the NPPF.

15. Within 3 months of commencement of the development full engineering details of the proposed off-site highway improvement works, as outlined within the document "Project Genesis Ltd, Technical Note" dated January 2020 by SAJ Consultants, together with a timetable for their implementation shall be submitted to the Local Planning Authority. Once agreed, the improvement works shall be implemented in accordance with the agreed timetable.

Reason: To ensure that highway safety to the wider highway network is maintained in accordance with Policy TR2 of the saved Derwentside District Local Plan and Paragraph 109 of the NPPF.

16. Development shall be carried out in strict accordance with "Habitat Management Plan Report, Land off Genesis Way, Consett, Version 04" dated January 2020 by EcoNorth. Works shall commence in the first available planting season following commencement of the development and carried out in accordance with the management plan in perpetuity.

Monitoring feedback, as detailed in the approved Habitat Management Plan, shall be sent to the Council within 8 weeks site visits taking place.

Reason: To ensure that retained habitat is protected and loss is mitigated in accordance with Paragraph 15 of the National Planning Policy Framework.

17. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy GDP1 of the saved Derwentside District Local Plan and Part 15 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support 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 (2019)
- National Planning Practice Guidance notes.
- Derwentside District Local Plan
- Retail & Town Centre Study (2018)
- Statutory, internal and public consultation responses

