

DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (CENTRAL AND EAST)

At a Meeting of **Area Planning Committee (Central and East)** held in Council Chamber, County Hall, Durham on **Tuesday 12 November 2013 at 1.00 pm**

Present:

Councillor P Taylor (Chairman)

Members of the Committee:

Councillors J Clark, P Conway, M Davinson, I Jewell (substitute for S Iveson), C Kay, A Laing (Vice-Chairman), N Martin (substitute for D Freeman) and B Moir

1 Apologies for Absence

Apologies for absence were received from Councillors A Bell, G Bleasdale, D Freeman and S Iveson.

2 Substitute Members

Councillor N Martin substituted for Councillor D Freeman and Councillor I Jewell substituted for Councillor S Iveson.

3 Minutes of the Meeting held on 8 October 2013

Minutes of the meeting held on 8 October 2013 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest, if any

There were no declarations of interest.

5 Applications to be determined by the Area Planning Committee (Central & East Durham)

5a 4/13/00573/FPA and CE/13/00936/FPA - The Lodge, Newcastle Road, Crossgate Moor

The Committee considered a report of the Planning Officer regarding the installation of plant and associated works and erection of front extension, demolition of

temporary structures to rear, elevation amendments and car park layout amendments (resubmission) at The Lodge, Newcastle Road, Crossgate Moor (for copy see file of minutes).

The Principal Planning Officer gave a detailed presentation on the application which included photographs of the site. Members had visited the site earlier in the day and were familiar with the location and setting.

The Committee were informed of the following updates in respect of the application since the report had been published:-

- Sainsbury's had confirmed that they were happy to continue to operate the park and walk and were in discussions with the neighbouring primary school.
- The materials proposed to be used for the scheme had been submitted and agreed with the Design Section and as such no condition relating to this was now required.
- The Highways Section confirmed that they were in agreement with the submitted signage and access arrangements and a Grampian condition relating to this would be attached to any approval at the site.

Mr C Atterton, objector, addressed the Committee. Members were advised that although Sainsbury's advertised the proposed development as a local convenience store, Mr Atterton believed it was much more of a substantial development.

The site was situated on one of the busiest roads within Durham city, as such the store could expect substantial passing trade meaning it would be extremely busy. Mr Atterton therefore queried the adequacy of the site location to cope with the anticipated demand.

Mr Atterton advised that Sainsbury's had made no effort to engage with residents living in the vicinity of the site. He advised that he lived in one of several bungalows which backed onto the site, yet all he and his neighbours had received was a letter from the company advising that a store was to be built at the location.

In terms of noise, Mr Atterton advised that the flow of traffic into the site would be operated via a one way system, with vehicles entering at the south and departing the site at the north exit. As such, every vehicle entering the store would need to pass around the rear of the building, directly at the rear of his property. Members were advised that there were no proposals for screening within the application, in order to prevent noise. In addition to the noise from vehicles passing through the one way system, Mr Atterton also anticipated significant levels of noise from trollies, early morning and late evening deliveries and also air brakes on delivery vehicles.

Members were advised that there was a substantial slope at the rear of the car park which again backed on to Mr Atterton's property, for which there was no provision within the application for any barrier to prevent vehicles slipping directly into his and neighbouring properties.

In addition to screening to prevent noise, Mr Atterton suggested that there should be screening to protect the privacy of those properties at the rear of the site.

Mr Atterton felt the 7am-11pm store opening hours were excessive and again emphasised that even outside of those hours the site would be operational in terms of deliveries being made to the store. Furthermore, the proposals for the store included an ATM machine which would be operational 24 hours a day and so would mean vehicles visiting the site potentially around the clock.

Members were advised that neighbouring properties would also be subjected to light pollution, as there were currently flood lights at the rear of the site which, although not in use currently, would potentially be used should the store be developed.

Mr Atterton felt that the acoustic wall lining which was to be installed in the proximity of the refrigeration units and air conditioning units was insufficient. Furthermore Members were advised that Mr Atterton had undertaken a comparative traffic survey at a similar site at Gilesgate. He had concluded that the Gilesgate site was extremely busy at all times of day, as such he felt a similar situation would occur at The Lodge site. There was currently only enough space for two cars to wait in the centre of the road adjacent to the site, which would be insufficient especially in peak times.

Mr Atterton raised concerns as to the lack of proposals for the storage of waste, he therefore hoped large volumes of waste would not be stored at the site.

He commented that the current car wash site was unattractive and felt there should be a clear demarcation between the 2 sites. Mr Atterton also urged Members to pay particular attention to road signage, as currently problems were experienced with vehicles turning down Neville Dean having mistaken it as the access to The Lodge.

In conclusion Mr Atterton advised that the proposals would be detrimental to the amenities of neighbouring residents and conflicted with the provisions of the adopted Local Plan.

Mr R Philips, agent for the applicant, addressed the Committee. The Committee were advised that Sainsbury's had identified the site as a great opportunity to provide currently unavailable facilities to within the area.

The store would stock a wide range of products and would not be open on a 24/7 basis. Members were advised that the car wash area was excluded from the application and its future use would be a matter for planning control. The proposals within the application were reiterated and Mr Philips highlighted that signage would be subject of a separate future planning application.

In relation to the design of the development, Mr Philips advised that the applicant had entered into detailed discussions with officers in order to achieve the final design proposals. It was felt that the design as detailed in the application best reflected and complimented the existing building on the site. The proposed extension to the frontage of the current building was believed to be the best solution, as extending in any other direction was restricted.

Mr Philips advised that the current building was not listed or within a designated conservation area. Furthermore the applicant proposed to undertake landscaping works on all boundaries of the site.

Members were advised that all deliveries of goods would occur to the side of the store and as such would not impact on the bungalows to the rear of the site. In addition the ATM would operate in conjunction with store opening hours only, and would be secured with a shutter at all other times.

Mr Philips highlighted that the technical noise assessment had concluded that the reductions in noise were acceptable and the technical transport assessment had concluded that the development would only generate a small number of vehicles as most customers would arrive on foot. Furthermore the school parking arrangements which were currently in place with Nevilles Cross Primary School would continue.

In conclusion, Mr Philips highlighted that the new development would create 20 jobs and would bring the site back to beneficial use.

Mr Burke, local resident, addressed the Committee. He had lived in the area for 8 years and concurred that there was a sheer lack of appropriate convenience stores within the immediate area. The nearest appropriate facilities were not within walking distance and as such he advised that there was a lot of local support for the development. Furthermore, Mr Burke approved of the physical extension proposed to the current building which he felt would greatly improve the overall appearance.

The Principal Planning Officer responded to the points raised as follows:-

- Screening – a landscaping scheme had been submitted with the application and there would be a condition attached to any permission regarding the implementation of that scheme. The existing planting at the site was to be retained and enhanced.
- Light Pollution – a condition was proposed to be imposed to control the issue of light pollution.
- Plant Equipment/Noise – Environmental Health had assessed this aspect of the application and was satisfied with the measures proposed to reduce noise.

Councillor G Holland, local Member, addressed the Committee. He advised Members that he had requested the application be brought before the Committee for consideration because of the size of the application and the number of objections.

Members were advised that the premises currently known as The Lodge had a troubled history and in recent weeks the premises had now actually ceased to function.

Councillor Holland advised that local residents who were in support of the application did not live directly in proximity of the site, however those objecting actually had the premises on their doorstep. He echoed the fears and concerns of those local residents in respect of noise, loss of privacy and downgrading of the

landscape. As such Councillor Holland stressed the importance of conditions to be attached to any approved permission.

He advised the Committee that conditions 2-6 were essential measures, however Councillor Holland felt that conditions 2, 5 and 6 required strengthening.

In relation to condition 3, while it appeared to be a robust condition, Councillor Holland stressed that it must be enforced.

Councillor Holland advised that he shared the concerns of the City of Durham Trust in respect of excessive traffic especially at peak times. While he accepted that the application was permitted development and as such difficult to refuse, Councillor Holland requested that sufficiently strong conditions were enforced.

The Highways Officer addressed the Committee. He advised that while the Highways Authority did have concerns about the application, it was understood that it could not be refused upon highways grounds.

The Highways Officer acknowledged that there would undoubtedly be queues especially at peak times, however advised that there would be a protected right turn lane which would have sufficient capacity.

For the benefit of the Committee, the Highways Officer advised as to how traffic rates were predicted.

Members were advised that in relation to the car park arrangements, the Highways Authority welcomed the one way system as well as the proposal to build out the kerb line at the exit of the premises, to dissuade drivers from using the adjacent slip road which headed in the direction of Bearpark.

Councillor N Martin supported Councillor Holland's reasons for bringing the application before the Committee to be determined. As a local Member for the area, Councillor Martin advised that there was a lot of local support for the development, explaining that in recent years the area had seen an increase in residential properties but a decrease in facilities.

He shared the concerns expressed regarding screening to the rear of the site and in relation to condition 3 Councillor Martin queried whether a physical fence or barrier could be requested, as he felt that would be a reasonable condition to impose.

In conclusion Councillor Martin accepted that it was a difficult application to refuse and therefore agreed that the strength of conditions was key.

In response to a query, Councillor Martin clarified that the National Cycle Route which ran adjacent to the A167 would not be affected by the development.

In relation to the condition suggested by Councillor Martin, the Principal Planning Officer advised that such a condition would be appropriate. The Solicitor agreed, advising that an additional condition could be imposed regarding appropriate

screening, with the details of height, design and materials to be approved by the Planning Authority.

Resolved:

That the application be **APPROVED**, subject to the conditions outlined in the report, the extra condition requested by the Principal Planning Officer relating to highway and signage improvements, and an additional condition considered necessary by the Committee relating to appropriate screening to the rear of the site, with responsibility for the wording of the additional conditions and the approval of specifications of said screening, delegated to the Principal Planning Officer.