



## Area Planning Committee (North)

**Date** Thursday 23 February 2017  
**Time** 2.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 26 January 2017 (Pages 3 - 10)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
  - a) DM/16/03157/FPA Erection of 73 dwellings with associated landscaping and garaging (Pages 11 - 34)  
Land To The West Of Fulforth Way, Sacriston
  - b) DM/16/03893/FPA Erection of an Aldi food store with associated vehicular, pedestrian and cycle access; car parking and landscaping (Pages 35 - 56)  
Former Bus Station And Co-op Buildings Sites, Front Street, Stanley
  - c) DM/16/03863/FPA Erection of 12 houses with associated parking and landscaping (Revised and resubmitted) (Pages 57 - 70)  
The Moorside Hotel, Todd Hill Farm Road, Moorside, Consett
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham  
15 February 2017

To: **The Members of the Area Planning Committee (North)**

Councillor C Marshall (Chairman)  
Councillor I Jewell (Vice-Chairman)

Councillors B Armstrong, H Bennett, P Brookes, J Cordon,  
J Maitland, O Milburn, J Robinson, K Shaw, A Shield, L Taylor,  
O Temple, K Thompson, S Wilson and S Zair

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**DURHAM COUNTY COUNCIL**  
**AREA PLANNING COMMITTEE (NORTH)**

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 26 January 2017 at 2.00 pm**

**Present:**

**Councillor C Marshall (Chairman)**

**Members of the Committee:**

Councillors B Armstrong, P Brookes, J Cordon, I Jewell (Vice-Chairman), J Maitland, O Milburn, J Robinson, K Shaw, A Shield, L Taylor, O Temple, K Thompson and S Wilson

**1 Apologies for Absence**

An apology for absence was received from Councillor S Zair.

**2 Substitute Members**

There were no substitute Members.

**3 Minutes**

The Minutes of the meeting held on 12 December 2016 were agreed as a correct record and were signed by the Chairman.

**4 Declarations of Interest**

There were no declarations of interest.

**5 Applications to be determined by the Area Planning Committee (North Durham)**

**5a DM/15/02817/FPA and DM/15/02818/LB Newfield Farm, Newfield Road, Newfield**

The Committee considered a report of the Senior Planning Officer regarding the following applications (for copy see file of Minutes):-

**Housing Application**

- The demolition of an existing listed building and rebuild with facsimile structure within the application for the substitution and remix of previous house types from a previous application with an additional 20 new plots;

- the demolition of existing farm labourer cottages and farmstead buildings, with new replacement cottages and new replacement farmstead buildings.

### **Listed Building Application**

- The demolition of existing farm labourer cottages and farmstead buildings.

The Senior Planning Officer provided a detailed presentation of the application which included photographs of the site and plans of the proposed layouts. Members had visited the site and were familiar with the location and setting.

In presenting the report the Senior Planning Officer gave details of a late representation received from the Victorian Society. If Members were minded to approve the application, minor amendments were proposed to conditions relating to approved plans in the housing application, and to the inclusion of an additional condition to specify operating hours during construction. A minor amendment was also proposed to conditions relating to the listed building application.

Mr McVickers addressed the Sub-Committee on behalf of the applicant, Persimmon Homes. He explained that this was a full planning application which sought to add 20 additional homes to the ongoing Newfield Farm residential development and was accompanied by an application in respect of the listed buildings. The development was ongoing and the developers were now entering the final phase. All of the key development principles had been established in previously approved planning applications. This application simply remixed approved house types to reflect a change in demand, and to ensure that the appropriate type and size of housing met the requirements of the local population and potential purchasers.

None of the remixed dwellings or the additional 20 dwellings would be affordable housing as a total of 71 affordable homes had already been delivered across the site. This represented 24% affordable housing provision when measured against a total of 293 dwellings, and 6% over-provision when considered against policy requirements.

The farm buildings and labourer's cottages formed an important element of the application. Previously the developers had intended to retain and redevelop the buildings, however this was no longer viable in view of their poor condition. This constrained the ability to undertake a sympathetic repair, and necessitated a degree of demolition before safe access to the site could be achieved. The applicant had worked closely with Historic England to facilitate the redevelopment of the buildings, whilst ensuring the retention of as much of the historic fabric as possible.

By way of security the applicant had agreed to a clause restricting the occupancy to 11 homes, until the redevelopment of the buildings was at a certain level and the structures were watertight. Persimmon Homes would suffer a considerable loss of revenue if the clause was not adhered to. The buildings were worth more to the developer built than if they were left in their current state.

In conclusion Mr McVickers stated that the developers had carried out extensive consultation throughout the planning process and had worked closely with the Council and consultees; without consent the development of the farm buildings could not be progressed and their condition would deteriorate further.

Councillor Cordon informed the Committee that the applications were in his electoral division and that he supported both proposals. The farm buildings had been neglected long before the developer's involvement in the site. He had visited the site the previous day, and in his view it would be beneficial for the works to start on the buildings as early as possible.

In response to a question from Councillor Milburn about retaining photographic evidence of the buildings as a historic record, the Senior Planning Officer confirmed that this was included in the existing proposals.

Councillor Shield supported the comments of the Councillors and asked how the proposed works would be monitored to ensure that existing materials were re-used to maximise the use of the listed buildings.

The Senior Planning Officer responded that at agreed points in the demolition process works would be halted to assess the feasibility of retaining remaining parts of the building in situ. This was a facsimile building; the footprint would be unchanged which should help to retain the original historic fabric.

Councillor Temple explained that he had been unable to attend the site visit and was therefore unfamiliar with the buildings. The Member asked if each application relied upon the approval of the other, and if the developer was aware of the responsibility grade 2 listed buildings carried. The Member was informed that although both applications could be determined individually there were elements of the housing application which relied upon the redevelopment of the farm buildings. The Senior Planning Officer confirmed that the applicant was aware of their responsibilities in respect of the listed buildings.

Following a further question from Councillor Temple about the comments submitted by the Victorian Society, the Senior Planning Officer gave details of the representations received which were included in the report. Additional information had been submitted following a further inspection by the Victorian Society with a stonemason. The Victorian Society had suggested that the application be withdrawn, amended or refused, however the findings of their inspection appeared to support what was proposed within the amended application.

Councillor Temple referred to the NPPF Part 12 and the statement in the report that 'where there was evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account'. The applicant was a construction company who had owned the site for 9 years and who would have known the structural condition of the buildings. He was concerned that, if approved, Members would be seen to be supporting an application which effectively rewarded or failed to penalise an organisation which would have been aware of the deterioration that 9 years of neglect would cause. This seemed to be acknowledged in paragraph 101 of the report which stated that 'the listed buildings

had reached a level of decay where demolition could be considered reflects well on neither the developer or the Council'.

The Senior Planning Officer responded that the report acknowledged that deterioration had occurred as a result of a lack of active management rather than deliberate neglect. Discussions with Heritage England had been valuable; their extensive advice was useful and lessons had been learnt going forward. Persimmon Homes were housebuilders and the re-development of listed buildings was a specialist field. Discussions had taken place with the developers over a long period to improve security of the buildings which had been subjected to vandalism and the theft of valuable materials.

Councillor Cordon added that the neglect had commenced many years ago and whilst in hindsight the management of the buildings could have been approached differently, consideration should now be given to the solution put forward. Persimmon Homes' management of the whole site had been very good; the developer met with a community group on a regular basis, and the number of houses being built in the location was pleasing. He was satisfied that the listed building works would be monitored closely to retain the heritage interest of the site.

Councillor Jewell expressed his support to the comments of Councillors Cordon and Shield stating that he had found the site visit very useful, and a detailed insight to the overall development had been provided by Officers on site. The situation with regard to the listed buildings was complex but he felt that Planning Officers had worked closely with the developer in a very productive way to reach a solution that was acceptable to all concerned. He believed that there were satisfactory safeguards in place to ensure the outline of the existing buildings was managed and retained.

Councillor Thompson stated that he was minded to support the application but asked if there was a view that deterioration had been accelerated since the developers had purchased the site. The Senior Planning Officer confirmed that there may have been deterioration in that time and there had been an acknowledgement that more could have been done to secure the site, however Persimmon Homes maintained that the buildings were an asset and that the historic interest would be retained. The proposals would maximise what remained of the listed buildings.

Councillor Cordon **MOVED** and Councillor Shield **SECONDED** that the application be approved.

Following a vote being taken it was:-

**Resolved:**

That the application be approved subject to:-

- a) the conditions outlined in the report and to minor amendments to conditions, following consultation with the Chairman of the Committee;
- b) an additional condition specifying operating hours during construction works;

c) the developer entering into a section 106 legal agreement.

## **5b DM/16/01861/FPA - Land East of Ornsby Hill, Lanchester**

The Committee considered the report of the Senior Planning Officer regarding an application for 8 luxury holiday chalets, plus site management building with residential accommodation for site manager and associated site infrastructure, including revised site access and sustainable drainage system (for copy see file of Minutes).

Mr Jackson of Lanchester Parish Council addressed the Committee against the application. He pointed out that some documents had not been updated since the previous submission, including a different allocation of three and four bed chalets in the application form, drawings and report, and the application suggested that the manager's accommodation already existed. The proposals would have an adverse impact on the AHLV which was of significant visual importance. The development would also impact on flora and fauna which had been identified by the Inspectorate as a significant issue in 2004 and which had developed further since that time. There was a need to maintain the integrity of the wildlife corridor.

The Parish Council was also concerned about suggestions that revising the covenant to accommodate the proposed development could be restrictive. The Parish Council was concerned that this implied that further development may be proposed.

The proposed site was located on a busy main road and on a blind corner. Traffic surveys in 2005 had found traffic speeds of between 40 and 45mph. The site was outside the village development limit and could outnumber the residents of Ornsby Hill, causing noise and disturbance. The Parish Council sought an assurance that the site would not be open all year round, that there would be a restriction on the number of weeks of occupation by the same family, and that there would be no multi-occupancy of individual units.

It was felt that there was no justification for the provision of manager accommodation on site. Policy TO7 of the Local Plan stated that 'where a new site was proposed and no existing dwelling existed, applications to establish a new dwelling for the warden will not normally be supported'. The management accommodation would be classed as residential use and this constituted unacceptable development in the countryside, outside the village development limit.

Mr Jackson then addressed the Parish Council's concerns about drainage and flooding. The plans showed that the reed bed drained into a pond which in turn drained into an existing watercourse, and this would increase the risk of flooding. Foul drainage was also of concern. The application stated that the development was not near a watercourse yet also said that drainage would run into an existing watercourse. Under 'Trade Waste' the Parish Council sought clarification on the term 'trade' and whether this applied to the business.

To conclude Mr Jackson noted that the report referred to a bus shelter, however it was unclear if this was part of the proposed development.

Mr McGill, the applicant's agent addressed the Committee. He explained that implementation of the scheme had been delayed because of a restrictive covenant on the land, and due to the length of time this had taken to resolve, a new application was required.

Due to changes in the planning process which was now more rigorous, this application was more complex than the previous application submitted three years ago. There had been constructive dialogue with Officers which had resulted in additional ecology works, a revised layout and the submission of a sustainable drainage scheme which mitigated any flood risk. This would be agreed with the Council's drainage engineers.

He understood that the residents' concerns mirrored those expressed during the consideration of the previous application, however he maintained that there would be no impact on amenity; the development being located far enough from neighbouring properties so as not to cause any disturbance. This was not a residential site, would generate revenue for the local economy and was located on the edge of the settlement.

Councillor Wilson noted that the Committee had approved the previous application and questioned whether there were any significant changes to the proposals which would alter the previous decision. The proposals appeared to have been improved, particularly in relation to ecology issues.

Councillor Jewell was pleased to note that a break in tenure was proposed which would help to ensure that the lodges were not used as residential accommodation. He noted the large capacity of each individual plot and asked if there were provisions in place to prevent additional caravans or motorhomes using the space allocated to each lodge for parking.

Councillor Armstrong also expressed concern about the potential for caravans and motorhomes to be sited on the development and requested that a condition be included to prevent this. The Member also noted the comments of the Parish Council about the permanent warden's accommodation on the site, and the justification for this. The Member was informed by the Senior Planning Officer that Local Plan Policy TO7 stated that such accommodation 'will not usually be supported', which suggested that there were circumstances where it may be considered to be appropriate. The applicant had invested significantly in these high quality lodges which were in a remote location where security was deemed to be necessary. The proposed dwelling would constitute residential development in the countryside but was consistent with policies in the NPPF.

Councillor Thompson referred to the proposed break in tenure and asked how this would be monitored. The Member was informed that the applicant would be required by condition to maintain an up-to-date register of all owner/occupiers of the lodges and their main home addresses, and this must be submitted to the Council on an annual basis for inspection.

Councillor Armstrong **MOVED** that the application be approved subject to an additional condition preventing caravans and motorhomes on the site. The application was **SECONDED** by Councillor Wilson.

Following a vote being taken it was:-

**Resolved:**

That the application be approved subject to the conditions outlined in the report, and to an additional condition being included to prevent motorhomes and caravans, or other temporary accommodation, being sited or stored on the site. The wording of the condition to be agreed in consultation with the Chairman of the Committee.

**6 Appeal Update**

The Committee received a report of the Principal Planning Officer, which provided an update regarding appeals that had been determined (for copy see file of Minutes).

The Principal Planning Officer informed Members that the appellant in respect of application DM/15/01106/FPA had challenged the Inspector's decision. The Solicitor (Planning and Development) outlined to Members the process for lodging a challenge with the High Court.

**Resolved:**

That the content of the report and the additional information provided, be noted.

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/03157/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Erection of 73 dwellings with associated landscaping and garaging</b>
<b>NAME OF APPLICANT:</b>	<b>Cheviot Holdings Limited</b>
<b>ADDRESS:</b>	<b>Land To The West Of Fulforth Way Sacriston DH7 6AH</b>
<b>ELECTORAL DIVISION:</b>	<b>Sacriston</b>
<b>CASE OFFICER:</b>	<b>Nick Graham Planning Officer Telephone: 03000 264 960 <a href="mailto:nicholas.graham@durham.gov.uk">nicholas.graham@durham.gov.uk</a></b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. Sacriston is a large village that sits on a crossroads of the B6312 and B6532, approximately 3 miles south west of Chester-le-Street, Based around the Charlaw and Sacriston Collieries, the village was most recently extended in the late 20<sup>th</sup> Century by Local Authority built housing on the east of Front Street and latterly estates of private residential development within the same area.
2. The application site is some 2.55ha in size and sits to the north west of the village within the designated settlement boundary, as indicated on the Chester-le-Street District Local Plan Proposals Map. There is no relevant planning history at the site, however the last known use is considered to be agricultural / grazing land provisionally graded at Level 3, with the former Colliery Baths building located to the north east of the site, adjacent to Lingey Close and Acorn Close. The southern boundary of the site is shared with a modern residential development on St Cuthbert's Meadow, and its eastern boundary with 1970s Local Authority built housing.
3. Fulforth Wood bounds the site to the west, part of which is designated Ancient Woodland, with Charlaw Industrial Estate located to the north. A field gate currently accesses part of the site from the northern boundary. The site levels fall away gently

from west to east towards the woodland. A Public Right of Way bounds the site to the west, which a bridleway intersects to the north. Part of the site, particularly to the north and east, is designated as Amenity Open Space within the Council's Open Space Needs Assessment (OSNA), which would be lost as a result of the proposal. Sacriston is identified within the County Durham Settlement Study 2012 as a 'Smaller Town and Larger Village'.

## The Proposal

4. The application proposes a residential development of 73 houses, along with associated landscaping and garaging at the site. Three vehicular access points are proposed, at Lingey Close to the north, Acorn Close to the east, and St Cuthbert's Meadow to the south. A single road would intersect the site on a north-south line, with cul-de-sacs and the access to Acorn Close taken off this. The woodland to the west of the site is retained, with the housing layout led by the topography of the site. A set-back site frontage onto Lingey Close integrates the development into the adjacent housing estate.
5. The dwellings include a mix of detached, semi-detached and terraced properties. Twenty-four of the dwellings would have 2 bedrooms, thirty-one would have 3 bedrooms and eighteen would have 4 bedrooms. No affordable housing is proposed at the site on viability grounds. Associated garaging accompanies some of the house types, whilst an extensive landscaping scheme is proposed, particularly between the proposed development and the 1970s housing at Acorn Close, Fulforth Way, and Derwent Close, with a large area of public open space provided within the site.
6. The application is presented to Committee as it is classed as major development.

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## **PLANNING HISTORY**

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7. There is no relevant planning history at the site.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
10. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

11. The following elements of the NPPF are considered relevant to this proposal;
12. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
13. *NPPF Part 4 – Promoting Sustainable Transport* - notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
14. *NPPF Part 6 – Delivering a wide choice of high quality homes* - housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities.
15. *NPPF Part 7 – Requiring Good Design* – 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 11 – Conserving and enhancing the natural environment* - the planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

17. *Design* - The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
18. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.

19. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
20. *Land affected by Contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.

#### **LOCAL PLAN POLICY:**

21. *Policy HP6 – Residential development within settlement boundaries* – identifies Sacriston as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
22. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
23. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Sacriston falling within the Northern Delivery Area where a 15% provision is required.
24. *Policy HP15 – Community Provision* – the Council will seek to negotiate, where appropriate, a contribution to the provision and subsequent maintenance of related social, community, infrastructure and leisure facilities in the locality where such provisions are necessary and directly related to the development being proposed.
25. *Policy T6 – Provision for Public Transport: General* – Development proposals should be designed to encourage use of public transport and reduce reliance upon the private car by locating accesses close to bus routes and footpath links. Where new transport links are required an appropriate contribution will be sought from the developer through a Section 106 obligation.
26. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.
27. *Policy T17 – General Transport Policy* – All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking.
28. *Policy RL5 – Provision in New Developments* – subject to dwelling sizes and types proposed, and the level of local provision, there is a requirement for at least 125m<sup>2</sup> children's play space and 250m<sup>2</sup> informal open space to be provided within the site

for every 1 hectare of land developed or redeveloped for residential purposes, adjusted pro-rata for smaller sites.

#### **RELEVANT EMERGING POLICY:**

29. *The County Durham Plan* – Paragraph 216 of the NPPF says 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. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any weight.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

30. The *Highways Engineer* noted the Lingley Close / B6532 junction was highlighted to be considered for a protected right hand turn arrangement from Front Street onto Lingey Close. Amendments to the internal highway layout were requested in regard to the access points to the site, parking standards and locations, and road widths, with amendments being made in relation to the location of visitor parking spaces, drive lengths and turning heads. A contribution for the protected right hand turn has been secured via a Section 106 agreement and the Engineer has subsequently noted no objections to the highways and parking arrangement, with the findings of the Transport Assessment also considered to be acceptable.

#### **INTERNAL CONSULTEE RESPONSES:**

31. The *Contaminated Land Officer* has noted the Phase 1 Report submitted is largely sound and agrees a Phase 2 investigation is undertaken including gas monitoring, and an appropriate condition requiring Phases 2-4 site investigations to be undertaken is recommended.
32. The *Tree Officer* has noted the Arboricultural Report submitted is satisfactory and complies with current standards, and that hedges must be protected in line with the report's findings, and fencing erected in line with the British Standards 5837 2012.
33. The *Education Officer* considers the development could produce an additional 22 primary school pupils, and 9 secondary school pupils, and there are sufficient spaces at schools in the vicinity at both levels to accommodate future pupils from the development.
34. The *Drainage Engineer* noted the original Flood Risk Assessment and Drainage Strategy, and requested amendments to the site layout to incorporate surface water run off measures. Subsequently, amendments were made to the landscaping

scheme including the incorporation of a swale. The Engineer subsequently noted the swale and raised no objections to the proposal.

35. The *Landscape Officer* noted no objections in principle to the proposal, and that the original landscape plan had much improved upon the submission at the pre-application stage. An amended landscaping scheme was submitted incorporating a swale, and the Officer subsequently noted the scheme was acceptable subject to the swale details being agreed by condition.
36. The *County Archaeologist* originally requested a field evaluation the site. A magnetic survey was undertaken, and trial trenching was recommended to test the results of the survey; it was agreed that such works could be conditioned as part of any approval granted.
37. The *Affordable Housing Officer* has noted no affordable units are proposed within the development and a financial viability assessment was submitted in order to the Council for consideration, to ascertain the acceptability of affordable housing provision, however at the time of the report being finalised the full response had not been received due to additional information being required.
38. The *Sustainability and Energy Officer* noted the site has reasonable connectivity to facilities and services within Sacriston, and no objection is raised to the location of the development subject to the outstanding issues raised by other consultees being addressed, and a suitable condition relating to embedding sustainability and reducing carbon within the development
39. The *Public Rights of Way Officer* noted no objection in principle to the proposal and questioned the link of the nearby bridleway to the development site. Following confirmation this would not be affected the Officer raised no other issues and a Section 106 contribution was requested in relation to surface and infrastructure improvements on the nearby Public Rights of Way network.
40. The *Environmental Health Officer* undertook a review of the scheme in relation to the Council's Technical Advice Notes (TANS). Given the proximity to Charlaw Industrial Estate to the north of the site, a Noise Impact Assessment was submitted and the methodology undertaken was considered appropriate. However further information was requested and provided regarding the monitoring period. Subsequently, the Officer considered the information to be acceptable and raised no objections to the proposal.
41. The *Design and Conservation Officer* noted the improvements of the scheme from the pre-application stage, and particularly in context with the Building for Life principles, however the proposed buff brick material was questioned in relation to the overall aesthetics of the area.
42. The *Spatial Policy Officer* has noted the site is consistent with the NPPF-compliant elements of the Chester-le-Street District Local Plan, however as a five year housing supply cannot be demonstrated, a balancing exercise in the context of Paragraph 14 of the NPPF should be undertaken to determine the acceptability of the proposal. In this regard, the site offers opportunities to boost housing supply in a sustainable location which outweighs the potential dis-benefits in this instance, and the scheme can be supported in principle. Although the developer's open space proposals are noted, the Council's Open Space Needs Assessment (OSNA) demonstrates an

undersupply of allotments, parks and gardens and outdoor play space within Sacriston. Financial contributions towards public open space improvements within the village should be requested.

#### **EXTERNAL CONSULTEE RESPONSES:**

43. *Northumbrian Water* has noted in regard to surface water, no issues are raised as surface water would be discharged to the culverted watercourse. In regard to foul water, it is noted the existing network within the vicinity of the site is currently unable to accommodate any additional flows as there is a risk of flooding predicted downstream. Therefore, a condition is requested as part of any approval granted requiring a detailed scheme of foul water disposal to be submitted and agreed prior to any works commencing on site, which is considered acceptable.
44. The *Coal Authority* has noted the recommendations of the submitted Mining Risk Assessment Report, and concurs that intrusive site investigation works should be undertaken, with a planning condition requested in this regard, along with the requirement for any remedial works to be undertaken prior to works commencing, which is considered acceptable.
45. The *Durham Constabulary Police Architectural Liaison Officer* has noted the crime risk assessment is moderate with the main concerns being anti-social behaviour and thefts from garden sheds and unattended motor vehicles. The layout of the site is considered acceptable aside from the triangle of land to the west of the site adjoining Acorn Close, which has the potential for young people to congregate, resulting in potential nuisance behaviour. This could be mitigated against through a planting scheme and including footpaths within the adoptable street plan ensuring they are lit to an appropriate standard.

#### **PUBLIC RESPONSES:**

46. 457 neighbours have been consulted by way of direct notification, site notices were posted, and a press notice was published in the Northern Echo. Seventeen letters of objection have been received. The objections are as follows –

-Persimmon Homes advised when we bought our home at St Cuthberts Meadow that further homes would be likely to be built in the adjacent field but there would be no access via our estate (access would be via Lingey Close). The proposed access arrangements are to avoid the new properties being accessed via the scrap yard. It would be possible for a development of this size to be accessed from a single access road.

-The current hill down St Cuthberts Drive is hazardous to navigate with speed bumps, parked vehicles and children playing. Visibility in places is extremely poor. 73 new dwellings will almost certainly amount to 140+ more cars using the access route plus additional servicing vehicles.

-Access arrangements will increase crime and personal safety. A rat run will be created resulting in an escape route for criminals.

-The junction onto Front Street is already busy and is directly opposite a primary school, traffic at this junction will increase. Cars parking on the curbs cause highway

and pedestrian safety issues. Existing parking problems on access roads lead to narrowing of roads.

-The access road is not suitable for additional dwellings due to highway safety issues.

-A pedestrian crossing at the top of the estate should be provided if pedestrian flow is to be significantly increased.

-Danger to children playing.

-Disregard by the developer of residents' concerns regarding highways and other issues.

-Alternative access arrangements should be investigated.

-Concerns regarding the traffic monitoring undertaken.

-Planning application 03/00547/OUT stated the proposed vehicular access point from St Cuthbert's Drive shall serve only the 30 dwellings and that any future development of the land adjoining the current application site shall not be accessed by vehicle from St Cuthbert's Drive and shall be served by an entirely separate vehicular access - we would hope that this would be adhered to.

-A separate access should be provided for construction traffic as the existing access roads could not cope with construction traffic, vehicular access to existing properties would be disrupted and there would be impacts on residential amenity from construction vehicles and activities.

-The design of the properties does not fit in with other properties in the area.

-Loss of light to existing properties making them dark. Loss of view, devaluation of house prices and contaminated land issues.

-Flooding - the site is a natural flood plain therefore flooding in the area could result.

-Impact on wildlife.

-Concerns about number of available school places.

-Problems accessing information on the Council's website.

-Concerns regarding another planning application on St Cuthberts Drive.

#### **APPLICANTS STATEMENT:**

**47.** The proposed designs have progressed over the past twelve months to both optimise and improve the site, community and wider locality. The design principle focuses on re-establishing a village setting within Sacriston whilst delivering high quality housing and considered landscaping.

**48.** As a new developer, the applicant is keen to be acknowledged as a leader in improving the quality of new-build housing in the north-east, their ambition to deliver

housing of the highest architectural quality is at the heart of this scheme. The development seeks to deliver a standard of living which exceeds standard developer housing, achieved through introducing superior materials, providing structured open space and the creation of character areas which encourages a greater sense of community.

49. The community consultation provided invaluable feedback, which led to the introduction of enhanced green spaces to improve child safety, ensuring traffic could be controlled and dissipated, and increasing parking provision. The scheme will also assist with necessary improvements to the local road network. The majority of the local residents liked the aesthetic provided by the houses and supported the scheme.
50. The development aims to bring an uplift to the area, providing links to ancient woodland and bridleways whilst providing quality housing for all. All houses will have spacious gardens, pleasant outlooks and great levels of natural daylight within the properties. We believe that the application has progressed to ensure that we have designed the best possible proposal for this site.

*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 <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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51. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, affordable housing provision and viability, design and layout, the impact on amenity of adjacent residents and future occupiers, open space provision, highway safety and access, ecology, landscape and arboriculture, flooding and drainage, archaeology, land contamination, sustainability, coal mining risks, designing out crime, education provision and the section 106 agreement.

Principle of development

The Development Plan

52. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Chester-le-Street District Local Plan remains a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

## The NPPF

- 53.** Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise);
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - i) 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; or
    - ii) specific policies in this Framework indicate development should be restricted.
- 54.** The National Planning Policy Framework (NPPF) outlines the Government's objective of ensuring that the planning system delivers a flexible, responsive supply of land. Paragraph 47 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements) thus boosting the supply of housing.
- 55.** Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. In turn where a five year supply of deliverable housing sites cannot be demonstrated then Paragraph 14 of the NPPF is engaged and an application is to be assessed in this context. However, Paragraph 14 of the NPPF is, irrespective of the position on housing land supply, relevant to this application as the relevant policy for the supply of housing within the Chester-le-Street District Local Plan is out-of-date, and, additionally in this instance, silent as it refers to proposals being directed towards previously-developed land, which is not the case within this proposal.

## Five Year Housing Land Supply

- 56.** The Council, at present, is unable to demonstrate a 5 year supply of deliverable housing sites and a consequence the policies for the supply of housing are out of date. The guidance at Paragraph 49 of NPPF states that it is not the case that every housing site should be approved, determination of the application must revert to Paragraph 14 as outlined above.

## Assessment having regard to Development Plan Policies

- 57.** The application site is located within the defined settlement boundary of Sacriston, as designated on the Chester-le-Street District Local Plan Proposals Map. Sites within defined settlement boundaries can be afforded support for residential development in accordance with Policy HP6 of the Chester-le-Street District Local Plan, subject to the proposal being located on previously-developed land.
- 58.** Whilst the scheme draws some support from Policy HP6 of the Chester-le-Street District Local Plan, this is considered to be a housing supply policy so is out of date

in the context of Paragraph 49 of the NPPF and the 5 year housing land situation described above. The Policy is also silent in respect of the previously-developed land issue. Durham County Council has therefore concluded that it is only partially consistent with the NPPF.

- 59.** When assessed against the second bullet point of Paragraph 14 there are no specific policies within the development plan indicating the proposal should be restricted. Therefore it is necessary to consider the application against the planning balance test and whether any benefits of the proposed development are significantly and demonstrably outweighed by adverse impacts.

#### The Sustainability of the Site

- 60.** At the heart of the NPPF is a presumption in favour of sustainable development, Paragraph 7 sets out the three dimensions of sustainable development defining these in terms of its economic, social and environmental roles. These should not be seen in isolation and are mutually dependent.
- 61.** To accord with the NPPF new housing development should be located to provide improved access for all to jobs, health, education, shops, leisure and community facilities, open space and recreation, by ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport. However the NPPF also identifies that the promotion of growth and development should not be at the expense of other elements of sustainable development, including the protection of the rural landscape and open countryside.
- 62.** In regards to the sustainability of the site, Sacriston is identified as a Larger Village (second tier), acting as a smaller, localised centre, containing an array of services due to its location, and far enough away from the main settlements (Durham City / Chester-le-Street / Stanley) to ensure Sacriston is self-sustaining.
- 63.** Bus services are frequent through the village centre, with four-time hourly Monday-Saturday services to Durham city centre and Stanley town centre, and twice hourly Monday-Saturday services to Newcastle city centre, Gateshead, Consett and Chester-le-Street town centres. Employment opportunities are available within the village and can also be accessed via public transport a short distance away in Durham City, Chester-le-Street and Stanley, as well as directly in Consett, Gateshead and Newcastle.
- 64.** Whilst the NPPF promotes the presumption in favour of sustainable development and highlights the economic, social and environmental dimensions to achieving this, it also implies that these should not be assessed in isolation. The promotion of growth, development and job creation should not be at the expense of other elements of sustainable development including the protection of the rural landscape and open countryside and promotion of locations that provides good access to services. These matters of detail are considered below.

#### Affordable housing provision and viability

- 65.** There is a requirement of 15% affordable provision within the north of the County, equating to 12 units. The applicant has noted no affordable housing would be included within the proposal, citing viability grounds. The Council's viability section have examined the financial details submitted for consideration however have

requested further details in order to fully verify the numbers submitted and at the time of the report being written this had not been undertaken. Members will be updated verbally at the Committee meeting in relation to this matter.

#### Design and layout

- 66.** The proposal has been designed with a central through road linking Lingey Close to St Cuthberts Meadow, and spur road onto Acorn Close. The site sits nearly within a naturally lower land level than the surrounding properties, with the proposed properties centered broadly around a series of cul-de-sacs and courtyards. Terraced properties are proposed on the more linear plot to the north east of the site. Efforts have been made to achieve a design of house style that sets out to pick up on the best examples of the local vernacular.
- 67.** Durham Constabulary has noted the crime risk assessment is moderate with the main concerns being anti-social behaviour and theft, whilst noting the proposed open space area adjacent to Acorn Close has potential for anti-social behaviour, however have noted no objections to the proposal.

#### Impact on amenity of adjacent residents and future occupants

- 68.** Chester-le-Street District Local Plan Policy HP9 highlights that residential developments should avoid damage to the amenity of neighbouring uses and future occupants. Based on the indicative layout and relationship with existing properties, the scheme would protect the amenity of neighbouring land users and achieve the separation distances required as set out within the Chester-le-Street District Local Plan Residential Estate Design Guidance.
- 69.** The proximity of Charlaw Industrial Estate, to the north of the application site, is noted and further information was requested in relation to the noise impacts of this to the development site, and the Environmental Health Officer has assessed the proposal against the Technical Advice Notes (TANS) and subsequently raised no objections to the findings of the noise assessment subject to suitable construction conditions. The Officer also does not consider the proposal would cause a Statutory Nuisance in terms of noise.
- 70.** Officers have noted the above, the location of the Industrial Estate and the relationship to neighbouring properties, and it is considered the residential amenity of the occupiers of the proposed development would not be damaged by the adjacent Industrial Estate, in accordance with Policy HP9 of the Chester-le-Street District Local Plan.

#### Open space provision

- 71.** In terms of open space provision, Policies HP15 and RL5 of the Chester-le-Street District Local Plan require adequate open space and children's play provision to be provided in association with any new housing development. The Spatial Policy team has noted the findings of the 2010 OSNA, and considers that a link to existing facilities within Sacriston should be provided and a contribution should be sought.
- 72.** It is noted the north and west of the site, measuring approximately 5,200m<sup>2</sup> is currently designated as amenity open space and this would be lost by virtue of the proposal, however it is not considered to be of high quality or value, with the

hardstanding adjacent to Lingey Close within this designation. The Open Space Assessment Report and other plans submitted by the applicant indicates approximately 4,500m<sup>2</sup> of amenity open space would be created within the boundary of the site, whilst natural play space would be included to the south east of the site. It is also noted further play facilities lie approximately 600m away to the south of the site at the Fulforth Centre via the Public Right of Way.

- 73.** Given the size of the site, approximately 300m<sup>2</sup> of play space and 600m<sup>2</sup> of open space should be provided. It is noted the western boundary has been amended through the incorporation of a swale, nevertheless it is still considered adequate open space provision would be provided, greatly exceeding the requirements set out within Policy RL5 of the Chester-le-Street District Local Plan whilst improving the existing offering at the site. The responsibility for the maintenance of this open space is determined at the adoptions stage.

#### Highway safety and access

- 74.** Policy T15 of the Local Plan requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation. Objections have been received regarding the proposed access points to the development, particularly in respect of the proposed access onto the Hallow Dene estate, as well as the potential impacts on highway and pedestrian safety. Specific concerns have also been raised in relation to the junction from St Cuthberts Drive on to Front Street, the main thoroughfare through the village and the increase in vehicle movements. The access to Hallowdene is of particular note from the representations received, with concern a 'rat run' may occur through St Cuthberts Drive and St Cuthberts Meadow were the proposal to go ahead in accordance with the submitted highway layout.
- 75.** It is proposed that the existing field accesses to the of the site would be widened to adoptable standards, whilst connections would also be taken from Acorn Close and St Cuthberts Drive respectively. Internally, it is indicated that the dwellings would be arranged in a series of cul-de-sacs. It is also indicated that there would be pedestrian links through the site and these would complement the established Public Rights of Way that bound the west of the site. The Council's Rights of Way Officer has noted no objections to the proposal, and although a contribution was requested for nearby improvements to the Public Rights of Way network, this was not considered a necessity given the extensive open space improvements proposed within the site.
- 76.** The applicant has submitted a transport assessment in support of the application. In appraising this assessment the Council's Highway's Engineer raises no objection to the scheme subject to the junction at Front Street / Lingey Close being upgraded to include a protected right hand turn leading into Lingey Close. A contribution request towards this junction was made by the Highways Engineer and has been secured via a Section 106 agreement. In this regard, and appraising the transport assessment and expected traffic flows at the site, no objections have been raised by the Highways Engineer.
- 77.** Overall it is considered that the development would not adversely impact on the highway safety of the surrounding road network, while the details regarding highway layout, parking provision and accessibility could be controlled in any future reserved

matters application. The proposal is therefore considered to comply with Policy T15 of the Chester-le-Street Local Plan in this respect.

- 78.** Ten objections have been received from local residents in relation to a historic planning permission, reference 2/03/00547/OUT, to the south of the site at the St Cuthberts Meadow development, and particularly relating to condition 10 of said approval. Within this condition, it stated that the proposed vehicular access point for the proposal shall serve only the application site and any future development of the land adjoining the current application site (under consideration within this application) shall not be served by vehicle from St Cuthberts Drive and shall be served by an entirely separate vehicular access.
- 79.** However, this permission was never implemented, and the St Cuthberts Meadow development was implemented under reference 2/07/00222/FUL, within which no such condition was imposed. Therefore, there are no restrictions relating to the vehicular access from St Cuthberts Meadow to the application site.
- 80.** A number of comments have been raised in relation to Front Street itself, and the lack of a pedestrian footpath on one side of the road, requiring pedestrians to cross and then re-cross the road. Additionally, the confrontation dealt with by the school crossing patrol officer is raised. Although these issues are noted, they are not considered to be pertinent to this application given their distance and the existing issues, and is not considered to be within the remit of this application to resolve existing issues.

#### Ecology

- 81.** Paragraph 11 of the NPPF requires that Local Planning Authorities take into account, protect and mitigate the effects of development on biodiversity interests. The applicant has submitted an ecology report assessing the potential impacts of the development on protected species. This report concludes that there is a low risk of any protected species being located on site.
- 82.** The Ecology Section have advised that they are largely satisfied with the results of the survey however it is noted that very little in the form of biodiversity enhancements have been included in the recommendations. In line with the requirements of the NPPF development proposals should aim to retain and enhance the overall biodiversity on a site therefore this application has not meet this requirements. The inclusion of a swale to the western boundary of the site aided the biodiversity gains at the site and although overall there are not considered to be biodiversity enhancements by virtue of the proposal, which is regrettable, no objections have been raised from the County Ecologist, and it is considered the biodiversity of the site would be conserved in accordance with Part 11 of the NPPF.

#### Landscape and arboriculture

- 83.** The landscape masterplan submitted indicates the trees to the western boundary of the site would be retained, with the existing hedgerows to the eastern boundary supplemented with additional boundary hedgerows to the north and intermittent planting within the site. Following amendments to the scheme, a swale has been included to the eastern boundary, with wildflower meadows and play areas interspersed within the open space. Due to the site level differences, retaining walls are proposed running north-south within the site to garden boundaries.

- 84.** The Landscape and Tree Officers have both raised no objections to the scheme, whilst it is noted the Landscaping and Planting Scheme has been amended in accordance with the advice of the Landscape Officer. Therefore, this is considered to be acceptable and in accordance with Policy HP9 of the Chester-le-Street District Local Plan, subject to a condition requiring the planting scheme to be implemented in the first available planting season following the practical completion of the development, and full details of the swale to be provided prior to works commencing.

#### Flooding and drainage

- 85.** The NPPF requires that consideration be given to issues regarding flooding particularly from surface water run-off and that developments adequately dispose of foul water in a manner that prevents pollution of the environment.
- 86.** In support of the application a flood risk assessment has been submitted highlighting that the site lies within Flood Zone 1. Following amendments to the scheme, a swale was proposed to the western boundary in order to aid Surface Water Run-Off. The Drainage Engineer noted the contents of the assessment and amendments to the scheme. No objections have been received in this regard and it is considered appropriate to condition drainage details are provided prior to works commencing on site.
- 87.** Northumbrian Water note no concerns in relation to surface water run-off, on the basis that the development is carried out in accordance with the Flood Risk Assessment, and raise no objection subject to a foul water disposal condition being imposed as part of any approval granted.

#### Archaeology

- 88.** In terms of Archaeology, the NPPF sets out the requirements for an appropriate programme of archaeological investigation, recording and publication of results. The applicant has submitted a geophysical survey, and has undertaken a magnetic survey. In reviewing these documents the County Archaeologist notes that the geophysical survey for the site has identified some possible archaeological remains which now need to be tested through trial trenching and such matters can be secured by condition.

#### Land Contamination

- 89.** The Contaminated Land Officer has assessed the available information and the historical maps. The reports submitted in support of this matter conclude that a site investigation is required, including gas, soils and groundwater monitoring. Therefore a contaminated land condition should apply.

#### Sustainability

- 90.** The Sustainability Officer has noted that although there are no issues to the locational element of the site, details pertinent to sustainability matters should be conditioned as part of any approval granted, with an expectation that the scheme improves upon the Part L 2013 regulations. The details should include a scheme to embed sustainability and minimise carbon from construction and in-use emissions. It

is therefore considered appropriate to condition such a requirement in line with Part 10 of the NPPF.

#### Coal mining risks

- 91.** The site falls within the defined Development High Risk Area, and the Coal Authority has noted the findings of the submitted Mining Risk Assessment, raising no objections subject to the findings of the Assessment in terms of site investigations and any remedial works being secured by condition, which is considered appropriate.

#### Education Provision

- 92.** Given the number of dwellings proposed, the development could produce an additional 22 primary school pupils, and 9 secondary school pupils. It is noted that there are sufficient spaces at schools in the vicinity at both levels to accommodate future pupils from the development and no concerns are raised in this regard.

#### Section 106 agreement

- 93.** Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.
- 94.** The applicant has agreed to make a contribution of £28,830 towards the improvement of the Front Street / Lingey Close junction, including a protected right hand turn leading onto Lingey Close. This is to ensure the proposal meets the highways requirements in terms of being able to safely exit the public highway at Front Street, and to ensure vehicles do not back up and block the highway when heading south.

#### Other issues

- 95.** Comments have raised concerns in relation to another planning application under consideration close to this site at St Cuthberts Drive, planning reference, DM/16/04013/FPA, for the erection of 24 dwellings, submitted after this application, and the potential cumulative impact of the proposals. Nevertheless, this application must be considered on its own merits and it is not appropriate to consider the effects of both applications when the other application has not yet been determined.
- 96.** Concerns have been raised relating to the impacts on property prices in the area; however this is not a material planning consideration.
- 97.** Comments have been received relating to the consultation process, and querying the online Public Access system for making comment, as well as being provided with a reference number and direct link for comment. 457 letters of direct notification, 4 site notices, and a press notice, all of which noted the application's reference number and the facility to view plans and make comment on the proposal.

## The Planning Balance

98. Paragraph 14 of the NPPF is relevant to this application as the policy for the supply of housing within the Chester-le-Street District Local Plan is both out-of-date, and silent, relating to this proposal. Therefore, the acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify not refusing planning permission, the benefits of a proposed development must not be significantly and demonstrably outweighed by the adverse effects.
99. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. As a result it is considered that weight should be afforded to the economic and social benefits of the additional housing supply and potential affordable housing contribution.
100. The overall sustainability credentials of the development in the context of Sacriston and its landscape setting are considered to be acceptable. Development in this location would form a natural progression to the settlement of Sacriston, and along with the proposed landscape works, would improve the landscape setting of the site. The biodiversity requirements would be met, whilst drainage matters at the site have been addressed by virtue of the proposed swale and appropriate conditions. The highways and access implications are considered to be acceptable, whilst the amenity of both residents of the application site and those nearby would not be adversely affected, whilst it is noted a significant open space and play provision has been shown within the site.
101. Residents' concerns, particularly relating to highways matters have been carefully considered, however, on balance, the proposal is considered to be acceptable and in accordance with the NPPF and the Chester-le-Street District Local Plan

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## **CONCLUSION**

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102. Officers have worked through the planning balance of the development plan assessment, and comparison to the policies in the development plan, and advice and tests as set out within the NPPF.
103. In this instance it is accepted that the development would provide public benefits, including the provision of improved public open space, and play space, the enhanced landscape setting, improved highway safety within the vicinity of the site, and the most significant of which being the boost that the proposal would provide to housing supply and increasing the number and type of residential opportunities within Sacriston, a sustainable location.
104. On balance, it is considered that the adverse impacts of the development, including the loss of amenity open space, does not significantly and demonstrably outweigh the benefits of the scheme and therefore the application is recommended for approval.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the completion of a Section 106 agreement providing:

- £28,830 for the provision of a protected right hand turn at the junction of Front Street and Lingey Close.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

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

Plan reference	Date
Location Plan and Open Space Plan	24 January 2017
Roof Plan (Rev A) 1604_P_101	30 September 2016
Site Section and Levels (Rev A) 1604_P_103	30 September 2016
Revised Highways Masterplan	6 February 2017
Brown House Type Layout Plan (Rev A) 1604_P_BROWN_A01	30 September 2016
Brown House Type Elevations and Section 1604_P_BROWN_A02	30 September 2016
Various Garage Plans (Rev A) 1604_P_GARAGES	30 September 2016
Green House Type Layout Plans (Rev A) 1604_P_GREEN_A01	30 September 2016
Green House Type Elevations and Section 1604_P_GREEN_A02	30 September 2016
Navy House Type Layout Plans (Rev A) 1604_P_NAVY_A01	30 September 2016
Navy House Type Elevations and Section 1604_P_NAVY_A02	30 September 2016
Orange House Type Layout Plans (Rev A) 1604_P_ORANGE_A01	30 September 2016
Orange House Type Elevations and Section 1604_P_ORANGE_A02	30 September 2016
Purple House Type Layout Plans (Rev A) 1604_P_PURPLE_A01	28 November 2016
Purple House Type Elevations and Section 1604_P_PURPLE_A02	30 September 2016
Red House Type Layout Plans (Rev A) 1604_P_RED_A01	30 September 2016
Red House Type Elevations and Section 1604_P_RED_A02	30 September 2016
Red Special House Type Layout Plans (Rev A) 1604_P_RED_A03	28 November 2016
Olive House Type Layout Plans (Rev A) 1604_P_OLIVE_A01	30 September 2016
Olive House Type Elevations and Section 1604_P_OLIVE_A02	30 September 2016
Yellow House Type Layout Plans (Rev A) 1604_P_YELLOW_A01	30 September 2016
Yellow House Type Elevations and Section 1604_P_YELLOW_A02	30 September 2016
Revised Planting Scheme 1 of 2 D161.P002 D	7 February 2017
Revised Planting Scheme 2 of 2 D161.P003 D	7 February 2017

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9 and T15 of the saved policies of the Chester-le-Street District Local Plan, 2009.*

3. No development shall take place until a scheme to embed sustainability and minimise carbon from construction and in-use emissions, has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the buildings are in existence.

*Reason: To plan for new development in ways which reduce greenhouse gas emissions, and to comply with Part 10 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).*

4. No development shall take place until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

*Reason: To prevent the increased risk of flooding from any sources in accordance with Part 10 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).*

5. No development shall take place until details of all surface water drainage proposals, including reference to the Durham County Council SuDS Adoption Guide, a detailed drainage design with respect to attenuation levels meeting the agreed discharge rate into the surface water sewer, and Site Investigations including permeability options to verify the drainage option have been submitted to, and approved in writing by, the Local Planning Authority. The works shall be undertaken in accordance with the approved plans.

*Reason: In the interests of surface water drainage and flooding, and to comply with Part 10 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).*

6. No development shall take place until the applicant has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

i), the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area by means of trial trench evaluation to inform the reserved matters application(s);

ii), an assessment of the impact of the proposed development on any archaeological remains identified in the evaluation phase;

iii), proposals for a mitigation strategy for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible, should features be identified in the trenching phase (i);

iv), sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and

v), notification in writing to the County Durham and Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

The development shall then be carried out in full accordance with the approved details.

*Reason: To comply with Paragraphs 135 and 141 of the NPPF as the site is of archaeological interest (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).*

7. No development shall take place until a scheme for intrusive site investigations has been submitted to, and approved in writing by, the Local Planning Authority, in accordance with the Mining Risk Assessment Report (August 2016), and implemented in accordance with the approved details and a report of findings arising from the site investigations submitted to the Local Planning Authority. In the event that remedial works are identified in the report of findings, a scheme of remedial works shall be submitted to, and approved in writing by, the Local Planning Authority, and implemented in accordance with the approved details.

*Reason: In the interests of the safety and stability of the site and to comply with Part 9, Paragraph 121 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).*

8. No development shall take place until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c, or d, are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

#### Pre-Commencement

- (a) A Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

#### Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all

remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past uses and the Local Planning Authority wishes to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with Part 11 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).*

9. No development shall take place unless in accordance with the mitigation detailed within the ecological appraisal ref. Cheviot\_LingeyCl\_Eco1.1.

*Reason: To conserve protected species and their habitat in accordance with Part 11 of the NPPF (required pre-commencement in accordance with Article 35 of the Development Management Procedure Order 2015).*

10. No development shall take place until full details of the swale have been submitted to, and approved in writing by, the Local Planning Authority.

*Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street District Local Plan.*

11. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

*Reason: To comply with Paragraph 141 of the NPPF which ensures information gathered becomes publicly accessible.*

12. No construction/demolition activities, including the use of plant, equipment and deliveries, which are likely to give rise to disturbance to local residents should take place before 0800 hours and continue after 1800 hours Monday to Friday, or commence before 0800 hours and continue after 1300 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy HP9, HP17 and T15 of the Chester-le-Street District Local Plan.*

13. All planting in the approved details of the Revised Planting Scheme 1 of 2 (ref. D161.P002 D), and the Revised Planting Scheme 2 of 2 (ref.D161.P003 D) shall be carried out in the first available planting season following the practical completion of the development.

*Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street District Local Plan.*

14. The tree works hereby approved shall be carried out in accordance with BS 3998: Recommendations for Tree Work and the European Tree Pruning Guide (European Arboricultural Council)

*Reason: In the interests of the visual amenity of the area and to comply with Policy HP9 of the Chester-le-Street District Local Plan.*

15. The car parking spaces / garages as approved shall be constructed and available for use prior to the occupation of the dwelling to which they relate.

*Reason: In the interests of highway safety to comply with Policy T15 of the Chester-le-Street Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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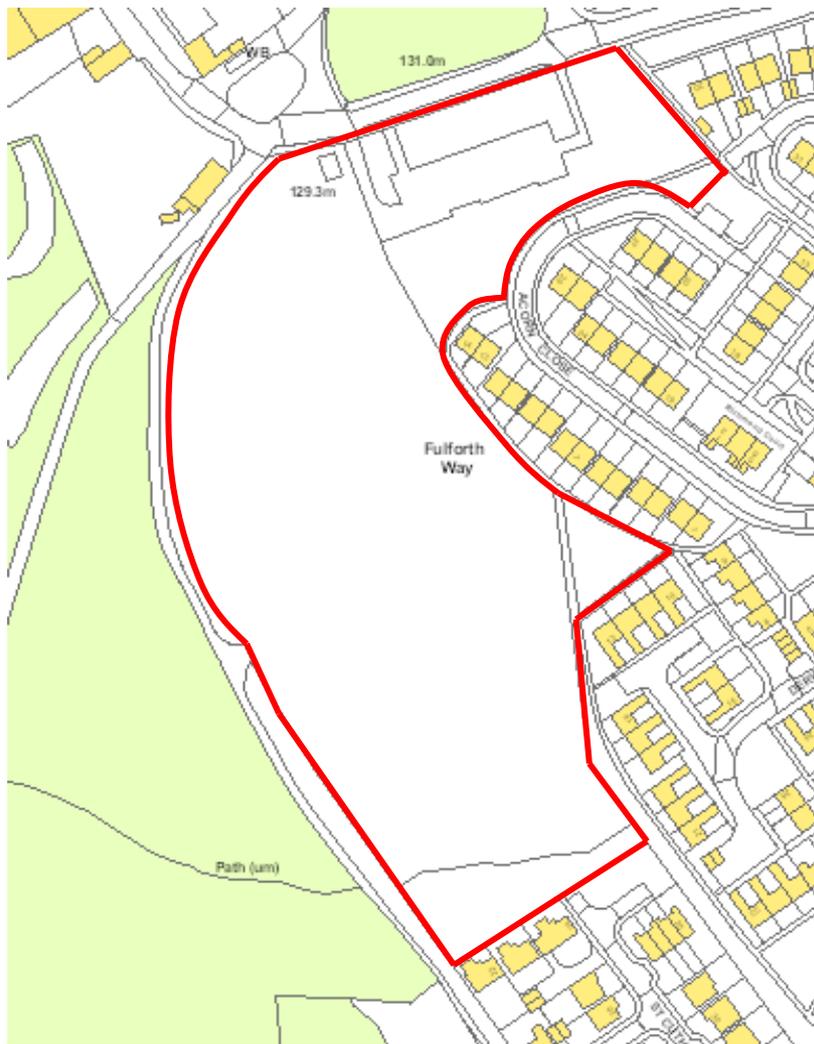
The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Chester-le-Street District Local Plan (saved Policies 2009)
- County Durham Settlement Study (2012)
- Statutory consultation responses



 <p><b>Planning Services</b></p>	<p>Land To The West Of Fulforth Way, Sacriston, DH7 6AH</p> <p>Application Number DM/16/03157/FPA</p>	
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005</p>	<p><b>Comments</b></p>	
	<p><b>Date</b> 23<sup>rd</sup> February 2017</p>	<p><b>Scale</b> 1:2500</p>

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# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/16/03893/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of an Aldi food store with associated vehicular, pedestrian and cycle access; car parking and landscaping.
<b>NAME OF APPLICANT:</b>	Aldi Stores Ltd
<b>ADDRESS:</b>	Former Bus Station And Co-op Buildings Sites Front Street Stanley
<b>ELECTORAL DIVISION:</b>	Tanfield
<b>CASE OFFICER:</b>	Graham Blakey, Senior Planning Officer, 03000 264865 <a href="mailto:graham.blakey@durham.gov.uk">graham.blakey@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site

1. The application site measures 0.61ha in area and is split across two sites separated by an adopted highway (Towneley Street). Located within Stanley town centre, the brownfield site comprise the former town bus station (demolished in 2005 and rebuilt on an adjacent site) and the former Co-op buildings site to Front Street (demolished in 2008 following fire damage). These are referred to as "Plot 1" and "Plot 2" respectively. The public highway which runs between the two sites provides for vehicular access to both parcels of land and adjacent businesses, with a wide network of adopted footways surrounding the development site.
2. Commercial properties in the form of shops (including a competitor), takeaways, pubs, taxi offices and the replacement bus station surround the application site to the north, east and west. To the south, the A693 and one of its large roundabout junctions in the town provides wider access to the town centre and forms the boundary of the site. To the east are the terraced properties of Mary Street and Ritson Street located approximately 45-50 metres away at their closest point.
3. Stanley town centre is characterised by a gradual level change from south west to north east. The application site sits at a higher level than the adjacent bus station and terraced properties to the east. The access link road from the A693 to the west sits at a higher level than the existing car parking area within the application site.
4. Located on Front Street within 25 metres of Plot 2 is the Grade II listed 'Imperial Hotel' which is now run as a public house. This building has been recently renovated by the brewery owner. The pedestrianised Front Street has been recently been subject to a Council funded public realm improvement scheme that has taken in the area immediately adjacent to Plot 2.

5. There are no statutory or locally designated landscapes or ecological sites that would be affected by the proposals. No recorded public rights of way are contained within or adjacent to the application site.

## Proposal

6. Planning permission is sought for the erection of a retail food store that would provide 1,645sqm of internal floor space. The building would be located within Plot 1, the former bus station site, and would be orientated broadly north to south to the eastern part of the plot with the store frontage facing into the site (west). Car parking is proposed across both Plots with 46 spaces within Plot 1 and 33 within Plot 2 resulting in 79 spaces in total. Pedestrian links would be provided from the store entrance south east across Plot 1 to a traffic island across the A693/Front Street link road and also across the Towneley Street which splits the two application site plots.
7. The main store building would measure a maximum of 65m in length (north to south) by 36m in width (east to west) with a flat roof profile that would have a maximum height of 5.5m to the car park side of the store (west) and 7.5 metres to the rear, bus station elevation (east). The building would be rendered white with occasional grey render vertical pillars to eastern and southern elevations. The main entrance would feature floor to ceiling glazing across the north west corner of the store and a glazed tower to highlight the store entrance along with a projecting canopy feature to the western elevation only.
8. The proposed development would take access from the adopted highway spur (Towneley Street) that feeds on to the 'A693/Front Street cross' link road to the south. Direct vehicular access to each plot would be taken from Towneley Street. A vehicle loading and servicing area would be provided to the south side of the building adjacent to the A693 roundabout. Landscape planting is proposed around the perimeter of Plot 1, inside of the existing boundary wall to the west and south. Planting is focused to the Front Street boundary of Plot 2 with an area in the southern corner and also to the pedestrian footpath link to Front Street.
9. This application is being reported to the North Planning Committee as it is classed as a major development.

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## **PLANNING HISTORY**

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### **RELEVANT PLANNING HISTORY**

10. In 2003 planning permission was granted for the redevelopment of Stanley bus station including the demolition of the existing and erection of new bus station, demolition of 84-88 Front Street to form entrance feature and retail units (1/2003/1024).
11. In 2005 outline planning permission was granted for the erection of a two storey health centre to the car park area of the former bus station (1/2005/0503). This permission has since lapsed.
12. In 2009 planning permission was granted for erection of 6no. two storey retail units to the former co-operative building site (1/2009/0156). This permission has since lapsed.

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## PLANNING POLICY

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### NATIONAL POLICY

13. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
14. In accordance with Paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below. The following elements of the NPPF are considered relevant to this proposal;
15. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *Part 2 - Ensuring the Vitality of Town Centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
17. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
18. *Part 7 – Requiring Good Design.* 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.
19. *Part 8 – Promoting Healthy 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.
20. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical

reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

21. *Part 11 – 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 and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
22. *Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

#### **LOCAL PLAN POLICY:**

Derwentside District Local Plan (1997) (DDLDP)

23. *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.
24. *Policy EN17* – Only allows for alterations and extensions to Listed Buildings or to the erection of a new building adjacent to a Listed Building where the special character of the building is retained and where the design, scale and materials are complementary to the existing building.
25. *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.
26. *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.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment> (Derwentside District Local Plan)*

## RELEVANT EMERGING POLICY:

27. Paragraph 216 of the NPPF says 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. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

28. *Highway Authority* – Raise no objection, advising that the submitted Transport Assessment is considered sound. At 79 spaces provided, the number of parking is well below that normally expected for a development of this scale; however the Council's Parking and Accessibility Guidelines state a maximum level of parking of 131 spaces. This under provision and the split nature of the development site would likely lead to increase vehicle movements to and from the development as the car park will likely operate near or at capacity. Modelling of the roads leading up to the development has been amended to better reflect the likely trip generation associated with the new use and indicates that the highway network in the vicinity can accommodate the development. While the level of parking is below that set out in the Council's Parking and Accessibility Guidelines, that level is a maximum and so it would be difficult to substantiate a reason for refusal on those grounds.
29. *Drainage and Coastal Protection* – Raise no objection. It is considered that the proposed development would achieve a greenfield run-off rate for surface water on a brownfield site and would be acceptable subject to the proposed methods of surface water attenuation set out in the submitted Flood Risk Assessment.
30. *Northumbrian Water* – Raise no objection subject to the development being carried out in accordance with the submitted Flood Risk Assessment and a condition restricting flow rates via the proposed sewer connections.

### INTERNAL CONSULTEE RESPONSES:

31. *Spatial Policy* – Raise no objections, advising that the site is within Stanley Town Centre, although no town centre boundaries are defined by the DDLP. Paragraph 23 of the NPPF requires the need to define the extent of town centre boundaries in the plan making process. As a result, the retail policies contained within the DDLP can have little regard to the decision making process and is effectively silent. In the absence of any town centre boundary defined within the DDLP, reference should be made to the Council's Retail and Town Centre Study (2013). The study defined town centre boundaries alongside Primary and Secondary frontages and is considered to align with Paragraph 23 of the NPPF and therefore can be used to assess the application and establish whether the site is in centre, edge of centre or out of centre. Using the boundaries defined within the Retail and Town Centre Study, the

application site is within the defined town centre and would partially front the Primary Retail Frontage.

32. The principle of retail within this location is therefore wholly consistent with national policy within the NPPF. The principle of retail development is considered acceptable (locational) and consistent with local and national policy; there are no policies within the NPPF that would restrict development. Given the significant benefits that the proposed development could bring, subject to material planning considerations, the application should be approved in accordance with Paragraph 14 of the NPPF.
33. *Design and Conservation* – Raise no objection. Preference is for the new store to be located to the Front Street gap site as this would have provided an appropriate setting to the grade II listed building, The Imperial Hotel, opposite. However, the proposed development could not be accommodated there. As a car park is proposed to this site, how it integrates with the streetscene is important. The car park would be contained by trees and brick walls and railings, providing a good sense of enclosure. Little detail is provided over these aspects and this could compromise the street scene and the heritage asset. A condition to agree the final design and materials would be appropriate.
34. The main store building occupies a prominent position, with its shed-like appearance is hard to differentiate in close up views. Following a re-design, the main store entrance has been remodelled to include a tower feature which provides visual interest and improved appearance in the street scape. The south part of the building is particularly prominent and forms part of a major gateway in to the town centre. Again, re-design work has taken place to this south east corner and created a feature upon this elevation on what is a landmark part of the building to the A693 roundabout. These changes have improved the appearance of the building in the street scene.
35. *Environment, Health & Consumer Protection (Land Contamination)* – Advise that due to the fact that this development constitutes a change of use to a more sensitive receptor and due to the fact that the land was previously a bus depot, a contaminated land condition should apply. The submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations.
36. *Environment, Health & Consumer Protection (Noise Action Team)* – Raise no objections advising the submitted noise impact assessment is considered sound. The information submitted demonstrates that the application complies with the thresholds stated within the TANS. This would indicate that the development will not lead to an adverse impact. Officers are satisfied, based on the information submitted with the application, that the development is unlikely to cause a statutory nuisance.
37. *Landscape* – Advise that officers have concerns with regard to the long term futures of trees proposed within Plot 2 adjacent to the Front Street frontage. Officers advise that issues over appropriate root area and protection from vehicles should be addressed. It is recommended that finer details of landscaping be agreed by way of condition.
38. *Ecology* – No ecology issues are raised. It is noted that the habitats on site are relatively low quality and the urban nature of the site (surrounded by development) and the small scale of development means that any enhancements on site would be tokenistic.

39. *Travel Planning* – Relationship with bus station a concern as the station has a south entrance facing the application site and should remain an option. Movement of main entrance to north elevation of the proposed building would bring a line of site to the bus station. Officers advise that the submitted travel plan requires refinement.
40. *Climate Change and Sustainability* – Offer no objection and welcome the inclusion of the sustainability statement which confirms the general approach to the embedded energy requirements of the build. A design stage Part L Assessment would still need to be produced, however officers have no significant concerns.

#### **PUBLIC RESPONSES:**

41. The application has been advertised by means of individual notification letters, site notice and press notice. 247 representations have been received of which 244 were letters of full support and are summarised below.

##### *Support*

- The regeneration and economic benefits of the development.
  - Benefits of providing competition and range of goods.
  - Location within the town centre and accessibility.
  - Job opportunities in construction and operation phases.
  - Competition for other supermarkets is good.
42. 3 representations offer support in principle but raised queries over other aspects of the proposal. In summary their concerns are:
    - It is considered that parking would be an issue and it is queried if the store could not have been built in the location of the old indoor market.
    - In response to the proposal that cars would enter and exit the site via the A693, it is noted that already there are a large number of vehicles using this route (ASDA, Scott Street Car Park, buses via the Louisa Terrace).
    - Too much competition and associated impacts upon nearby stores.
    - Visual impact of eastern (rear) elevation of the proposed store opposite residential properties.
  43. *Police Architectural Officer* – Outline security measures that would reduce anti-social behaviour (ASB) impacts on the new development, a particular issue in immediate area of the bus station.

#### **APPLICANTS STATEMENT:**

44. The proposed store will create up to 30 new jobs for local residents as well as additional employment during the construction phase. The development brings new investment into the area with the redevelopment of a brownfield site which will enhance the overall image of the area.
45. The proposed food store is accessible by a choice of means of transport other than the car being in a town centre location and has good accessibility for pedestrians and cyclists. The Transport Assessment demonstrates the development is acceptable in highways terms and no road safety problems have been identified.
46. The design and layout of the proposed development has been carefully considered to ensure it sits comfortably within the surrounding area and town centre context. There is strong local support for a new Aldi Neighbourhood Foodstore which has

been demonstrated through the public consultation exercise with 99% of respondents either supporting the proposals outright or with some minor comments.

47. In conclusion, the proposed development is a sustainable development, located within the town centre of Stanley, with overwhelming support for the scheme. The construction and operation of the food store will be undertaken in a sustainable manner and deliver jobs and investment in the local community. In line with Aldi's standard store development, the store will create 100% of its heating requirements through reuse of energy otherwise lost from refrigeration. The company also adopts LED lighting throughout the store as standard and provides photovoltaic panels on the roof to minimise electricity requirements.
48. Overall, it has been clearly demonstrated that the proposed new Aldi store is sustainable development and therefore should be granted planning permission, being in accordance with the local policies of the development plan and the NPPF.

*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/online-applications/applicationDetails.do?activeTab=documents&keyVal=OHRWNKGDKCV00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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49. 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 Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, design and impact upon the surrounding area and heritage assets, access and highway safety issues, residential amenity, flooding and drainage and other issues.

### Principle of Development

50. 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 a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
51. The DDLDP does not designate a town centre boundary for Stanley. Town centre boundaries are fundamental in the decision making process for proposals of this type. Notably Paragraph 23 of the NPPF identifies the need to define the extent of town centre boundaries in the Plan making process. Little weight can therefore be afforded to the DDLDP as it is effectively silent.
52. In the absence of any town centre boundary defined within the DDLDP, reference should be made to the Council's Retail and Town Centre Study (2013). The study defines town centre boundaries alongside Primary and Secondary frontages. The defining of these boundaries aligns with Paragraph 23 of the NPPF and therefore

can be used to assess the application and establish whether the site is in centre, edge of centre or out of centre. Using the boundaries defined within the Retail and Town Centre Study, the application site is within the defined town centre and would partially front the Primary Retail Frontage.

53. Positioned on a split site that was formally occupied by retail premises and the bus station, the surrounding buildings contain a selection of other town centre uses such as other town centre retail, the new bus station for the town and the main residential areas to the south of the A693, all of which have direct and suitable pedestrian links to and from the proposed new store. In terms of location, the proposed food store is accessible and well positioned to take advantage of sustainable modes of transport.
54. The NPPF aims to ensure the vitality of town centres by directing new retail development to town centres as opposed to edge of centre or out of centre locations, and this requirement is met by this application. The DDLP is silent in regard to town centre retail uses, and as such the proposals should be considered with regard to Paragraph 14 of the NPPF. Paragraph 14 directs Local Planning Authorities in these instances to grant permission unless any adverse impacts would significantly and demonstrably outweigh the benefits of the scheme. Being sustainably located, making use of a brownfield site, having strong public transport links and bringing economic development, the proposal is considered environmentally, economically and socially sustainable development. The acceptability of the development therefore largely rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits or whether there are any specific policies in the NPPF that indicate development should be restricted.
55. One local resident has queried the positioning of the proposed new retail store and that other sites would not be better suited to the development. The application site is considered to be in a town centre location and as such the NPPF does not require the assessment of alternative sites through sequential testing for retail proposals of this nature.

#### Design and Impact upon the Surrounding Area

56. Both sites were previously occupied by a range of uses and buildings; however both are now clear of structures with the former bus station hard standing utilised for public car parking. The former Co-op buildings site has remained closed off from public access since its demolition following fire damage in 2008. And so redevelopment of these sites from a visual impact perspective would improve the appearance of the immediate area in a positive manner.
57. Design improvements during the course of consideration of the application moved the design away from a linear, horizontal appearance to the building. Despite an attempt to glaze around the entrance to create something of a feature; it did not produce a strong visual presence for a building that would be located in a prominent position. Following negotiations with the Local Planning Authority, the applicant has introduced a glazed tower over the entrance point which would be visible from all sides, giving a natural focal point for people to recognise as the entrance point to the store. This is a strong design change that is a positive for the proposals. The southern elevation of the building is considered to be equally as visually prominent; however it would be to passing traffic on the A693 roundabout. Here, tree planting would over time break up the appearance of some of this elevation, but the off-set delivery bay adjacent to the bus station entrance would be hard up against the site boundary.

58. Design and Conservation officers have encouraged an improved appearance to this section of elevational wall given its provenance, and through negotiation with the applicant the elevation has been given relief through a small addition of materials to create an arch-type feature that frames the off-set elevation. These combined improvements make a significant contribution to the overall appearance of the store building in such a prominent location, and through negotiation the Local Planning Authority has secured improved design that helps to lift the character appearance of the surrounding area. Consequently, the proposed store building is now considered to be of a suitable design and appearance in such a prominent location and of a suitably high quality in design that it is considered to accord with DDLP Policy GDP1 and Part 7 of the NPPF.
59. Due to their locations, both Plots occupy prominent, visually open sites from several vantage points within the town centre. Key viewing points are from the A693 to the south of the application site and from Front Street to the north. Several other view points of the building are also possible from most boundaries due to the characteristics of the site and the surrounding uses, such as the bus station with its open hardstanding to the north east. The proposals include a landscaping scheme for the perimeter of both sites which includes tree and ground cover planting and boundary treatments.
60. Tree planting is proposed along this boundary also and Landscape officers raised initial concerns over the longevity of the trees given the compactness of the Plot 2 site between the bays and the proposed wall. The applicant has reviewed this aspect and has sought to increase the depth of the physical planting bed in the hardstanding and also proposed metal protection enclosures around each tree. While not producing an ideal planting bed to allow for large mature trees, the amendments need to be balanced against the impacts that a larger use of ground space for bigger planting beds would have upon the number parking spaces.
61. The Highways Authority has stated that the number of parking spaces provided is already below the level set out in the Council's guidance (see 'Access and highway safety issues' section below) and as such the loss of parking bays for further increases to the landscaping proposals have to be balanced in this case. Improvements in regard to tree planting have been forthcoming from the applicant and in the planning balance are considered sufficient to strike a suitable balance between the competing requirements. A condition requiring details of the landscaping scheme and in particular this section would therefore be an appropriate solution in this instance. The proposed wall and planting scheme would be considered to maintain a separation of the parked cars from the pedestrian street scene of Front Street and is welcomed.
62. As part of Plot 2, a pedestrian footpath link is proposed between the store entrance and Front Street via the eastern boundary of the Plot. The scheme proposes metal hoop-topped railings to separate the parked cars from the footpath link and this would provide the necessary segregation together with visual permeability, and is a welcomed inclusion following negotiations with the applicant.
63. Plot 1 has a larger level difference across the site from south west to north east. As a result, the A693/Front Street link road is at a higher level than the proposed car parking inside the site. The existing boundary wall would be retained to the A693 and roundabout elevations and improved. The combination of levels and boundary treatment would result in parked cars within the site being at the lower level having a reduced visual impact when viewed from outside of the application site. The existing area fenced off from public access between the car park and the bus station (the site

of the former bus station building) to the northern part of Plot 1 would be hard landscaped and feature an elevation of glazing to the proposed store overlooking it. This would open up the area to the rear of Front Street, increasing the physical and visual permeability between the rear of the bus station and the route up to the western fringes of the town centre.

64. Overall, the re-development of the site would address a visually key site within the town centre of Stanley. The proposed building would be fit for purpose and the development overall would be a positive addition to the town by regenerating the application site. The proposal would therefore be considered to accord with DDLP Policy GDP1 and Part 7 of the NPPF.

#### Impact upon Heritage Assets

65. In terms of the heritage context of the application site, no conservation areas cover the town of Stanley; however there are a number of listed buildings in the town centre, one of which is opposite Plot 2 on Front Street less than 30 metres from the site boundary (the Grade II listed 'Imperial Hotel'). Therefore, the proposals have the potential to affect its significance as a designated heritage asset.
66. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. NPPF Paragraph 134 states that where a development proposal would lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. DDLP Policy EN17 defines appropriate new built development adjacent to listed buildings, whereby design, scale and materials should all be complementary to the existing listed building. DDLP Policy GDP1 sets out that development should meet high quality standards of design and protect the landscape and historic features of the surrounding area. These Policies are considered compliant with the NPPF which also requires that development contributes to and enhances the natural and local environment under Parts 11 and 12, while Part 7 states that good design is a key aspect of sustainable development and is indivisible from good planning. Significant weight can therefore be afforded to these DDLP Policies in this respect.
67. Plot 2 is highly visible from Front Street and the listed building opposite. The boundary of this car parking area to Front Street proposes a brick wall with piers and railings between and would be used to separate the parked cars from the pedestrianised main street. Design and Conservation officers consider that this wall is necessary as it separates the parked cars from the pedestrian street, but also is important that the design is of a sufficiently high quality to occupy a prominent street scene position opposite the grade II listed building. The presence of parked vehicles in this fashion would be considered to contribute harm towards the designate heritage asset, a harm that is considered to be less than substantial in regard to Paragraph 134 of the NPPF. Details of the construction of the wall and railings to Plot 2 can be required and controlled through condition.
68. Consideration has been given to the requirements of Paragraph 134 of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the impact of the proposed development on the nearby listed building. The public benefits of sustainable development to two brownfield sites within Stanley town centre that would create around 30 jobs and increased consumer choice are considered to carry significant weight in favour of this application, and with a suitable

mitigating boundary treatment and tree planting scheme proposed, the less than substantial harm to the listed building from Plot 2 is not considered to outweigh the public benefits brought by the scheme. The proposal would therefore be considered to accord with DDLP Policies GDP1 and EN17 and Parts 7, 11 and 12 of the NPPF.

#### Access and highway safety issues

69. DDLP Policy TR2 requires that development proposals provide clear and defined safe vehicle access (including service vehicles), adequate turning and manoeuvring and satisfactory access to the public transport and adopted highway networks. This Policy is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. Paragraph 32 of the NPPF requires applications which proposed significant amounts of traffic movements should be supported by a Transport Assessment and should only be refused where the residential cumulative impacts of development are severe. Concerns over local highway capacity of the road network to accommodate additional flows and the resultant impact on highway safety have been raised by some local residents.
70. The proposed development would result in two vehicular access points on to Towneley Street which runs from the A693/Front Street link road down to the rear of the bus station. The new accesses would be opposite each other at the eastern part of Plot 2 and central north west section of the Plot 1 boundary. The existing access to Plot 1 would be sealed and new landscaping introduced. The access to Plot 1 would also be utilised by delivery vehicles and so features wider junction radii to the west. Parking would be split across the two plots, with a total of 79 spaces provided (46 to Plot 1, 33 to Plot 2) including 5 disabled spaces and 7 parent and child spaces.
71. A Transport Assessment has been submitted that considers the impact of the development on the surrounding road network. The Highways Authority advises that in providing only 79 parking bays, the proposal is below the level expected for a development of this nature (131 spaces). As a result, the number of vehicle movements expected to the proposed development would be relatively high in number. Following further updated information from the applicant, the Highways Authority is satisfied that the trip generation and subsequent modelling reflect closer the likely traffic situation should the development be constructed. As a result, the surrounding highway network is considered to hold enough capacity to cater for the proposed new retail store without causing queuing back on to the A693 roundabout. The Highway Authority outline that the Council's Parking and Accessibility Guidelines state a maximum level for parking which this proposal complies with. Combined with the presence of town centre parking close by, the Highway Authority consider the development could not be refused on the basis of the number of parking spaces provided. The proposals would not conflict with Paragraph 32 of the NPPF.
72. Several historic access points are visible within the adopted public highway to both sites which would become redundant following the construction of this development. It would therefore be considered appropriate to condition their reinstatement as public footway to adoptable standards prior to the development first opening to the public. This would be considered to ensure safe use of the public highway in the vicinity of the application site and so accord with DDLP Policy TR2.
73. Travel Planning officers have reviewed the submitted Framework Travel Plan, which is largely considered to be sound but requires further amendments. It is considered that this matter can be dealt with by condition, along with securing the

implementation of a travel plan coordinator to secure sustainable travel objectives. Sustainable methods of transport to the site are also encouraged within the submission with provision for both cycle parking and electric vehicle charging point proposed, and it is considered appropriate that these aspects be covered by condition to ensure their delivery in accordance with Part 4 of the NPPF and DDLP Policy TR3.

74. Overall, based on the advice of the Highway Authority the proposal would be served by an appropriate means of access and traffic generated can be accommodated on the wider highway network. The internal layout is considered acceptable, while there is sufficient capacity in the immediate highway network to accommodate a higher flow of traffic to and from the site as a result of the lower level of parking provision. . Subject to conditions relating to sealing historic accesses, provision of cycle parking and electric vehicle charging points and an updated travel plan, the proposal is considered acceptable in highways terms and complies with DDLP Policies TR2 and TR3, and Part 4 of the NPPF.

#### Residential Amenity

75. DDLP Policy GDP1 requires new development to protect the amenities of neighbouring occupiers and land users in the vicinity of the development site. This Policy is considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Part 11 of the NPPF seeks to avoid noise from giving rise to significant new impacts. No objections have been raised by neighbouring properties to the proposed development in regard to the impact upon their amenity.
76. The closest residential properties to the proposed store are those of Mary Street and Ritson Street to the east (rear) of the proposed store building less than 50 metres away at the closest point. As such, a range of impacts from the proposal are possible upon the residential occupiers of these buildings. Primarily, the general impacts associated with the store operation such as vehicle movements of customers, operation of machinery and plant and deliveries. The store proposes opening hours of 8am to 10pm Monday to Saturday, and a 6 hour period between 10am and 6pm on Sundays and Bank Holidays. These times are comparable to similar uses in the vicinity, including a neighbouring supermarket, and other uses such as public houses and other commercial premises, and therefore are deemed appropriate. Noise generated from the movement of cars would be within acceptable levels during the majority of the day, as it would be assimilated into the high overall background noise level of this town centre location. There is potential for some disturbance later at night as a result of the proposed opening times (10pm Monday – Saturday); however this would not be considered to cause a significant adverse effect in accordance with DDLP Policy GDP1.
77. The design of the proposed retail store would see the delivery bay and plant compound along the south and east corner of the building. However, the orientation of the delivery bay results in the opening facing west, away from the terraces of housing and towards less sensitive receptors (a supermarket, building of retail units and the A693 roundabout). The proposed refrigeration plant would sit to the eastern elevation facing the residential properties and is proposed within an acoustic enclosure. The applicant has provided a Noise Impact Assessment in support of the proposals which proposes 24 hour delivery times.

78. The Noise Impact Assessment has been reviewed by the Council's Environmental Health and Consumer Protection officers and, following clarification of the night time survey work, they are satisfied that the proposal would not result in a statutory nuisance. The assessment outlines that both deliveries and refrigeration plant would operate below the background noise levels observed on site. BS 4142 guidelines in regard to night time noise levels state that there should be a +0dBa increase over the observed level in order to protect amenity. As such, when complying with this threshold a development is considered to not have an adverse impact upon the amenity of the adjacent residents in accordance with the Council's Technical Advice Note on Noise. As a result, there would be no need to control the times of access for deliveries to the store in this instance. Impacts from the general operation of the store for long periods (i.e. 8am to 10pm Monday to Saturday) is also considered acceptable, however, Officers are justified in controlling the store opening times to the public to ensure the amenity of the nearby residents is safeguarded.
79. External lighting is proposed to the site, yet no detail has been provided with the application. As the site is in a prominent location, it is considered appropriate to agree details of a proposed lighting scheme by way of condition to ensure that lighting levels and spillage are suitably contained.
80. The construction phase of any new major development can be one which lasts several months or years and can, as a result lead to impacts of their own upon the surrounding area. Primary impacts include noise, dust, vibration and light and can cause significant impacts upon nearby residents if not controlled. The proximity of neighbouring residential properties would make some form of control appropriate to safeguard amenity. A condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties would therefore be appropriate in order to safeguard amenity during the construction phase of the development.
81. Overall, whilst it is recognised that there would be a minor reduction in the level of amenity experienced by the occupiers of surrounding residential properties due to the proximity of the development, most of the impacts would be assimilated into the general town centre background noise climate in the operational phase. No objections were received from nearby residents or other premises with regard to amenity concerns and no objections are raised by Environment, Health and Consumer Protection officers. The development is therefore considered to comply with DDLP Policy GDP1 and Parts 8 and 11 of the NPPF in this respect.

## Flooding and Drainage

82. Part 10 of the NPPF directs Local Planning Authorities to guard against flooding and the damage it causes. Part 11 of the NPPF takes account of the impact of any development upon the natural environment. DDLP GDP1 follows these requirements of the NPPF by ensuring new development does not increase flood risk and is consistent as a result.
83. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. A mains sewer connection is proposed for both foul and surface water connections as the FRA has identified that the nearest watercourse, the Kyo Burn, is not a viable means of connection due to distance from the site (750m to the north west). In accordance with NPPF requirements, surface water runoff would be restricted to greenfield rates through the use of Sustainable Urban Drainage Systems (SuDS). In

this instance underground storage tanks and permeable paving is proposed in light of the relatively small and compact size of the sites (0.61Ha). The inclusion of the SuDS attenuation tank would cater for a 1 in 100 year flood event without flooding beyond the confines of the site. Foul water discharge would be considered domestic in nature and would be discharged in to the existing network.

84. The Council's Drainage and Coastal Protection officers raise no objection to the proposed method of surface water attenuation set out in the FRA and the greenfield run off rate of 4.1 l/sec. Northumbrian Water also offers no objections subject to the implementation of the proposed drainage scheme and restriction in run-off rate. As such, the proposed drainage scheme is considered to comply with DDLP Policy GDP1 and Parts 10 and 11 of the NPPF in this respect.

#### Other Issues

85. In relation to land contamination the applicant has submitted a phase 1 desk study report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report the Council's Environment, Health and Consumer Protection officers (Contaminated Land) advises that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations in line with Part 11 of the NPPF.
86. The application sites offer relatively low quality habitats in ecological terms. The scale and nature of the development and its urban location would be unlikely to bring about any meaningful biodiversity gains and therefore the Ecology Team have on concerns with this development.
87. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. The development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures. The applicant has submitted a sustainability statement setting out how this would be achieved, including reducing energy demand, the recovery of waste heat of chiller units and utilising sustainable building materials. The Council's Sustainability and Climate Change officers have reviewed this statement and offer no objections to the development. A condition to ensure this strategy is implemented is recommended would ensure that the proposal complies with Part 10 of the NPPF.

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## **CONCLUSION**

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88. Policies within the DDLP are considered out-of-date with regard to retail requirements as no town centre boundaries have been defined. The Council's Retail and Town Centre Study (2013) however assesses the site as being in a town centre location. The NPPF supports retail development in town centres, and as such, the proposed retail development is therefore considered acceptable in principle.
89. The proposed development on both plots would improve the appearance of two vacant town centre sites which would in overall terms enhance the character and appearance of the area. There would, however, be harm to the setting of a nearby

grade II listed building, but to a less than substantial degree of harm. This harm must be weighed against the public benefits of the proposals.

90. The presence of a general town centre noise climate with a high background level and the site in close proximity to a busy main road, would result in limited, if any impact upon the nearest residential properties. Again negligible impacts are likely from allowing unrestricted delivery times to the store; however a broader range of impacts are possible from unrestricted store opening times (such as customer vehicle movements) and so a condition is proposed to maintain control of this aspect.
91. The proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network. Parking provision is less than ideal but within the Council's Parking and Accessibility Guidelines stated maximum and close to other town centre parking areas. The scheme would not increase the risk of flooding elsewhere.
92. The proposal has generated some public interest, with the significant majority of responses in support of the development. Concerns were expressed by a small number of residents in regard to some aspects of the development, albeit offering support in principle to the application, and were carefully balanced against the scheme's wider social, economic and environmental benefits.

#### Planning Balance

93. In summary, as DDLP policies are considered to be absent, or silent, with respect to this proposed development, the acceptability of the application should be considered under the planning balance test contained within Paragraph 14 of the NPPF. In this case, the second limb of Paragraph 14 applies in the first instance, whereby a specific Policy, Paragraph 134, indicates that development should be restricted. However, Paragraph 134 requires the balancing of the harm to the designated heritage asset against the public benefits of the proposed development.
94. The development would bring forward two previously developed sites within the town centre and that would lead to the creation of job opportunities and increased consumer choice. Such public benefits are considered to outweigh the less than substantial harm to the listed building. As such, the presumption in favour of sustainable development is re-engaged and accordingly, the first limb test of Paragraph 14 applies and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered that in the absence of any other adverse impacts significantly and demonstrably outweighing the benefits, the proposal is considered to amount to sustainable development, and planning permission should be granted.

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## **RECOMMENDATION**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

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

06/12/2016 0186 – AL(0)01– Site Location Plan  
24/01/2017 0186 – PL(0)04 Rev A – Proposed Site Plan  
06/12/2016 0186 – PL(0)05 – Proposed Floor Plan  
06/12/2016 0186 – PL(0)06 – Proposed Roof Plan  
13/02/2017 0186 – PL(0)07 Rev B – Proposed Elevations  
30/01/2017 14650-3E-00-XX-DR-1000 Rev P1 – Preliminary Drainage Layout

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, EN17, TR2 and TR3 of the Derwentside District Local Plan and Parts 1, 2, 4, 7, 8, 10, 11 and 12 of the NPPF.*

3. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. Overall strategy for managing environmental impacts which arise during construction;
2. Measures to control the emission of dust and dirt during construction;
3. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure;
4. Designation, layout and design of construction access and egress points;
5. Directional signage (on and off site);
6. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
7. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
8. Routing agreement for construction traffic.
9. Storage of plant and materials used in constructing the development;
10. The erection and maintenance of security hoarding/fencing including decorative displays and facilities for public viewing, where appropriate;

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

*Reason: In order to protect the amenity of neighbouring residents from commencement of the development in accordance with Policies GDP1 and TR2 of the Derwentside District Local Plan and Parts 4, 8 and 11 of the NPPF.*

4. Prior to the commencement of any part of the development hereby permitted a scheme to deal with contamination shall be submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections (a), (b), (c) or (d) are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

### Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development. If integrity testing of the membrane(s) was required a verification pro forma should be included.

*Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and for the Local Planning Authority to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems details are required in advance of work commencing on site in accordance with NPPF Part 11.*

- 5. Within three months of the commencement of the development a detailed landscaping scheme, including method of protection of roots and protection of trees from vehicle impacts where necessary, has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

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

Replacements will be subject to the same conditions.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GDP1 of Derwentside District Local Plan and Parts 7, 8, 11 and 12 of the NPPF.*

6. Within one month of the commencement of the development, details of the materials to be used in the construction of the main store building shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the works shall be carried out in accordance with the approved plans.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GDP1 of Derwentside District Local Plan and Parts 7, 8, 11 and 12 of the NPPF.*

7. Within one month of the commencement of the development, details of the construction and materials of the boundary wall along the Front Street boundary of the "Plot 2" car park and the retaining structure to the eastern boundary of the main store building shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the works shall be carried out in accordance with the approved plans.

*Reason: In the interests of the visual amenity of the area and to comply with Policy GDP1 of Derwentside District Local Plan and Parts 7, 8, 11 and 12 of the NPPF.*

8. Within one month of the commencement of the development, details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of Derwentside District Local Plan and Parts 7 and 12 of the NPPF.*

9. Prior to the retail store hereby approved being brought into use, the existing vehicular accesses to the south west and south east boundaries of "Plot 2", and to the north west boundary of "Plot 1" shall be removed and reinstated as public footway in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the works shall be carried out in accordance with the approved details.

*Reason: In the interests of highway safety in accordance with Policy TR2 of the Derwentside District Local Plan and Part 4 of the NPPF.*

10. Prior to the retail store hereby approved being brought into use, details and positioning of electric vehicle charging point(s) and parking space(s) shall be submitted to and agreed in writing by the Local Planning Authority. The spaces should be created and be fully operational at the time of the store first opening and thereafter shall only be solely for the use for the charging and parking of electric motor vehicles.

*Reason: In the interests of promoting sustainable travel in accordance with Policy GDP1 of the Derwentside District Local Plan and Parts 4 and 8 of the NPPF.*

11. Prior to the retail store hereby approved being brought into use the on-site cycle parking facilities depicted on the proposed site plan (ref: 0186 – PL(0)04 Rev A) shall be installed and all general car parking spaces shall be made available for use. The cycle parking facilities shall be retained in perpetuity.

*Reason: In the interests of highway safety and the promotion of sustainable transport in accordance with Policy TR3 of the Derwentside District Local Plan and Parts 4 and 8 of the NPPF.*

12. Within 6 months of occupation of the retail store hereby approved, a final Travel Plan, conforming to The National Specification for Workplace Travel Plans PAS 500:2008, Bronze Level, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall then be implemented and monitored in accordance with Local Authority Guidance.

*Reason: In the interests of promoting sustainable travel in accordance with Policy GDP1 of the Derwentside District Local Plan and Parts 4 and 8 of the NPPF.*

13. No construction/demolition activities, including the use of plant, equipment and deliveries, shall take place before 0700 hours or after 1900 hours Monday to Friday, or take place before 0800 hours or after 1700 hours on Saturday. No works shall be carried out on a Sunday or Bank Holiday.

*Reason: In the interests of residential amenity, in accordance with Policy GDP1 of the Derwentside District Local Plan and Parts 8 and 11 of the NPPF.*

14. The retail store hereby approved shall only be open to members of the public between the hours of 08:00 and 22:00 Monday to Saturday and 10:00 and 18.00 Sunday.

*Reason: In the interests of residential amenity in accordance with Policy GDP1 of the Derwentside District Local Plan and parts 8 and 11 of the NPPF.*

15. No external lighting shall be installed until full and precise details have been submitted to and approved by the Local Planning Authority to include the following:

- A statement setting out why a lighting scheme is required, and the frequency and length of use in terms of hours of illumination during the summer and winter.
- A site survey showing the area to be lit relative to the surrounding area, the existing landscape features together with proposed landscaping features to mitigate the impacts of the proposed lighting.
- Details of the make and catalogue number of any luminaires/floodlights.
- Size, type and number of lamps fitted within any luminaire or floodlight.
- The mounting height of the luminaires/floodlights specified.
- The location and orientation of the luminaires/floodlights.
- A technical report prepared by a qualified Lighting Engineer demonstrating the light spillage (vertical illumination level) at the site boundary and the windows of all nearby dwellings.

The approved scheme shall be constructed and installed in full accordance with the approved details and shall thereafter be maintained in full accordance with the approved details.

*Reason: In the interests of residential amenity in accordance with Policy GD1 of the Wear Valley District Local Plan and Parts 8 and 11 of the NPPF.*

16. Both foul and surface water drainage shall be carried out in accordance with submitted 'Flood Risk Assessment and Drainage Statement' (ref: 14650-3E-00-XX-RP-C-9000) received 30<sup>th</sup> January 2017.

*Reason: In the interests of flood prevention in accordance with Part 10 of the NPPF.*

17. All energy production and consumption reduction measures shall be carried out in accordance with the 'Sustainability Statement' dated June 2015 and received 6<sup>th</sup> December 2016.

*Reason: In the interests of sustainable development in accordance with Part 10 of the NPPF.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.)*

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- Derwentside District Local Plan 1997.
- Statutory, internal and public consultation responses.



**Planning Services**

Erection of an Aldi food store with associated vehicular, pedestrian and cycle access; car parking and landscaping. Former Bus Station And Co-op Buildings Sites, Front Street, Stanley, DH9 0HU. (DM/16/03893/FPA).

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**Comments**

**Date** 23<sup>rd</sup> February 2017

**Scale** 1:1250

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/16/03863/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 12 houses with associated parking and landscaping (Revised and resubmitted)
<b>NAME OF APPLICANT:</b>	Shallosquare Ltd
<b>ADDRESS:</b>	The Moorside Hotel Todd Hill Farm Road Moorside Consett
<b>ELECTORAL DIVISION:</b>	Consett South Steve France Senior Planning Officer
<b>CASE OFFICER:</b>	Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site, 0.44ha in area, is the cleared site of the former Moorside Hotel, adjacent the A692 between Consett and Castleside. No structures remain, the former use evidenced only by the remaining hardstanding areas and the roadside totem sign that served the hotel. There are some small trees along the site frontage. The site rises to the roadside, with a single neighbour an extended post-war semi-detached dwelling, set at a higher level to the north. Access to the hotel, and proposed for the site is via a side road, currently poorly surfaced, that also serves Todd Hill Farm, and units on the end of the adjacent Castleside Industrial Estate. A public Right of Way traverses the site, although its precise route is not apparent on the ground.

### The Proposals

2. The application seeks full planning permission for 12 new dwellings and associated parking and landscaping. Included within the design is an area of public open space and a slight diversion of the Right of Way, being dealt with separately as a section 247 application under the Town and Country Planning Act 1990, aligning it with the new footpath that crosses the site. The houses are two storey in scale, with dormer windows serving in-roof accommodation, with four semi-detached blocks totalling eight dwellings, and four set as a linked block, eight being 3-bed units and four being 4-bed units. The development is arranged so that most houses follow the existing building line facing out onto Consett Road, with the remaining units fronting the internal site road and Public Footpath. Landscaped open space is included at the eastern end of the site as an amenity/play area. Vehicular access is from the side road.

3. The application is reported to Committee as a 'major' proposal.

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## **PLANNING HISTORY**

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4. The Moorside Hotel was demolished in 2009, as part of an approved scheme to redevelop the site for 7 houses and 7 flats. The approved dwellings were not implemented. That approval was renewed in 2011, but then lapsed. The current applicant applied for, then withdrew, an application for 14 dwellings in 2016.

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
6. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. 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.
7. *NPPF Part 1 – 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 of a low carbon future.
8. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
9. *NPPF Part 6 - Delivering a Wide Choice of High Quality Homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
10. *NPPF Part 7 – Requiring Good Design.* 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. Planning decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an

appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.

11. *NPPF Part 8 – Promoting Healthy Communities.* Recognises the part the planning system can play in facilitating social interaction and creating healthy and inclusive communities. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities and planning policies and decisions should achieve places which promote safe and accessible environments. This includes the development and modernisation of facilities and services.
12. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
13. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
14. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

15. 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; design; 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.
16. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
17. *Climate change* - Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking. Planning can also help increase resilience to

climate change impact through the location, mix and design of development. Reflecting the 'golden thread' of the NPPF, sustainable development is key.

18. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

<http://planningguidance.planningportal.gov.uk/>

#### **LOCAL PLAN POLICY:**

19. The NPPF advises that proportionate weight should be given to policies in older Development Plans, proportionate with their consistency with the advice in the Framework. The relevant policies in the Derwentside District Local Plan, 1997 (saved policies 2009) are:
20. *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.
21. *Policy HO5 – Housing Development on Small Sites* – Moorside is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares in itself or when taken together with an adjoining site.
22. *Policy EN11 – Trees and Development* – states that throughout the district existing trees should be retained where possible in development proposals.
23. *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.

#### **RELEVANT EMERGING POLICY:**

The County Durham Plan

24. Paragraph 216 of the NPPF says 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. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

*The above represents a summary of those policies considered most relevant. The full text, criteria, and justifications of each may be accessed at:*

<http://www.durham.gov.uk/ldf>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

25. *Highways* – The scheme has been amended in response to comments from Highways Engineers to give a number of the frontage properties direct vehicular access onto Consett Road and to incorporate footways around the internal cul-de-sac to bring the highways layout to an adoptable standard.
26. *Northumbrian Water* – raise no objection to the scheme, asking for a condition to be attached to any approval to agree detailed connections and flows.

### **INTERNAL CONSULTEE RESPONSES:**

27. *Footpaths* – Initially objected to the proposals as they failed to deal with the presence of the Right of Way. An application to formally divert the route is now in progress.
28. *Sustainability* – are fully supportive of the general approach outlined by the applicant in the Sustainability Statement and carbon analysis.
29. *Drainage and Coastal Protection* – Noting that there was no history of flooding on the site, drainage Engineers pointed out that sustainable drainage details should ideally be submitted with the application, and adhere to the drainage hierarchy.
30. *Design and Conservation* – Proposed house types are described as ‘fairly traditional’, picking up on the distinctiveness of nearby Victorian properties, with the proposed communal amenity space noted. There will be no effect on the listed Hownsgill Viaduct, sited some 860m to the east.

### **PUBLIC RESPONSES:**

31. Eleven direct letters were sent to surrounding properties, and notices were put on site and in the Northern Echo. No representations have been received.

### **APPLICANT’S STATEMENT:**

32. This brownfield site has previously been granted planning permission on two separate occasions (in 2008 and 2011), clearly establishing the site’s appropriateness for residential development. At the time, a mix of flats and houses were proposed. Due to national economic circumstances these planning permissions lapsed.
33. The owners have adopted a fresh approach to the scheme, proposing 12 family sized homes, on and off-street parking, and a sizeable communal amenity area. This revised scheme is much more in keeping with the surrounding character and scale of development. This is evidenced by the fact that no public objections have been received to the application.
34. This agenda item follows extended discussions with highways, rights of way, drainage, Northumbrian Water and the case officer over the last few months. All parties are now in agreement that the site is optimised to its full potential and compliant with national and local planning policy.

35. The applicant is keen to see this site redeveloped, and (if approved) it will aid the LPA somewhat in delivering their sizeable housing targets. We respectfully request that the committee agrees with the recommendations of the officer's report and grants 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:*

<http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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36. 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 Paragraph 212 of 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 sustainable housing development along with general issues of design and access.

### The Principle of the Development

### The Development Plan

37. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant Development Plan is the Derwentside District Local Plan adopted in 1997 and this remains the starting point for determining applications as set out at paragraph 12 of the NPPF. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
38. The most relevant Local Plan policy which deals with housing development is saved Policy HO5. This policy allows for housing developments on 'Small sites' of up to 0.4ha, within specified settlements (including Consett) subject to a number of criteria. Whilst the application site marginally exceeds this area by 0.04 of a hectare it is considered that the development plan allows for an element of discretion and therefore it is considered appropriate to consider the proposal against this policy. In being appropriate to the pattern and form of the settlement and being within the urban area this frontage site is considered policy compliant. The NPPF advises that relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. The Council, at present, are unable to demonstrate a 5 year supply of housing and a consequence the policies for the supply of housing are out-of-date. As a result determination must decide whether development plan policy is outweighed by paragraph 14 of the NPPF which sets out a presumption in favour of sustainable development and for decision making means granting permission unless:
- 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; or
  - specific policies in this Framework indicate development should be restricted.

39. There are no specific policies which indicate that development should be restricted. The acceptability of the development therefore rests on whether any adverse impacts of approving the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole.

#### The Sustainability of the Site

40. The site is within an established urban area that the County Durham Settlement Study 2012 groups with all the settlements including and between Consett, Castleside and Shotley Bridge as a 'main town', which therefore includes easy access to shops, employment, goods, facilities, sustainable transport opportunities and education. The proposals are considered to have excellent locational sustainability credentials and also align with the 'economic' strand of the Government's definition of sustainability.
41. In terms of the proposed development, Council Sustainability Officers wrote that they were, 'fully supportive of the general approach outlined by the applicant in the Sustainability Statement and carbon analysis'. This approach, combined with the provision of open space within the site, the appropriate design, respecting adjacent land-users, and enhancing access to the countryside through improvements to the footpath network meet the 'social' strand of sustainability.
42. For the 'environmental' strand of development, the reuse of a prominent brownfield site is a significant material consideration in determining the application.

#### Scale, Character and Visual Impact

43. The proposals are considered to relate well to the surroundings, both in terms of the appearance of the dwellings proposed, and in reflecting the existing building line of dwellings fronting onto Consett Road. To further ensure this effect, a condition will require detailed agreement of the materials proposed. The proposed dwellings are two stories in appearance with in-roof accommodation indicated by the use of dormer windows. Site frontage elevations have been provided to show that the landform is such that even with these three floors of accommodation, the dwellings still sit below the height of the one neighbour, and reflect the scale of that existing development well. The conclusion of this element of the assessment is that the development meets the requirements of Policy GDP1(a) as regards design, scale, character, massing and siting.

#### Residential Amenity

44. The adjacent dwelling has no main living room windows facing across the site – a side window in the original gable faces across that property's side extension to the site, as does the side window of a single storey rear extension. The two pairs of semi-detached properties proposed to the rear of the site back onto and overlook farmland to the rear of that existing dwelling. In terms of residential amenity, each of the proposed dwellings benefits from their own private gardens and curtilage, in addition to immediate access to the proposed amenity / play space. The proposals are therefore considered to meet the requirements for residential amenity as set out in Policy GDP1(h).

#### Highways and Footpaths Issues

45. The scheme has been redesigned to propose two less units, and to bring the internal road and footpath layout to an adoptable standard. This involved relocating the

drives that serve the mid-linked properties facing onto Consett Road and narrowing the hard-surfaced footway that traverses the site that will be the pedestrian access to the dwellings at the back of the site and also the new course of the slightly diverted public right of way. The amenities of users of the Right of Way will be protected by the diversion. The updated layout set out on plan P/10rev.A will, when the public footpath is formally diverted address all the requirements set out by Council Officers, and subject to conditions requiring overall highways implementation, bring the scheme into compliance with Policy TR2 of the Development Plan.

### Flood Risk and Drainage

46. The developer has worked with Northumbrian Water to ensure the development does not affect drainage plant that crosses the site, requesting a condition to ensure drainage details are fully considered and controlled. Council Drainage Officers have set out their preference for drainage issues to be addressed in detail before determination, however a standard condition is proposed to require the developer to set out a detailed drainage scheme based upon the sustainable drainage hierarchy. On the basis that the site has no history of flooding and Northumbrian Water have indicated capacity in the foul system, a condition for this issue is considered appropriate, meeting the requirements of part 11 of the Framework.

### Impacts upon Heritage Assets

47. Conservation Officers have noted the presence nearby of Hownsgill Viaduct, a Grade II\* listed building. As infill on a brownfield site, in scale and character with the nearby settlement, the proposals are considered to have no discernible effect on the heritage asset, the advice of the NPPG and part 12 of the Framework having been given due regard.

### Other Issues

48. The proposals are considered to have the potential to bring economic benefits in principle economic benefits through the build process, that are given material weight in the assessment of the proposals – however as these are not quantified, specific weight cannot be attributed.
49. With the former building having been cleared from the site, and with no ponds in influencing distance, there is no suggestion that development of the site would detrimentally affect species protected by law, the advice of the NPPG and part 11 of the Framework having been given due regard.
50. None of the trees on site are considered worthy of formal protection, being the remnants of the hotel's landscaping, however a construction period tree protection plan is attached to the proposals and can be conditioned, this considered an acceptable response to the requirements of Policy EN11.

### The Planning Balance

51. The acceptability of the application must be considered first against the development plan against which it is concluded that the scheme is compliant and then under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify granting planning permission, the benefits of a proposed development must not be significantly and demonstrably outweighed by the adverse effects.

52. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. As a result it is considered that significant weight should be afforded to the economic and social benefits of the additional housing supply.
53. The overall sustainability credentials of the development in the context of Moorside and its landscape setting are considered to be acceptable. Development of this brownfield site within the existing urban framework addresses a low level blight site whilst with an acceptable form and use of the land. Highways implications are considered to be acceptable, the amenity of the residents would not be adversely affected, open space is proposed within the site, and drainage matters can be addressed by condition.
54. Assessed against the 'planning balance', the proposal is considered to be acceptable and in accordance with the NPPF and the relevant, proportionate demands of the Derwentside District Local Plan.

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## CONCLUSION

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55. The acceptability of the application should be considered against the appropriate weight given to the saved policies in the development plan and in the context of the presumption in favour of sustainable development contained within Paragraph 14 of the NPPF, with this and the relevance of the development plan policies and other issues summarised in the 'planning balance' section.
56. The scheme is one that has been modified in detail to meet the specific requirements of Highways and footpaths Officers, and is of a quality that suggests it will be an asset to the area.
57. The scheme is recommended for approval subject to the conditions outlined below.

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## RECOMMENDATION

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58. That the application be **APPROVED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
  2. The development hereby approved shall be carried out in strict accordance with the following approved plans: Site Plan P/10rev.A, Proposed Floor Plans H1 – H8 P/13, Proposed Floor Plans H1 – H8 P/14, Proposed Floor Plans H9 – H12 P/15, Proposed Floor Plans H9 – H12 P/16, Proposed Elevations H1 – H8 P/17, Proposed Elevations H9 – H12 P/19.  
  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, HO5, EN11 and TR2 of the Derwentside District Local Plan, 1997 (saved policies 2009).
  3. Notwithstanding any details of materials submitted with the application the dwellings hereby approved shall not commence until details of the make, colour and texture of

all walling, roofing and rainwater goods materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan, 1997 (saved policies 2009).

4. Notwithstanding any details submitted with the application, where any retaining structures are proposed, groundworks on or adjacent site boundaries shall not commence until details of existing and proposed levels and all proposed retaining structures have been submitted to and approved in writing by the Local planning authority. The development shall be constructed wholly in accordance with the approved details.

Reason: To ensure that a satisfactory form of development is obtained and in the interests of adjacent residential landowners in accordance with Policy GDP1 of the Derwentside District Local Plan, 1997 (saved policies 2009).

5. No individual dwelling hereby approved shall be occupied until a scheme of boundary markers has been submitted to and approved in writing by the Local planning authority, and implemented on that property in accordance with said agreement.

Reason: In the interests of residential amenity in accordance with Policy GDP1 of the Derwentside District Local Plan, 1997 (saved policies 2009).

6. Notwithstanding any details submitted with the application details of a scheme to address the Surface Water Drainage of the site must be submitted to, and approved in writing by the Local planning authority. Said scheme must make reference to the 'Surface Water Principles' of The Durham County Council Surface Water Management Plan. Restricted run-off rates will apply, and the site shall be developed to incorporate source control with sustainable drainage systems wherever possible; including infiltration and water quality improvement techniques. A Hierarchy of Preference as contained within the Surface Water Management Plan and Building Regulations which propose the surface water should be discharged :-
  1. To a soakaway or infiltration system, or where it is not reasonably practicable,
  2. To a watercourse (either open or closed) or where it is not reasonably practicable,
  3. To a Sewer.

The Drainage Strategy scheme must include; Permeability tests in accordance with BRE Digest 365 to verify the drainage option, detailed drainage design drawings and hydraulic calculations with simulation results for the 1in30 and 1in100 year (+ 20% climate change) storm frequencies, and drawings with area annotation indicating impermeable areas allocated to sewer lengths for design check.

Reason: To ensure surface water drainage issues are fully taken into account in accordance with Policy GDP1 of the Derwentside District Local Plan, 1997 (saved policies 2009) and the advice in the NPPF and NPPG. Given the nature and importance of this issue, a pre-commencement condition is considered appropriate, the advice of Article 35 of the DMPO 2015 having been given due regard.

7. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF. Given the nature and importance of this issue, a pre-commencement condition is considered appropriate, the advice of Article 35 of the DMPO 2015 having been given due regard.

8. The public open space approved as part of the approved layout must be completed and available for use before occupation of the last dwelling hereby approved and thereafter remain publicly available.

Reason: In the interests of residential amenity in accordance with Policy GDP1 of the Derwentside District Local Plan, 1997 (saved policies 2009).

9. The full highways layout approved within the site, including vehicular and pedestrian surfaces must be completed to an adoptable standard before residential occupation of any of plots H5 – H12 (inclusive).

Reason: In the interests of residential amenity and highway safety in accordance with Policies GDP1 and TR2 of the Derwentside District Local Plan, 1997 (saved policies 2009).

10. No construction work shall take place, nor any site cabins, materials, plant or machinery be brought on site in the areas shown as to be protected as indicated on the approved Tree Protection Plan AMS TPP REV.A (27.05.16) with said area protected by the erection of BS.5837:2012 standard fencing, placed as indicated on said plan, this fencing being kept in position during the construction of the adjacent houses.

Reason: In the interests of the appearance of the site, in accordance with Policies GDP1 and EN11 of the Derwentside District Local Plan, 1997 (saved policies 2009).

11. Before the first available planting season following the commencement of site works a detailed landscaping scheme must be submitted to and approved in writing by the Local Planning Authority. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following:
  - Trees, hedges and shrubs scheduled for retention.
  - Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
  - Details of planting procedures or specification and subsequent maintenance and replacement for a five year period.
  - The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
  - The local planning authority shall be notified in writing in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without written agreement within five years.

Reason: In the interests of the appearance of the site, in accordance with Policy GDP1 of the Derwentside District Local Plan, 1997 (saved policies 2009).

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive

manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. *(Statement in accordance with Article 31(1) (CC) of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.)*

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## **BACKGROUND PAPERS**

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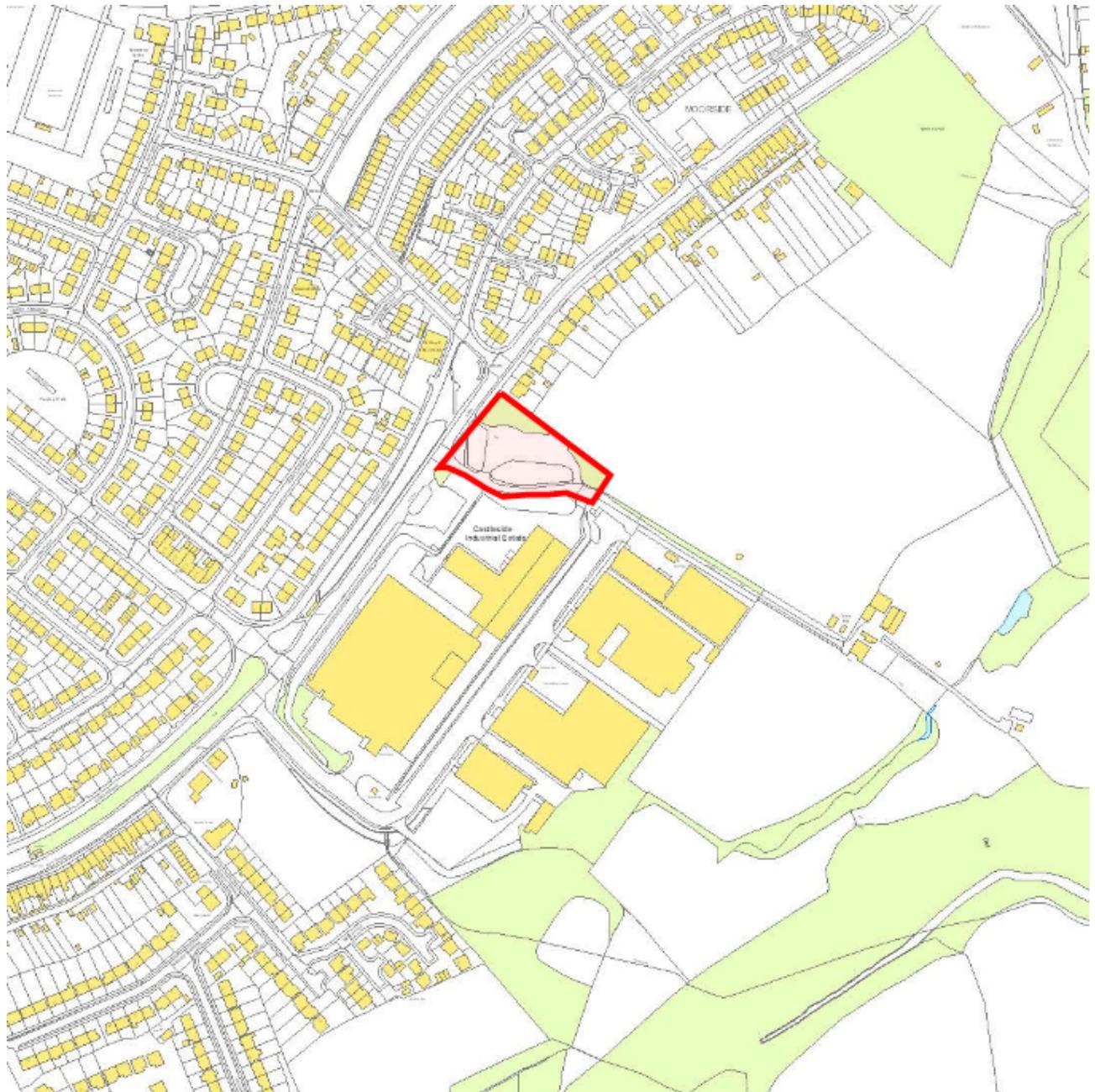
Submitted application form, plans supporting reports, documents and updated information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Derwentside District Local Plan (saved policies 2009) The County Durham Strategic

Statutory and internal consultation responses



**Planning Services**

The Moorside Hotel

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**Comments**

**Date February 2017**

**Scale Not to scale**

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