



## Area Planning Committee (South and West)

**Date** Thursday 19 January 2017  
**Time** 2.00 pm  
**Venue** Council Chamber, Council Offices, Spennymoor

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 15 December 2016 (Pages 3 - 6)
5. Applications to be determined
  - a) DM/16/03590/OUT - Land East Of North Bitchburn Terrace, North Bitchburn Bank, North Bitchburn (Pages 7 - 18)  
Outline residential development all matters reserved for 14 dwellings
  - b) DM/16/03433/FPA - Site Of Former Council Depot, Queen Street, Crook (Pages 19 - 36)  
Erection of food retail store with associated vehicular, pedestrian and cycle access; car parking and landscaping
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  
11 January 2017

To: **The Members of the Area Planning Committee (South and West)**

Councillor H Nicholson (Chairman)  
Councillor M Dixon (Vice-Chairman)

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson,  
E Huntington, C Kay, S Morrison, A Patterson, G Richardson,  
L Taylor, C Wilson and S Zair

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 15 December 2016 at 2.00 pm**

**Present:**

**Councillor H Nicholson (Chairman)**

**Members of the Committee:**

Councillors M Dixon (Vice-Chairman), D Bell, J Clare, K Davidson, E Huntington, I Jewell, S Morrison, A Patterson, G Richardson, L Taylor, C Wilson and S Zair

**1 Apologies for Absence**

Apologies were received by Councillors B Armstrong, D Boyes and C Kay.

**2 Substitute Members**

Councillor I Jewell substituted for Councillor D Boyes.

**3 Declarations of Interest (if any)**

There were no declarations of interest.

**4 Minutes**

The minutes of the meeting held on 17 November 2016 were agreed as a correct record and signed by the Chairman.

**5 Applications to be determined**

The Chairman amended the order of business so that item 5. b) on the Agenda could be considered and determined first.

**a DM/16/03101/OUT - Land Opposite High View Country House, Low Road, Kirk Merrington**

Consideration was given to the report of the Senior Planning Officer regarding an outline application for the erection of up to 46 dwellings with associated infrastructure.

The Senior Planning Officer gave a detailed presentation which included plans and photographs of the site.

The Senior Planning Officer confirmed that in addition to the 77 letter of objection referred to in the report, a 69 signature petition had also been submitted and

omitted from the report. In addition, objections were received from the Campaign to Protect Rural England and the Governors of Kirk Merrington Primary School. There had been 26 letters of support for the proposal.

Mr Jennings, local resident, objected to the proposal. The site was an agricultural field and the development would increase and urbanise the village. The report had thoroughly referenced the NPPF and he referred to the Frameworks core principles; to protect the Green Belt land, preserve heritage aspects and support thriving rural communities. Mr Jennings referred to mitigation to reduce the impact of the development and predicted that newly planted trees would take years to mature and take effect. The land should remain to provide a distinction between Kirk Merrington and Middlestone Village and Mr Jennings fully supported the recommendations outlined in the report. He urged Members to refuse the item for a third time.

Mr Blackett, local resident, objected to the proposal. Middlestone Village was a settlement of 27 houses surrounded by open landscape. He referenced the County Durham Landscape Strategy 2008, of which the key objectives with regards to development were to enhance and restore the landscape. The land was greenfield and situated at the entrance to Middlestone, however it was on the outside of the settlement boundary. This was an infill development which would double the number of houses in the village and result in a radical change which was not in keeping with the area. There was a narrow lane which connected the village to Kirk Merrington which was used by pedestrians, cyclists and horses – additional traffic could be more dangerous and result in an increased number of accidents.

Mr Little, local resident, confirmed that there was more than adequate housing in the area and referred to Beckwith Close which had not yet been completed by the developer. He considered that there were problems with the resale of properties in Beckwith Close and that some purchasers had been unable to sell properties and relocate. He referred to the majority of the letters in support of the application which were not from local people and considered the recommendation in the report as the correct one.

Mr Willis was the applicants agent and addressed the Committee in support of the application. There had been a number of significant changes since previous applications which addressed the concerns of the Council and fundamentally changed the development. Restrictions would be placed on building heights and there was the addition of a parameter plan in which heavy trees would be provided in the first planting season, providing maximum visual benefit and reducing the impact of the existing abrupt edge of the village on the landscape. He referred to the inclusion of 6 bungalows and omission of the retail food store, confirming that there had also been a reduction in the number of dwellings, although still meeting the affordable housing contribution. He referred to a delay with regards to the White Paper which when published would include significant commitment to new housing in order to maintain the housing supply required by the government.

In addition, the development would deliver the correct mix of housing in a sustainable location. The area was connected to the village by two good footpaths

and the location was serviced by regular bus services between Spennymoor and Ferryhill, as well as walking and cycling routes.

Finally, Mr Willis reiterated that there had been significant alterations to the previous scheme and the development was a significant contribution to the five-year housing supply relied on by the Government. There would be a significant benefit to the landscaping and the development would fit into the current layout of the village.

With regards to reference to the White Paper, the Chairman confirmed that this was not for consideration by the Committee and that the NPPF and Sedgefield Local Plan were the policies for consideration with regards to this application.

With regards to the statement made by the Agent, the Senior Planning Officer referred to the report and confirmed that the County Durham Plan was under review and had to be discounted. She concluded that any benefits of the development were outweighed by disadvantages and the development was considered unsuitable.

Councillor Dixon referred to the conflicting information given by the Agent and confirmed that he accepted the information in the report and felt that the location was unsustainable and would have an adverse visual impact on the area. In addition, this application had not fundamentally changed since the previous application was declined, however based on the information submitted alone, he proposed the recommendation for the refusal of the application.

Councillor Davidson saw no significant planning grounds to approve the application and agreed that the development would have an adverse visual impact. He seconded the recommendation to refuse the application.

Councillor Patterson referred to the lack of school places within the village and the similarities to the previous application.

Councillor Clare confirmed that reference had been made to the previous application and although there were similarities, each application was considered on its own merits and he considered that no weight should be given to the previous application with regards to the decision making process.

**Resolved:**

That the application be refused as per the recommendation outlined in the report.

In response to a general query from Councillor Davidson regarding the resubmission of planning applications, the Planning and Development Solicitor confirmed that there were powers available to the Planning Authority for them to decline to determine a repeat application in certain circumstances. However these powers would only be used in rare circumstances, such as the applicant having made no attempt to address previous issues raised.

**b DM/16/02668/FPA - Brown Jug, Evenwood Gate**

Consideration was given to the report of the Senior Planning Officer regarding the erection of 13 dwellings at Brown Jug, Evenwood Gate.

The Senior Planning Officer gave a detailed presentation which included plans and photographs of the site.

Councillor Richardson was pleased to see an application to develop the site and moved the recommendation to approve as outlined in the report.

Councillor Wilson was also pleased that the application would redevelop the area as since the demolition of the Brown Jug Inn, the area had become an eyesore.

Councillor Dixon welcomed the development and seconded the recommendation to approve.

Councillor Clare commented that the off street parking requirement of two cars per dwelling was not sufficient and he was disappointed that the Planning Authority were not asking for more.

**Resolved:**

That the application be approved as per the recommendation outlined in the report.

# COMMITTEE REPORT

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## APPLICATION DETAILS

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APPLICATION NO:	DM/16/03590/OUT
FULL APPLICATION DESCRIPTION:	Outline residential development all matters reserved for 14 dwellings
NAME OF APPLICANT:	Mr Jon Tweddell
ADDRESS:	Land East Of North Bitchburn Terrace North Bitchburn Bank North Bitchburn DL15 8FD
ELECTORAL DIVISION:	Crook
CASE OFFICER:	Tim Burnham Senior Planning Officer 03000 263963 <a href="mailto:tim.burnham@durham.gov.uk">tim.burnham@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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1. The application site comprises of approximately 0.5 hectares of undeveloped farm land which sits to the south east of North Bitchburn Terrace, North Bitchburn, Crook, fronting onto the unclassified adopted highway which runs between North Bitchburn and the B6286 to the east. The site is fronted by a well-established hedgerow with views over open countryside available from the site to the north and south.
2. The application seeks outline planning approval with all matters reserved for the erection of 14 dwellings.
3. The application is reported to the Planning Committee because the development is classed as a major application.

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## PLANNING HISTORY

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4. An application for 49 houses on the whole of the field (3/2005/1149) was refused in 2006.
5. An application for 1 house adjacent to 23 North Bitchburn Terrace(DM/16/02765/FPA) was recently refused in 2016.

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## PLANNING POLICY

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### NATIONAL POLICY

6. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy

Framework (NPPF). However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

7. *NPPF Part 4 – Promoting sustainable Transport.* Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties. There must be safe and suitable access to the site for all people.
8. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes.* Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities; however, isolated homes in the countryside should be avoided.
9. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
10. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. 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.
11. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.
12. *NPPF 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, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from



contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

*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 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)*

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

13. The following saved policies of the Wear Valley District Local Plan, as amended by Saved and Expired Policies September 2007 are relevant to the application; however, in accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight:-
14. *Policy ENV1: Protection of the Countryside:* The District Council will seek to protect and enhance the countryside of Wear Valley. Development will be allowed only for the purposes of agriculture, farm diversification, forestry or outdoor recreation or if it is related to existing compatible uses within the countryside as defined in other Local Plan policies.
15. *Policy GD1: General Development Criteria* All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area. The policy has a number of general criteria in relation to design and setting, landscape and environmental impacts, and highways and transport.
16. *Policy H3: Distribution of Development* New development will be directed to those towns and villages best able to support it. Within the limits to development of towns and villages, as shown on the Proposals Map development will be allowed provided it meets the criteria set down in Policy GD1 and conforms to the other policies of this plan.
17. *Policy H15: Affordable Housing:* The District Council will, where a relevant local need has been established, seek to negotiate with developers for the inclusion of an appropriate element of affordable housing on development sites.
18. *Policy H22 Community Benefit* On sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.
19. *Policy H24: Residential Design Criteria* New residential developments and/or redevelopments will be approved provided they accord with the design criteria set out in the local plan.
20. *Policy T1 General Policy – Highways* All developments which generate additional traffic will be required to fulfil Policy GD1 and i) provide adequate access to the developments; ii) not exceed the capacity of the local road network; and iii) be capable of access by public transport networks.

*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/media/3403/Wear-Valley-local-plan-saved-policies/pdf/WearValleyLocalPlanSavedPolicies.pdf>*

## RELEVANT EMERGING POLICY:

### The County Durham Plan -

21. 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 from examination. In the light of this, policies of the CDP can no longer carry any weight.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

22. *Highways Authority*: The application is in outline with all matters reserved albeit an indicative plan has been submitted. The overwhelming majority of the site is within the derestricted (60mph) area of the unclassified 34.11 highway. The sight visibility splays depicted on the plan are appropriate for 30mph eighty fifth percentile speeds. The splay to the west is also not drawn correctly. A DCC speed survey has shown speeds are in fact substantially higher, both being over 40mph, and commensurate with minimum splays of 135m to the west and 105m to the east. In practice this would be achievable only if the access were positioned at a point 70 to 75m east of the western application site boundary. The typical distance from existing field boundary hedge to edge of carriageway is 1.3m. The splays should not conflict with this hedge (i.e. be reliant upon regular trimming of a growing hedge in order to achieve continued availability of splays necessary in interests of highway safety). For information this is nevertheless implied by the indicative drawing. The footway west of the site is narrow and substandard (1m wide, for 20m length, in front of numbers 22 and 23). While this is a relatively short length, that which leads west from the application site to number 23, is also relatively narrow. It would not be good practice to approve multiple residences where the nearest settlement and bus stops are solely via this footway, particularly given traffic speeds. Manual for Streets (2007) notes that for lightly used streets minimum footway widths for pedestrians should generally be 2m and streets with high traffic speeds can make pedestrians feel unsafe. The minimum recommended footway width for parents walking with small children is 1.2m. If approved it is considered the proposal would likely set a precedent for future residential development.

23. *Northumbrian Water*: Request a condition for a detailed scheme of foul and surface water disposal.

### INTERNAL CONSULTEE RESPONSES:

24. *Landscape Section*: Object - The site is not in a locally or nationally designated landscape. It is currently pasture with hedge boundaries. It is in a Landscape Conservation Area as categorised in the Durham Landscape Strategy, with a strategy of "Conserve and enhance". It is primarily visible from the road that passes the site to the south. It is outside the Settlement Limits to Development as

defined in the Wear Valley District Local Plan, and is therefore in conflict with saved policy ENV1. It is separated from North Bitchburn by a small site that is currently undeveloped. It would appear as an extension to the settlement that would add to its apparent size in a disproportionate manner, and have a significant negative effect on the local landscape character in conflict with policy GD1. It would also be visible in more distant views from the ridges to the south of the Wear, and to the north of Crook, and in these views its layout and orientation would maximize its visibility and apparent size. Taken overall this proposal appears to be in significant conflict with landscape related policies.

25. *Education*: There are sufficient primary and secondary school places available to accommodate pupils from this 14 house development.
26. *Environmental Health Noise*: No objections subject to the submission of a construction management plan.
27. *Ecology*: No objections to the proposals from an ecological perspective, it is however recommended that if any further development was to be proposed on the site then significantly more biodiversity enhancements than have been recommended, would be expected.
28. *Affordable Housing*: The proposal is to deliver 14 units for market sale. As the development will be for less than 15 units and the site is less than 0.5 ha in size we would not expect affordable units to be required on site.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/>*

#### **PUBLIC RESPONSES:**

29. The application has been publicised by way of press notice and site notice. One letter of concern has been received from an adjacent landowner who would wish to ensure that the development proposed would not prohibit future access to land to the rear for housing purposes.
30. One letter of objection has been received in relation to the application. It is suggested that the application would be contrary to the Wear Valley Local Plan in relation to the landscape impact of the development and highway safety.

*The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/>*

#### **APPLICANT STATEMENT:**

31. The Applicant has engaged with the LPA on a pre-application basis and although the advice received was negative, it is considered that the form of development presented is sustainable and takes account of the character of the area. The development is positioned directly adjacent to existing development that is served by public transport and some local services. The design respects the terraces adjacent in a similar form of development. Given that the LPA does not have a deliverable 5 year supply of housing land, it is considered that this also adds weight to the current submission.

32. In terms of highways safety, the access arrangements, although lodged in outline, could be amended to take account of any concerns raised by the Highway Authority. The Applicant is happy to make a contribution towards open space provision.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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33. 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 as this is an outline application with all matters reserved the main planning issues in this instance relate to the principle of the development, location, impact on the character and appearance of the area, highways safety, section 106 contributions and other issues.

### Principle of Development

34. The application site is agricultural land which sits outside of the North Bitchburn development limit boundary as defined in the Wear Valley Local Plan, and as such is within the open countryside. Saved policy ENV1 of the Wear Valley Local Plan states that development within the countryside will only be permitted for the purposes of agriculture, farm diversification, forestry or outdoor recreation or if it is related to existing compatible uses. The proposal for residential development is therefore in conflict with Policy ENV1.
35. Nevertheless, because of the age of the Wear Valley Local Plan, having regard to paragraph 215 of the NPPF, there are no up to date housing policies for the area and therefore only limited weight can be given to Policy ENV1 in respect of housing location.
36. To that end, due consideration is to be given to the proposal in the context of the presumption of sustainable development as set out in paragraph 14 of the NPPF. This presumption states that development should be approved unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

### Location

37. There are very few services or facilities within North Bitchburn itself which is a very small settlement, identified within the council's settlement study as a lowest tier hamlet. Local residents are wholly reliant on services and facilities in surrounding villages and towns to meet their daily living needs.
38. However, Howden-le-Wear and Crook are approximately 1.2km and 2.4km away from the application site respectively. Both settlements, but particularly Crook, offer a wider range of local facilities, schools and employment. It is possible to reach these settlements via a regular bus service which also extends further afield to Bishop Auckland and Darlington accessed from a bus stop approximately 120mtrs to the west of the application site. Accordingly, future residents of the proposed housing would have access to the nearest services and facilities by public transport and therefore would not be wholly reliant on private car travel.
39. The proposal does not therefore significantly conflict with paragraphs 34 and 55 of the NPPF in respect of avoiding isolated housing.

## Character and appearance

40. The site does not fall within any special landscape designation, but it is open countryside, defined in the County Landscape Character Appraisal as the West Durham Coalfield landscape character area. The landscape strategy for this area is to enhance the landscape where it has been degraded while conserving what is most distinctive about its character, including its rural identity. Saved Policy GD1 of the Wear Valley Local Plan requires among other things, that new development contributes to the quality and environment of the surrounding area and does not unreasonably harm the rural landscape of the area. One of the Core planning principles within NPPF paragraph 17 is to recognise the intrinsic character and beauty of the countryside. Paragraph 56 of the NPPF states that the Government places great importance on the design of the built environment. Paragraph 58 states that planning decisions should ensure developments respond to local character and reflect the identity of local surroundings. Policy GD1 is therefore consistent with the aims of the NPPF.
41. Visually, the hedgerow which lines the south eastern boundary of the side garden at 23 North Bitchburn Terrace, and trees and planting to the rear of this property, form a clear and defined settlement edge, which defines the open countryside beyond from the relatively compact settlement form of North Bitchburn. The proposed development would sit distinctly separate from the adjacent built development at North Bitchburn Terrace, its disassociation with the established terrace being more marked due a gap which would be left by an undeveloped parcel of land immediately to the north west of the application site where a planning application on this gap site was recently refused and also previously dismissed at appeal in 2004.
42. As a result, the development would appear as a harmful visual intrusion into open countryside rather than a natural extension to the settlement. Due to the elevated position of the site, running north west/south east along a ridge, it would also be visible in more distant views from the north and south and in these views the layout and orientation of the proposed development would maximize its visibility and negative landscape impact. In dismissing the appeal for a single dwelling to the west of the site, the Inspector was of the view that any form of residential development beyond North Bitchburn Terrace would be a significant intrusion into the surrounding countryside. This current proposal is of significantly greater scale and impact.
43. In addition, in order to achieve a safe vehicular access to the site the Highway Authority would require the access to be positioned 70-75 east of the western site boundary with minimum splays of 135m to the west and 105m to the east. This would necessitate removal of a section of the roadside hedgerow to create a large gap for the access. The full extent of the required gap is unknown at this stage but it is likely to be significantly greater than a typical farm access given the need to accommodate the estate entrance and visibility requirements to either side. The hedgerow, as an established and continuous historic hedgerow, is a strong landscape feature leading into the settlement, and the formation of a large gap in the hedgerow would add further to the negative landscape impacts of the proposal.
44. Accordingly, there is significant conflict with the objectives of Wear Valley Local Plan Policies ENV1 and GD1, which among other things seek to protect and enhance the countryside and ensure that new development does not have a detrimental impact on the landscape quality of the surrounding area.

45. There is also conflict with the following parts of the NPPF to which the relevant parts of Wear valley Local Plan Policies ENV1 and GD1 are consistent: the fifth core planning principle of paragraph 17, which among other things, advises that planning should recognise '...the intrinsic character and beauty of the countryside...'; and paragraph 56 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

#### Highway safety

46. Although the application is in outline with all matters reserved, under article 5(3) of the Development Management Procedure Order 2015, an outline application must indicate the area where access points to the development will be situated.

47. The indicative layout plan shows the proposed access approximately 12mtrs from the western boundary of the site, however the Highway Authority has advised that in order to achieve required visibility of 135mtrs to the north west and 105mtrs to the south east, the access would have to be located further to the east, approximately 70-75m from the western site boundary.

48. This would mean that the required eastern visibility splay would cross third party land to the east of the site and would require ongoing maintenance of such splays. Planning Practice Guidance warns against the use of conditions where it is unlikely that its requirements can be achieved and therefore the matter could not be resolved by a grampian condition to achieve the visibility splays.

49. As such it has not been demonstrated that the development could be served by a safe and suitable vehicle access. The Highway Authority also notes that the section of footway to the west of the site leading into the village and to the bus stops is substandard width, which adds further to the highway safety concerns with the proposal. The proposal therefore conflicts with Wear Valley Local Plan Policies GD1(xx) and T1, which require safe access to the site.

50. The NPPF advises at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is considered that an access without suitable visibility splays would have a severe impact in terms of restricted visibility for highway users which would lead to an increased risk of collisions for all road users.

#### S106 Contributions

51. Policy H22 states that on sites of 10 or more dwellings the local authority will seek to negotiate with developers a contribution, where appropriate, to the provision and subsequent maintenance of related social, community and/or recreational facilities in the locality.

52. A shortfall in the provision of play space has been identified in the area through the Councils Open Space Needs Assessment.

53. Policy H22 together with guidance in the NPPF about how 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 demonstrates that a planning obligation is necessary to make the development acceptable in planning terms.

54. Whilst the applicant has recently stated that they would be happy to make a contribution towards open space provision, no S106 agreement or undertaking to enter into a S106 agreement has been supplied. Planning Practice Guidance (PPG) indicates that a condition requiring that a planning obligation be entered into should only be used in exceptional circumstances in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. That is not the situation here and therefore a condition would not be an appropriate means of securing a financial contribution towards the provision and maintenance of open space.
55. Accordingly, in the absence of an appropriate agreement or undertaking the proposal would not make adequate provision for open space provision and therefore conflicts with Saved Local Plan Policy H22 and NPPF paragraph 73 in respect of promoting healthy communities.
56. Policy H15 states that where a relevant local need has been established the council will seek to negotiate with developers for the inclusion of an appropriate element of affordable housing. In line with an up to date housing evidence base, the affordable housing section have advised that as the development will be for less than 15 units and the site is less than 0.5 ha in size there is no requirement for an affordable housing provision to be included on this site.

#### Other issues

57. An Ecology report has been undertaken which has identified the site as having limited ecological value. The Ecology section has raised no objections to the application. The site does not fall within the coal mining high risk area, and no flood risk is identified on the site, issues of foul and surface water drainage could be dealt with via condition. No objections have been received from the Education Section as there are sufficient school places to accommodate the development. The noise action team have raised no objections.

#### Planning Balance

58. The main purpose of the NPPF is to achieve sustainable development and the NPPF sets out that there are 3 strands to sustainable development, which are mutually dependent - economic, social and environmental.
59. The construction phase of the development would bring some economic benefits to the area through employment, although the jobs would be transitory and the benefits to the local area would be to a limited extent.
60. The new homes would boost the supply of housing in the area in line with the NPPF, but at a modest scale. However, the proposal would not make suitable provision for open space provision which conflicts with the social role of dimension to promote healthy communities.
61. In environmental terms, it has been concluded that the proposal would have a harmful effect on the character and appearance of the area, and it has not been demonstrated that safe access to the development can be achieved.
62. The lack of harm in respect of ecology and flood risk are neutral aspects that do not count as benefits in favour of the proposal.
63. Taking all these issues into account it is considered that the adverse impacts on the character and appearance of the area, inability to achieve safe access and lack

of open space provision, significantly and demonstrably outweigh the modest economic and housing supply benefits of the proposal. It is therefore concluded, in the context of the presumption in favour of sustainable development set out in paragraph 14 of the NPPF that the proposed development would not constitute sustainable development having regard to the policies of the NPPF taken as a whole.

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## **CONCLUSION**

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64. In the current policy context, in the absence of up to date local housing policies, NPPF Paragraph 14 advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
65. A presumption in favour of sustainable development is at the heart of the NPPF, but despite the acknowledged contribution the proposal would make to housing supply, the proposed development is at odds with this presumption because it would have an adverse impact on the character and appearance of the area, could not achieve safe access to the site within land under the applicant's control, and does not make suitable open space provision. There is conflict with Wear Valley Local Plan Policies ENV1, GD1 and H22, as well as NPPF paragraphs 32, 56 and 73.
66. It is therefore considered that the adverse impacts of the development would significantly and demonstrably outweigh any benefits when assessed against the policies of the NPPF as a whole.

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## **RECOMMENDATION**

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

1. The development would be viewed as an intrusion beyond the existing settlement into open countryside causing harm to the character and appearance of the area and local landscape. This conflicts with the objectives of Wear Valley Local Plan Policies ENV1 and GD1(xi), which among other things seek to protect and enhance the countryside and ensure that new development does not have a detrimental impact on the landscape quality of the surrounding area. There is also conflict with the fifth core planning principle set out in paragraph 17, which, amongst other things, advises that planning should recognise '... the intrinsic character and beauty of the countryside ...', and paragraph 56 "Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."
  2. The proposal does not demonstrate that safe and suitable access to the development can be achieved, which would be likely to give rise to conditions prejudicial to highway safety and road user amenity. The proposal therefore conflicts with Wear Valley Local Plan Policies GD1(xx) and T1, as well as NPPF paragraph 32 which requires safe and suitable access to the site.
  3. The proposal would not make adequate open space provision or off site contribution and therefore conflicts with Wear Valley local Plan Policy H22 and NPPF paragraph 73 which seeks to promote healthy communities.
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# BACKGROUND PAPERS

- Submitted application form, plans supporting documents
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Wear Valley Local Plan
- The County Durham Plan (Submission Draft)
- County Durham Settlement Study 2012
- The County Durham Landscape Character Assessment
- County Durham OSNA
- All consultation responses and representations received

<p><b>North Bitchburn</b></p>	
 <p><b>Planning Services</b></p>	<p>Outline residential development all matters reserved for 14 dwellings</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>19<sup>th</sup> January 2017</p>



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/16/03433/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of food retail store with associated vehicular, pedestrian and cycle access; car parking and landscaping.
<b>NAME OF APPLICANT:</b>	Aldi Stores Ltd
<b>ADDRESS:</b>	Site Of Former Council Depot Queen Street Crook DL15 8QQ
<b>ELECTORAL DIVISION:</b>	Crook
<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 0.84ha in area and is located within Crook town centre, adjacent to the Market Place. The brownfield site comprises areas of concrete hardstanding, formerly a Council depot, and a grassed area to the eastern part of the site which was remediated following demolition of a small terrace of dwellings. Site access is currently provided via Elliot Street, with footpath links from the south and west. To the north lies the rear of properties on Commercial Street, some of which take access via the route from Elliot Street. Most of the demolition work has taken place in the recent past since 2015. Little level change is evident across the site; however, the Market Place to the east is around a metre higher than the main body of the site to the west.
2. The site is bounded by built development to all sides to some degree, of which residential properties make up around 50%. The remaining buildings are commercial or social in nature and are a cross section of public houses, social clubs, shops, business centre and Salvation Army hall. High walls form the boundaries of the site to the north and also to the properties of Croft Terrace to the south.
3. Crook Conservation Area encircles the application site to most sides and includes the easternmost part of the site (encompassing the Salvation Army Hall and former terraced dwellings). All properties to the north (Commercial Street) and to the south east (Croft Street) are within the conservation area. 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

4. Planning permission is sought for the erection of a retail food store that would provide 1,7291sqm of internal floor space. The building would measure a maximum of 58m in length by 31m in width and the flat roof would have a maximum height of 5.5m. The building would be rendered white with a glazed entrance feature on the corner of the eastern and southern elevations. High level windows would be located on the southern elevation, along with a projecting canopy feature which would also wrap around to the eastern elevation.
5. The proposed development would utilise the existing access from the B6298 Elliot Street to the east, which would allow two way vehicular flow and accessibility for HGV's and to serve 94 car parking spaces. A vehicle loading and servicing area would be provided to the north side of the building. Landscape planting is proposed around the perimeter of the site along with a new 2.4 metre high timber fence with acoustic boarding in places to the northern boundary (rear of Commercial Street).
6. This application is being reported to the South West Planning Committee as it is classed as a major development.

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## **PLANNING HISTORY**

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### **RELEVANT PLANNING HISTORY**

7. In 2015 planning permission was granted for the demolition of 1-5 Queen Street and former Baptist Church (DM/15/00544/FPA).
8. In 2014 planning permission was granted for the demolition of a former bank and library buildings facing on to Elliot Street (3/2013/0439).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

9. 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'.
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. The following elements of the NPPF are considered relevant to this proposal;

11. *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.
12. *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.
13. *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.
14. *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.
15. *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.
16. *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.
17. *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.
18. *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. 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:

Wear Valley District Local Plan (1997) (WVLP)

19. *Policy GD1 (General Development Criteria)* - All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
20. *Policy BE6 (New Development and Alterations in a Conservation Area)* – Development which does not preserve or enhance the Conservation Area in terms of scale, design, colour and materials will not be allowed.
21. *Policy S1 (Town Centres)* – Seeks to maintain and protect town centres, through the restriction of uses.
22. *Policy S6 (Retailing in Crook)* – States that within the shopping area of Crook, that retail and office uses will be approved.
23. *Policy T1 (General Policy – Highways)* - All developments which generate additional traffic will be required to fulfil Policy GD1 and: provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

*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/media/3660/Wear-Valley-District-Local-Plan/pdf/WearValleyDistrictLocalPlan.pdf>*

## RELEVANT EMERGING POLICY:

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.

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

25. *Highway Authority* – Offer no objection, advising that the submitted Transport Assessment is considered sound, and that the development can be satisfactorily accommodated on the highway network. The site is well located to encourage sustainable travel modes and the pedestrian permeability to the south and west is welcomed. Visibility at the main access south along Elliot Street is just acceptable and would be required to be kept clear. Part of the proposed car park and internal road is currently adopted public highway and would be required to be 'stopped up' under S.247. Conditions in relation to the implementation of the travel plan, cycle parking and electric vehicle (EV) charging points are recommended.

26. *Drainage and Coastal Protection* – Offer no objection to the proposed methods of surface water attenuation set out in the submitted Flood Risk Assessment.

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

27. *Spatial Policy* – Offer no objections advising that the site is within the Crook Town Centre boundary, as defined by Policy S1 of the WVDLP. Despite being adopted 20 years ago, the town centre boundaries still accurately depict Crook town centre and the approach of defining town centre boundaries. The frontage of the site is located within the defined shopping area (Policy S6 of the WVDLP). The principle of retail within this location is therefore wholly consistent with the existing Local Plan and more up to date policy within the NPPF. The sequential and impact tests identified in Paragraphs 24 to 26 of the NPPF are not applicable.
28. *Design and Conservation*– Raise no objection. It is highlighted that one third of the site is within the Crook Conservation Area. The position of the building has taken into account the significance of the heritage asset to the north and east and most especially the attention to detail in the landscaping and boundary treatment adjacent to the Market Place. Overall, in heritage terms the proposal is considered to offer positive benefits in improving the appearance of the conservation area and rejuvenating a prominent vacant site in an acceptable manner integrating it into the conservation area. At present the significance of the site is described by officers as neutral to detrimental but it is noted that the relationship to the wider conservation area would be improved as a result of the proposal as would the setting of non designated heritage assets. Materials should be controlled by condition.
29. *Environment, Health & Consumer Protection (Land Contamination)* – Advise that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations.
30. *Environment, Health & Consumer Protection (Noise Action Team)* – Raise no objections advising the submitted noise impact assessment is considered sound. While noise generated from the movement of cars would be within acceptable levels there would inherently be some disturbance due to the proposed late opening times. Concerns are raised regarding the proposed 24 hour delivery model given the lack of background noise levels of the site during the night. A condition limiting the delivery hours is recommended. In relation to light pollution a lighting assessment has been produced, however further clarification is sought in relation to the calculation of light spill, it is recommended to address this matter by condition. Further conditions in relation to the specification of plant to be installed, the implementation of a proposed acoustic fence and to control construction related impact are recommended.
31. *Landscape* – Advise that the proposed landscaping scheme requires refinement but is in principle acceptable. It is recommended that finer details of landscaping be agreed by way of condition.
32. *Travel Planning*– Offer comments on the submitted travel plan, advising these should be addressed through a conditional approach.
33. *Access and Rights of Way* – Advise that there are no recorded rights of way across or adjoining the application site.
34. *Climate Change and Sustainability* – Offer no objection and support the measures to reduce emissions demonstrated by the applicant.

## **NON STATUTORY EXTERNAL CONSULTEE RESPONSES:**

35. *Northumbrian Water* – Raise no objections. Request the submitted Flood Risk Assessment form part of the approved documents.

## **PUBLIC RESPONSES:**

36. The application has been advertised by means of individual notification letters, site notice and press notice. 100 representations have been received of which 97 were letters of full support and are summarised below.

### Support

- The regeneration and economic benefits of the developments are highlighted.
  - Benefits of providing competition and range of goods,
  - Proximity to existing residential areas and accessibility.
  - Job opportunities in construction and operation phases.
37. The remaining 3 representations offered support in principle but raised queries over other aspects of the proposal. In summary their concerns were:
- The design of the store should be in keeping with the local vernacular and not a modern warehouse like other sites in the town.
  - The extra traffic generated by the proposal should be accommodated.

## **APPLICANTS STATEMENT:**

38. 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.
39. 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. In response to comments received, the access to the store from Elliot Street has been further improved with improved junction radii.
40. The design and layout of the proposed development has been carefully considered to ensure it sits comfortably within the surrounding conservation area and residential context. There is strong local support for a new Aldi Neighbourhood Foodstore which has been demonstrated through the public consultation exercise with 98% of respondents either supporting the proposals outright or with some minor comments.
41. In conclusion, the proposed development is a sustainable development, located within the town centre of Crook nearby residential areas, 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.



42. 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=summary&keyVal=O68O1OGDH6S00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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43. 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 heritage assets, residential amenity, access and highway safety issues, flooding and drainage and other issues.

### Principle of Development

44. 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 Wear Valley District Local Plan (WVDLP) 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.
45. WVDLP Policy S1 identifies the role of Bishop Auckland and Crook town centres as the main retailing centres within the former district of Wear Valley, where the majority of major retail developments should be located. New retail development within town centres are subject to the provisions of WVDLP Policy S6 in relation to Crook; whereby uses A1, A2 and in some circumstances A3 are considered appropriate where proposed in the main shopping areas as identified on the proposals map. This approach is more restrictive than that set out by Paragraph 23 of the NPPF and the supporting Annex 2, whereby a wider range of services and uses are deemed appropriate in a town centre location. Regardless, the general approach of Policies S1 and S6 to directing retail development into the town centres would still carry substantial weight in the decision making process for this proposal, in that this aspect is broadly consistent with the NPPF's aim of ensuring the vitality of town centres by directing new retail development to town centres as opposed to edge of centre or out of centre locations.
46. As such, the principle of the proposed development is considered to be in accordance with the Wear Valley District Local Plan,

### Design and Impact upon Heritage Assets

47. In terms of the context of the application site, it is partly within the Crook Conservation Area for the eastern third of the site and borders it to all other

boundaries (except to the extreme south and west) and therefore has the potential to affect its significance as a designated heritage asset. 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.

48. WVDLP Policy BE6 defines appropriate development within Conservation Areas, whereby scale, design, colour and materials should all preserve or enhance the Conservation Area. WVDLP Policy GD1 sets out that development should reflect the scale and character of the surrounding area and achieve a high standard of landscaping which relates well to the natural and built environments. These Policies are considered compliant with the NPPF which also requires that development contributes to and enhances the natural and local environment under Part 11, 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 WVDLP Policies in this respect.
49. Whilst the conservation area does contain a number of listed buildings, none are considered to have a relationship with the site such that they would be affected by the proposals. The site also sits within the setting of buildings identified within the adopted conservation area character appraisal as being notable unlisted buildings (non-designated heritage assets), primarily the former Board School to Croft Street; however, such buildings would not be adversely affected by the proposals.
50. The site was previously occupied in part by a range of buildings, many of which were in the conservation area and of differing quality and age. The loss of these buildings has previously been accepted and a number have already been appropriately recorded and removed. The site is mostly closed off from public access with the remaining part utilised for informal parking for the Town Centre. In its present condition, the Design and Conservation Officer considers that the significance of the site would be described as 'neutral to detrimental'.
51. Demolition works have opened the eastern facing aspect of the application site on to Elliot Way, the Market Place and the Conservation Area, producing the main key aspect of the proposals from town centre and the Conservation Area. The application proposes a modern, purposeful building to the west, with car parking occupying the eastern part of the site. This would minimise the visual impact of the new building and detach it to some degree from the heritage asset and surrounding townscape. On this basis, the Design and Conservation Team consider the scale, massing and design to be acceptable subject to a review of specific building materials for the new building by way of condition.
52. The submission has acknowledged the interface between the application site and the wider town centre where the two meet at Elliot Street. An attempt to provide a sympathetic frontage with upgraded boundary treatments is welcomed by the Design and Conservation Team, with the dwarf wall and railings proposed screening parked cars and re-integrating the site back into the Market Place. A request for details of the proposed materials to be utilised in the boundary treatment by the Design and Conservation Team is considered appropriate by condition given the sensitivity of the boundary within the conservation area. Based upon the above, the Design and Conservation Team have no objections to the proposals in terms of impact upon the heritage asset and from the design of the new development.

53. Overall, the re-development of the site would address a key site within the town centre of Crook. 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 site would provide a better relationship to the wider conservation area and the setting of non-designated heritage assets nearby. 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 conservation area. It is not considered that the proposal would cause harm to the conservation area rather it would bring positive benefits to its character and appearance.. The proposal would therefore be considered to accord with WVDLP Policies GD1 and BE6 and Parts 7 and 11 of the NPPF.

#### Residential Amenity

54. WVDLP Policy GD1 requires new development to have no serious adverse effect on the amenity of those living or working 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.
55. The closest residential properties to the proposed store are those to Commercial Street to the north; however, residential properties are present to all four sides of the application site. As such, broad impacts from the store are likely to be felt by the residential occupiers amongst 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 between 10am and 6pm on Sundays and Bank Holidays. These times are comparable to similar uses in the vicinity, including a neighbouring supermarket, public houses and other commercial premises, and as such are deemed appropriate. Whilst it is advised that the noise generated from the movement of cars would be within acceptable levels there would inherently be some disturbance, particularly due to the proposed late opening times (10pm Monday – Saturday), this would not be considered to cause a significant adverse effect in accordance with WVDLP Policy GD1. A conditional approach to restrict opening times beyond those stated would be prudent to protect the amenity of nearby occupiers.
56. The design of the proposed retail store would see the delivery bay and plant compound along the north elevation of the building. Here the site becomes compact and there is around 25 metres between the delivery bay / plant and the rears of the properties of Commercial Street, which has a mixture of tenures from residential to commercial. The applicant has provided a Noise Impact Assessment in support of the proposals which has resulted in mitigation proposed in the form of acoustic fencing to segments of the northern boundary to protect the amenity of the residents beyond.
57. The Noise Impact Assessment has been reviewed by the Council's Environmental Health and Consumer Protection Officers and they are concerned that the assessment does not cover the overnight period and so have raised concerns in

regard to potential 24 hour delivery times for the proposed store. Officers have propose that a condition be included that restricts delivery times to one hour either side of the opening hours of the store and so protect the amenity of the neighbouring properties, in keeping with WVDLP Policy GD1.

58. External lighting is proposed to the site, however, no detail has been provided with the application. Following discussions with the applicant and Environmental Health and Consumer Protection officers it is considered appropriate to agree the detail by way of an appropriately worded condition to ensure that lighting levels and spillage are suitably controlled. Environmental Health and Consumer Protection officers are satisfied that an acceptable lighting scheme can be achieved on site.
59. While recognising that the Environment, Health and Consumer Protection officers have additional controls outside of planning that deal with noise nuisance and other construction related disturbances, given the proximity of neighbouring residential properties some form of control is considered necessary. A condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties would therefore be appropriate.
60. Overall, whilst it is recognised that there would be some reduction in the level of amenity experienced by surrounding residential properties in relation to the proximity of the development and its operation, it is considered that this can be controlled to an acceptable level through appropriate planning conditions. No objections are raised by Environment, Health and Consumer Protection officers subject to such conditions. The development is therefore considered to comply with WVDLP Policy GD1 and Parts 8 and 11 of the NPPF in this respect.

#### Access and highway safety issues

61. WVDLP Policy T1 requires that development proposals provide adequate means of access onto the wider highway network and seeks to protect highway safety in terms of vehicle movements and traffic generation. 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 (Part 4 of the NPPF). Concerns over local highway capacity of the road network to accommodate additional flows and the resultant impact on highway safety have been raised by a local resident.
62. The proposed development would utilise the pre-existing vehicular access from Elliot Street (B6298), which would allow two way vehicular flow and accessibility for HGV's. Parking would be laid out between the store and access, providing 94 spaces, including 2 electric vehicle charging points, 5 disabled spaces and 8 parent and child spaces.
63. A Transport Assessment has been submitted that considers the impact of the development on the surrounding road network. The Highway Authority advise that the assessment is considered sound, agreeing with the conclusion that the trips generated by the development can be accommodated by the immediate highway network. Site visibility for vehicles exiting the site would be just within acceptable levels when looking to the south along Elliot Street; however, the proposed landscaping to the front of the store would lie within the visibility splay. An appropriately worded condition to ensure the splay is preserved in the future would ensure visibility is maintained. Subject to this, the Highway Authority is satisfied that the development can be served by an appropriate means of access. The presence of adopted public highway that formed Queen Street and the surrounding area in the past would require removal from the adopted highway network and associated

amendments to traffic orders. A conditional approach to ensure that necessary works and amendments are undertaken would be appropriate in this instance. It is also recommended that conditions are imposed to secure the provision of electric vehicle charging points and cycle parking, and the sealing of existing vehicular accesses to Croft Street to the south of the site.

64. Travel Planning officers have reviewed the submitted Framework Travel Plan, which is largely considered to be sound, subject to minor 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.
65. 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 sufficient car parking is provided across the scheme. Subject to the recommended conditions the proposal is considered acceptable in highways terms and complies with WVDLP Policy T1 and Part 4 of the NPPF.

### Flooding and Drainage

66. Part 10 of the NPPF, in reference to flooding, 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. WVDLP GD1 follows the requirements of the NPPF in regard to the above in ensuring new development does not increase flood risk. This policy is therefore consistent with the aims of the NPPF as a result. 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 Crook Burn, is not a viable means of connection due to distance from the site. 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 site (0.883Ha). 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 unrestricted in to the existing network.
67. The Council's Drainage and Coastal Protection officers offer no objection to the proposed methods of surface water attenuation set out in the FRA. Northumbrian Water also offers no objections subject to the implementation of the proposed drainage scheme. As such, the proposed drainage scheme is considered to comply with WVDLP Policy GD1 and Parts 10 and 11 of the NPPF in this respect.

### Other Issues

68. 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) advise that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations.
69. 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.

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## **CONCLUSION**

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70. The NPPF sets out that there are three dimensions to sustainable development, the economic, social and environmental roles and these roles should not be taken in isolation because they are mutually dependant. It also supports retail development in town centres as well as the protecting and enhancing conservation areas. Policies within the WVDLP are not considered out-of-date with regard to these requirements.
71. The proposed retail store is within Crook town centre, a location where retail development is directed by the development plan and so is considered acceptable in principle, in accordance with the development plan. The scheme would also create the equivalent of 30 full time employment positions once the store is operational. The development would therefore contribute significantly to the economic and social dimensions of sustainable development.
72. Given its location consideration has been given to the impact of the proposal on the Crook Conservation Area. It is considered that the retail store would result in a positive contribution to the conservation area and its setting through redevelopment of a key site in the town centre of Crook with no resultant harm.
73. Whilst it is recognised that there would be some reduction in the level of amenity experienced by surrounding residential properties in relation to the proximity of the development and its operation, this is not considered to be at a level sufficient to warrant refusal of the planning application on its own and is controlled by condition.
74. Subject to the attached conditions the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network. The scheme would not increase the risk of flooding elsewhere.
75. The proposal has generated some public interest, with the significant majority of responses in support of the development. Concerns expressed regarding the proposal have been fully taken into account, along with those in support, and carefully balanced against the scheme's wider social, economic and environmental benefits. However, they are not considered to raise issues that justify planning permission being withheld.
76. In summary, the scheme is considered to represent sustainable development when considering its three component dimensions as set out in the NPPF in accordance with relevant Wear Valley District Local Plan policies. Therefore, in accordance with the decision-taking requirements of Paragraph 14 of the NPPF, the development should be approved without delay.

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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:

27/10/2016 0258 – AL(0)01 Rev PL1 – Site Location Plan  
25/11/2016 0258 – AL(0)03 Rev PL2 – Proposed Site Plan  
27/10/2016 0258 – AL(0)04 Rev PL1 – Proposed Floor Plan  
27/10/2016 0258 – AL(0)05 Rev PL1 – Proposed Roof Plan  
27/10/2016 0258 – AL(0)06 Rev PL1 – Proposed Elevations  
27/10/2016 0258 – AL(0)07 Rev PL1 – Proposed Streetscape Elevations  
25/11/2016 0258 – AL(0)08 Rev PL2 – Proposed Landscaping Plan  
27/10/2016 0258 – AL(0)09 Rev PL1 – Proposed Eastern Boundary  
27/10/2016 14659-3E-00-XX-DR-C-0001 Rev P1 – Preliminary Drainage Layout

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, BE1, BE6, S1, S6 and T1 of the Wear Valley 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 GD1 and T1 Wear Valley 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 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 GD1 of Wear Valley 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 and eastern boundary wall 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 GD1 of Wear Valley 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 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 GD1 of Wear Valley District Local Plan and Parts 7 and 12 of the NPPF.*

8. Prior to the retail store hereby approved being brought into use, the site visibility splay to the Elliot Street access, as depicted on proposed site plan (ref: 0258 – AL(0)03 Rev PL2), shall be made available and all times thereafter with no obstruction to visibility greater than 1.05m in height above the Elliot Street carriageway.

*Reason: In the interests of highway safety in accordance with Policy T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.*

9. Prior to the retail store hereby approved being brought into use, the existing vehicular accesses to Croft Street shall be removed and reinstated as public footpath 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 T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.*

10. Prior to the retail store hereby approved being brought into use, the 2 no. electric vehicle charging point car parking spaces shall be created and be fully operational. The spaces 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 GD1 of the Wear Valley 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: 0258 –AL(0)03 Rev PL2) 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 GD1 of the Wear Valley 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 GD1 of the Wear Valley 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 GD1 of the Wear Valley District Local Plan and Parts 8 and 11 of the NPPF.*

14. Prior to the store hereby approved being brought into use the acoustic fencing adjacent to the delivery bay detailed in the Noise Impact Report compiled by Environmental Noise Solutions Limited dated 21<sup>st</sup> October 2016 shall be installed. The fencing shall thereafter be retained for the life time of the use.

*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.*

15. 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 GD1 of the Wear Valley District Local Plan and parts 8 and 11 of the NPPF.*

16. Deliveries to the store shall not be undertaken before 07:00 or after 23:00 Monday to Saturday or before 09:00 or after 19:00 Sundays.

*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.*

17. 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.*

18. Both foul and surface water drainage shall be carried out in accordance with submitted 'Flood Risk Assessment and Drainage Statement' (ref: 14659-3E-00-XX-RP-C-9000) received 27<sup>th</sup> October 2016.

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

19. All energy production and consumption reduction measures shall be carried out in accordance with the 'Sustainability Statement' dated June 2015 and received 27<sup>th</sup> October 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.*)

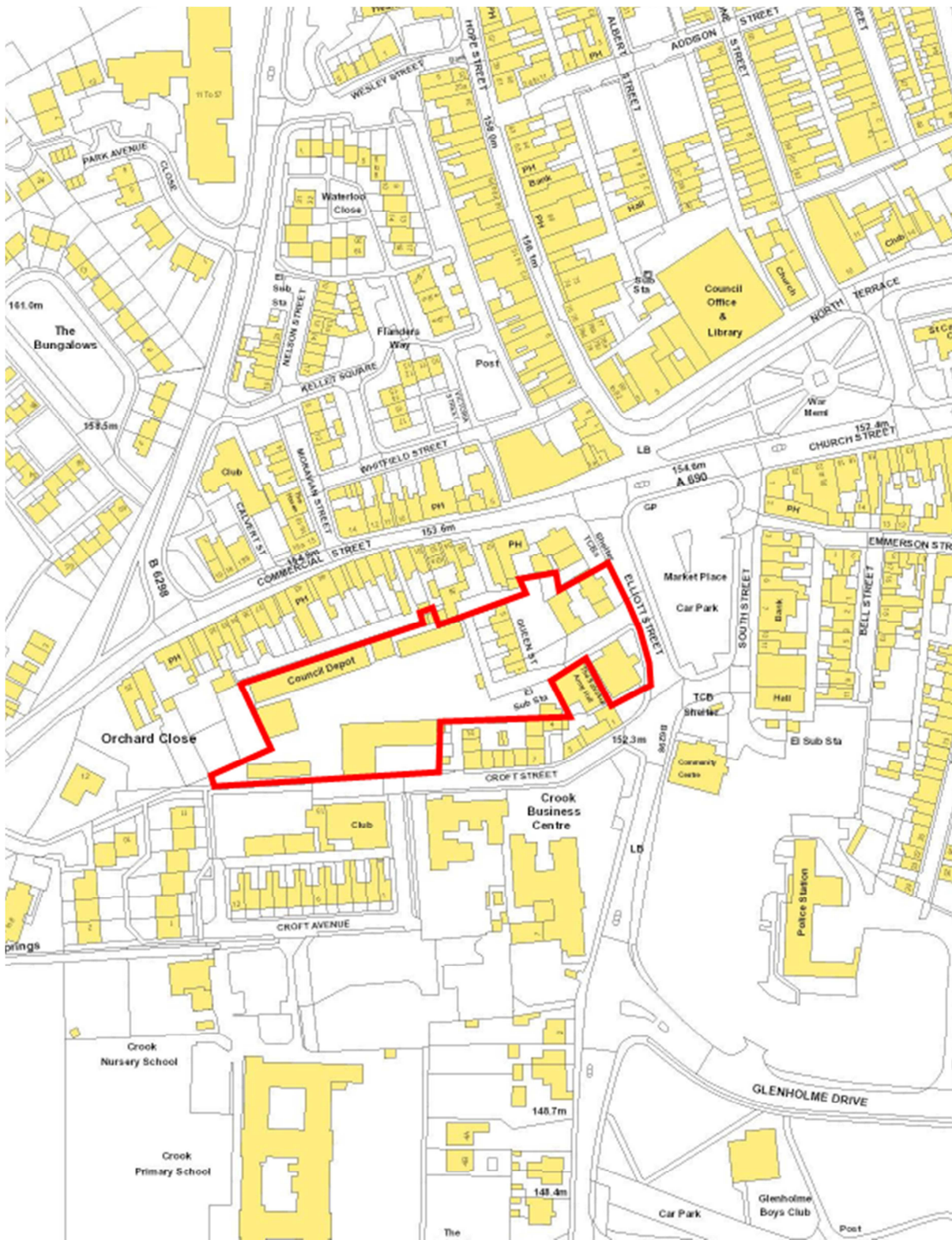
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## **BACKGROUND PAPERS**

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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.
- District of Wear Valley Local Plan 1997.
- Statutory, internal and public consultation responses.



**Planning Services**

Erection of food retail store with associated vehicular, pedestrian and cycle access; car parking and landscaping. Site Of Former Council Depot, Queen Street, Crook, DL15 8QQ (DM/16/03433/FPA)

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**Comments**

**Date** 19<sup>th</sup> January 2017

**Scale** 1:2500

