

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

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

The Proposal

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

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

PLANNING HISTORY

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

PLANNING POLICY

NATIONAL POLICY

11. A revised National Planning Policy Framework (NPPF) was published in July 2018 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
12. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this

issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.

13. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
14. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
15. *NPPF Part 6 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
16. *NPPF Part 7- Ensuring the Vitality of Town Centres.* Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
17. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. *Developments* should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
19. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
20. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
21. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change -* The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including

the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

22. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
23. *NPPF Part 16 - Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations

<https://www.gov.uk/guidance/national-planning-policy-framework>

24. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design: process and tools; determining a planning application; flood risk; health and well-being; land stability; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; natural environment;; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; town centres and retail; use of planning conditions and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

Sedgefield Borough Local Plan

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

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

EMERGING PLAN:

The County Durham Plan

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

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

INTERNAL CONSULTEE RESPONSES:

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

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

EXTERNAL CONSULTEE RESPONSES:

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

PUBLIC RESPONSES:

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

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

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

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

APPLICANTS STATEMENT:

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

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

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

PLANNING CONSIDERATIONS AND ASSESSMENT

69. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision making. Other material considerations include representations received. In this context, it is considered that the main planning issues relate to the principle of the development, highway safety and access, visual impact, residential amenity, drainage and ecology.

The Principle of the Development

70. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Sedgefield Borough Local Plan (SBLP) remains the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF.
71. The SBLP was adopted in 1996 and was intended to cover the period to 2006. However, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of

consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

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

Highway safety and access

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

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

Visual impact

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

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

Residential amenity

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

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

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

Drainage

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

Ecology

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

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

Other issues

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

Planning Balance

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

CONCLUSION

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

RECOMMENDATION

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

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

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

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

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

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

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

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

4. Remediation works shall be carried out in accordance with the approved remediation strategy (required by condition 3). The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

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

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

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

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

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

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

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

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

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

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

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

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

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

The management strategy shall have regard to BS 5228 Noise and Vibration Control on Construction and Open Sites during the planning and implementation of site activities and operations.

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

11. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

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

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

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

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

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

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

Replacements will be subject to the same conditions.

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

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

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

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

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

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

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

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

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

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

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

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

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

The National Planning Policy Framework (2018)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses

Sedgefield Local Plan



Planning Services

Aldi foodstore with associated access, car parking and landscaping

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

DM/19/03233/FPA

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Comments

Date: 7 January 2020