

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/02627/FPA
FULL APPLICATION DESCRIPTION:	Full planning application for the construction of new retail food store and associated parking.
NAME OF APPLICANT:	Almscliffe Dhesi Developments (Stanley) Ltd And The Go-Ahead Group Plc
ADDRESS:	Site of Former Bus Depot, Chester Road, East Stanley, DH9 0TH
ELECTORAL DIVISION:	Stanley
CASE OFFICER:	Louisa Ollivere, Senior Planning Officer 03000 264878, Louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The application site which extends to some 1.17 hectares is the site of the former Go Ahead Northern Bus depot located to the south of Chester Road in East Stanley. The site is currently vacant except for a Mobile Phone Mast in the south east corner and has been cleared of all former buildings and is currently mainly concrete hardstanding with some mature trees within the east of the site. It is currently mostly enclosed with temporary security fencing. A Public Right of Way (Byway 37) runs north-south through the site along the western boundary outside of the temporary fencing.
2. The site is bounded on the west by the North Durham Academy Campus. To the east are two car sales, repair and MOT garages (Gems Motors and Sunnyside Motor Company) both of which are subject of at the time of writing an undetermined planning application for the buildings to be demolished and redeveloped as petrol filling station with an ancillary shop, jet wash and car wash (ref; DM/22/03375/FPA). This is likely to have been determined by the date of the Committee. North of the site and Chester Road lies a Petrol Filling Station with ancillary shop. To the south are residential estates built in the 1970's.
3. The site previously had two accesses from Chester Road to provide separate access and egress for the Buses entering and leaving the depot.

Proposal:

4. This application proposes the erection of 1895sqm of Commercial use (class Ea) within one large single storey unit set back within the south of the site. There would be associated car parking to the front of the site and to the east of the site amounting to

121 spaces including 5 accessible spaces and 8 EV Parking spaces and parent and child spaces. Several trees and the current mast compound would be removed from the east of the site to facilitate the development. Landscaping is proposed to the front of the site, around the parking areas, to the south of the retail unit and adjacent to the altered route for the PROW.

5. The proposed building would be single storey with a sloping roofline ranging from 5.4m to 7m in height. The façade treatment is of a modern design using grey flat panel cladding reflective of the company brand. The northern elevation would incorporate a large area of glazing to allow views into and out of the shop floor. The eastern elevation will accommodate the main entrance into the site. The western and southern elevations are plain with only service accesses.
6. The site would be served by a single new access from Chester Road with off site works involving a new protected right hand turn into the site and a new right hand turn into the garage opposite alongside a new pedestrian crossing.
7. It is envisaged that the proposed use would create 40 full time jobs. The hours of opening proposed are 07:00 to 23:00 Mon-Sat and 10:00 to 16:00 Sundays and Bank Holidays.
8. This application is being reported to the North Planning Committee as it relates to a major commercial development proposal in excess of 1000sqm of floor space.

PLANNING HISTORY

9. 1/0000/0959/35823 Erection of temporary garage. Approved 1st January 1992
10. 1/0000/1092/36422 Garage. Approved 1st January 1992.
11. 1/2000/0730/12215 Installation of dishes and antennae onto existing mast. Pending.
12. 1/2000/0749/12251 Extension of existing telecommunications tower by 6 metres, erection of two 1.2M dish antenna, ten 0.6M dish antenna, six dual polar antenna and equipment cabin. Approved 7th February 2001.
13. DM/22/02764/AD Advertisement consent for the installation of two large column mounted signs; three large advertising billboard wall mounted signs; one poster display unit; two small wall mounted billboards and one flagpole sign. Pending.

PLANNING POLICY

NATIONAL POLICY

14. A revised National Planning Policy Framework (NPPF) was published in July 2021. 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.
15. In accordance with Paragraph 219 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.

16. *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.
17. *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.
18. *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.
19. *NPPF Part 7 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.
20. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe 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 community facilities and services should be adopted.
21. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
22. *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.
23. *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.

24. *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.
25. *NPPF Part 15 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, sites of biodiversity or 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.

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

26. 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; climate change; determining a planning application; flood risk and coastal change; healthy and safe communities; light pollution; natural environment; noise; renewable and low carbon energy; travel plans, transport assessments and statements; use of planning conditions; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan (October 2020)

27. *Policy 6 (Development on Unallocated Sites)* supports development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area or outside the built up area but well related to a settlement will be permitted provided it: is compatible with use on adjacent land; does not result in coalescence with neighbouring settlements; does not result in loss of land of recreational, ecological, or heritage value; is appropriate in scale, design etc to character of the settlement; it is not prejudicial to highway safety; provides access to sustainable modes of transport; retains the settlement's valued facilities; considers climate change implications; makes use of previously developed land and reflects priorities for urban regeneration.
28. *Policy 9 (Retail Hierarchy and Town Centre Development)* seeks to protect and enhance the hierarchy of Sub Regional, Large Town, Small Town, District and Local retail centres in the county.
29. *Policy 21 – Delivering Sustainable Transport* – Requires planning applications to address the transport implications of the proposed development. All development shall deliver sustainable transport by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings.

30. *Policy 26 (Green Infrastructure)* - states that development will be expected to maintain and protect, and where appropriate improve, the County's green infrastructure network. Advice is provided on the circumstances in which existing green infrastructure may be lost to development, the requirements of new provision within development proposals and advice in regard to public rights of way.
31. *Policy 29 – Sustainable Design* - Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards (subject to transition period).
32. *Policy 31 – Amenity and Pollution* - Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that the development can be effectively integrated with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised to an acceptable level.
33. *Policy 32 - Despoiled, Degraded, Derelict, Contaminated and Unstable Land* - Requires that where development involves such land, any necessary mitigation measures to make the site safe for local communities and the environment are undertaken prior to the construction or occupation of the proposed development and that all necessary assessments are undertaken by a suitably qualified person.
34. *Policy 35 – Water Management* – Requires all development proposals to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development and taking into account the predicted impacts of climate change for the lifetime of the proposal. All new development must ensure there is no net increase in surface water runoff for the lifetime of the development.
35. *Policy 36 - Water Infrastructure* - Advocates a hierarchy of drainage options for the disposal of foul water. Applications involving the use of non-mains methods of drainage will not be permitted in areas where public sewerage exists. New sewage and waste water infrastructure will be approved unless the adverse impacts outweigh the benefits of the infrastructure. Proposals seeking to mitigate flooding in appropriate locations will be permitted though flood defence infrastructure will only be permitted where it is demonstrated as being the most sustainable response to the flood threat.
36. *Policy 39 – Landscape* – States that proposals for new development will only be permitted where they would not cause unacceptable harm to the character, quality or distinctiveness of the landscape, or to important features or views. Proposals are expected to incorporate appropriate mitigation measures where adverse landscape and visual impacts occur. Development affecting Areas of Higher landscape Value will only be permitted where it conserves and enhances the special qualities of the landscape, unless the benefits of the development clearly outweigh its impacts. Development proposals should have regard to the County Durham Landscape Character Assessment and County Durham Landscape Strategy and contribute, where possible, to the conservation or enhancement of the local landscape.

37. *Policy 40 – Trees, Woodlands and Hedges* – States that proposals for new development will not be permitted that would result in the loss of, or damage to, trees, hedges or woodland of high landscape, amenity or biodiversity value unless the benefits of the scheme clearly outweigh the harm. Proposals for new development will be expected to retain existing trees and hedges. Where trees are lost, suitable replacement planting, including appropriate provision for maintenance and management, will be required within the site or the locality.
38. *Policy 41 – Biodiversity and Geodiversity* – Restricts development that would result in significant harm to biodiversity or geodiversity and cannot be mitigated or compensated. The retention and enhancement of existing biodiversity assets and features is required as well as biodiversity net gains. Proposals are expected to protect geological features and have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity. Development proposals which are likely to result in the loss or deterioration of irreplaceable habitat(s) will not be permitted unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

NEIGHBOURHOOD PLAN:

39. There is no Neighbourhood Plan for this area.

[The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham> \(Adopted County Durham Plan\)](http://www.durham.gov.uk/article/3266/Development-Plan-for-County-Durham)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

40. *Highway Authority* – Have no objections to the amended layout and access subject to condition that full engineering details of the access, pedestrian refuge island and highway road marking improvement works on the A693 be submitted for approval prior to commencement and that the works be undertaken before the site is brought into use.
41. *National Highways* – No objection.
42. *Northumbrian Water* – Request a condition to ensure that foul and surface water drainage details are agreed.
43. *Drainage* – Approve the surface water drainage management proposals and the hydraulic calculations. It is advised that the drainage system should be implemented in accordance with the submitted Flood Risk Assessment and Drainage Strategy Revision P05 submitted June 2023.

EXTERNAL RESPONSES:

44. *Durham Constabulary Crime Prevention Unit* – Recommend the PROW be well lit and landscaping be maintained to ensure sight lines, that the plant and service area be kept private from the public areas, that lighting columns rather than bollard lighting be used, that public areas are protected with fencing and planting, that the road, car park and footpath be adopted, that access is restricted to the car park at night and that there is full site security during construction.

INTERNAL CONSULTEE RESPONSES:

45. *Spatial Policy* – Advise that the main policies are policy 6 and 9 of the CDP. It is advised that this is a main town centre use in an out of centre site with the need for a sequential assessment and retail impact assessment identified. The Officer accepts the conclusions of the Sequential Assessment that other sites in Stanley are either too small or there are issues in terms of suitability for redevelopment and/or availability. Therefore, the Officer considers the sequential test to be passed.
46. In regards to retail impact, the Officer accepts the conclusions that the proposed retail store would not have a significant impact on Stanley Town Centre or any other centres in the catchment as it would likely clawback trade that is leaking out to stores in Consett which would reduce the levels of impact on Stanley Town Centre.
47. *Landscape* – Consider that site is already urban and industrial in character and concludes that the proposed buildings and landscaping would potentially represent an improvement. Concerns were initially raised about the visibility of parked cars, hard surfacing and buildings to the northern area which the applicants have addressed by proposing trees along the frontage and the Officer considers the amended landscape scheme to be suitable. It is considered that there should be more information about ongoing maintenance and management and that existing trees scheduled for retention be appropriately protected.
48. *Trees* – Advise that trees to be retained should be protected with fencing during construction. Trees in the east of the site to be removed should be replaced with planting within the south landscaped area.
49. *Design* – Recognise that the shape of the site has dictated that the building cannot be roadside and that the design is typical for such a use but incorporates positive elements such as animated elevations and a legible entrance and therefore have no objection.
50. *Environment, Health and Consumer Protection (Nuisance)* – No objection subject to conditions relating to submission and agreement of a Construction Management Plan (to include a Dust Action Plan), Noise levels, hours of opening, delivery hours, agreement of fume extraction equipment, control over lighting times and details of external lighting.
51. *Environment, Health and Consumer Protection (Contaminated Land)* – Note that the phase 1 report recommends further investigations and therefore requests conditions to ensure a phase 2 investigation and remediation and verification if the Phase 2 investigation concludes this as necessary.
52. *Environment, Health and Consumer Protection (Air Quality)* – Based on the information submitted the Officer considers that there is no need for further assessment in relation to construction traffic vehicle emissions or model verification but recommends that a Dust Management Plan be provided and approved prior to the commencement of any works.
53. *Sustainable Transport Officer* – Advises that the Framework Travel Plan included as a chapter within the Transport Statement does not provide sufficient detail and does not meet the required standard to be approved.
54. *Ecology* – Accept that the development meets the net gain requirements of the NPPF and Local Plan and no protected species are impacted upon. The Officer requests a

condition requiring the production of an agreed Management and Monitoring Plan for the site to be delivered over a period of 30 years to align with the landscape plan, ecological assessment and metric.

55. *Public Rights of Way Officer* – Notes that the amended plans indicate a 3m width for the public bridleway which is erroneously referred to as a footpath. It is advised that to accommodate the bridleway the existing route will require a legal diversion order and there is no objection subject to a diversion order being submitted before the development commences on site.

PUBLIC RESPONSES:

56. The application was advertised in the local press, by site notice and by direct notification to neighbouring properties. Two letters have been received in response to the consultation process from a telecommunications operator and a local resident whose concerns are summarised as follows:
- The Local Spa visitors have used the bus depot to park within which has eased parking and late night disturbance around the residential streets surrounding The Local Spa estate and this new retail car park could be similarly used but only if there were no parking restrictions between 20:00 and 08:00.
 - The loss of the Cellnex installation and the need for the retention of mobile connectivity for emergency services, local businesses and the general public is a material planning consideration and the loss of which would be contrary to the aims of national and local planning policy, it should be retained on site or the development should be subject of a condition that requires no removal until an alternative location has been agreed.

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:

57. The Proposed Development seeks to construct a new Lidl (food retail) store with associated car parking as well as hard and soft landscaping along Chester Road, Stanley.
58. Lidl opened its first store in Germany in 1973 and expanded into the UK in the 1990's. It now has over 620 stores in Britain. It operates at the discount end of the convenience food market and offers top quality products at the lowest prices. It achieves this by utilising small suppliers to provide 'own brand' products rather than stocking mainly household names. Costs are also kept down by stocking fewer lines; a typical Lidl store stocks about 1400 lines compared to 10-15,000 in main food stores such as Tesco or Asda. Nevertheless, the Lidl store would stock a good selection of fresh and frozen food as well as providing fresh bread daily from an in-store bakery. A small section of comparison goods is also stocked although the way in which these are sourced mean that there is little consistency in the products that are on sale at any one time. In this respect, comparison buys within a Lidl are very much 'impulse' buys rather than the store becoming a destination for non-food items in its own right.
59. The Lidl store will be 1,995sqm (GEA) located in the south-western portion of the site. Trolley bays are proposed adjacent to the north-east of the store. A surface level car park providing 121 car parking spaces will be located to the north and east of the store including EV charging bays, accessible bays and parent/children bays.

60. The site is located outside of the Stanley Town Centre boundary. It has been demonstrated through application of the Sequential Test that there are no other available, suitable or developable sites within or on the edge of Stanley which could accommodate the Proposed Development.
61. The retail impact assessment has been carried out in accordance with the requirements of the NPPF. Within the study area the majority of existing available expenditure is split between two existing stores (Asda and Aldi) with a large proportion of expenditure also going to stores in Consett. As such, it is considered that the proposed Lidl store would enhance the retail offer in Stanley which would contribute positively to the vitality and viability of the centre. Overall, the retail impact assessment concludes that the proposed development would not result in a negative impact on the vitality and viability of the defined centres within the study area.
62. Overall, the proposals will have significant benefits for the residents of Stanley by enhancing the retail offer there. It will bring a vacant brownfield site back into use, generating a number of benefits in the form of job creation(including temporary jobs during the construction period) and spending in the local economy, biodiversity net gain, and an encouragement of the use of sustainable modes of travel within a sustainable and accessible location and the provision of EV charging bays.
63. In addition, and as outlined in the planning submission documents, the proposals are compliant with relevant policies in the adopted Local Plan and the NPPF and therefore we respectfully request that planning permission be granted without delay.

PLANNING CONSIDERATIONS AND ASSESSMENT

64. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues raised relate to the principle of development, economic impacts and impacts upon the vitality of the town centre, locational sustainability, highway safety and access, impact on residential amenity, its layout, design and scale, impacts to ecology and other technical matters.

Principle of the Development

65. 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 County Durham Plan (CDP) is 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. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035. 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.

66. Where a planning application conflicts with an up-to-date development plan paragraph 12 of the NPPF advises that permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
67. As the CDP is up to date, paragraph 11(d) of the NPPF is not engaged.
68. As this is an unallocated site involving a town centre use in an out of town centre location the principle policies for consideration are CDP policy 6 (Development in Unallocated sites) and policy 9 (Retail Hierarchy and Town Centre Development).
69. Policy 6 (Development on Unallocated Sites) relates to the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area but well-related to a settlement. Paragraph 4.110 advises that when assessing whether a site is well-related, the physical and visual relationship of the site to the existing built-up area of the settlement will be a key consideration. In this regard, given its location within a largely commercial area, the site is clearly within the built-up area of this part of Stanley.
70. The policy sets out a series of criteria that proposals would need to accord with. Criteria a requires that the proposal is compatible with any existing, allocated or permitted use of adjacent land. It is considered that the use is broadly compatible with the surrounding educational, commercial and residential uses and proposed uses subject to suitable controls. This is expanded upon in the sections below.
71. Criteria b guards against coalescence and ribbon development. Given the sites location, the proposed development will not lead to either.
72. Criteria c guards against the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality. It is noted the land is undesignated in terms of recreation, ecology or heritage. In its current unused state it detracts from the character of the area and the proposal would be considered to present an opportunity to enhance the character.
73. Criteria d requires the proposals to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. There are no significant concerns in respect of these aspects.
74. Criteria e and f relate to highways and transport in terms of highway capacity, highway safety and sustainable transport. Being within short walking distances of residential properties and on a main bus route between Chester-le-Street and Stanley the site is considered to be in a sustainable location. The current complicated access arrangements as a result of this site and the site opposite and the proposed neighbouring development have been addressed in terms of highways safety.
75. Criteria g seeks to guard against the loss of a settlement's or neighbourhood's valued facilities. The proposals would not give rise to any direct loss of such facilities.

76. Criteria h relates to climate change, including flooding issues. The site falls outside any areas of flood risk and more technical drainage issues have been addressed.
77. Criteria i encourages the use of previously developed land. The site is clearly brownfield. In this instance, given the prominence and size of the site, additional positive weight can be attributed to the development of this brownfield site.
78. Criteria j states that where appropriate, the proposal should reflect priorities for urban regeneration. The impact of the proposals on defined towns centres will be considered through the assessment against Policy 9 (see below). Further to this a masterplan for Stanley has been recently adopted which sets out a number of recommendations for the town.

Ensuring the vitality of town centres

79. The site is located outside of the defined Stanley town centre as set out on the CDP Policies Map. Policy 9 (Retail Hierarchy and Town Centre Development) of the CDP sets out a retail hierarchy, Stanley is identified as a Large Town Centre. The policy seeks to protect the vitality and viability of all centres within the hierarchy, it is noted that there are a number of local centres that may also be impacted by the proposed development, discussed further below.
80. Policy 9 of the CDP identifies that proposals for main town centre uses, as defined by the NPPF, not located within a defined centre will be required to provide a sequential test. This reflects advice within the NPPF, paragraphs 86 and 87. The proposed supermarket would constitute a main town centre use. Given the sites location, over 400m from the Primary Shopping Area, it would constitute an out of centre site.

Sequential Assessment

81. The application is supported by a sequential justification within the planning statement which provides an assessment of potential alternative sites. A number of sites were initially discounted on the fact that they were too small. Following a review of these sites, the applicant's conclusions are accepted.
82. The remaining site that the applicant assessed in more detail is Unit 3, Clifford Road, Stanley. This site is located within the Primary Shopping Area within Stanley town centre and therefore is clearly sequentially preferable to the proposed site. The sequential statement concludes that the site is not suitable for development. Whilst the site constitutes a vacant building, the applicants state that the site is too large at c.3000sqm for the operator supermarket. The applicants also find that the site does not provide a prominent site location with good visibility which they argue is an integral part of the operator's business model. The statement raises further concerns with the access arrangements for the site for both car users and pedestrians and also raises concerns with regards to the levels of car parking provided on the site which is shared with other units. In addition, there are issues with delivery arrangements identified. Finally, the assessment concludes that the overall condition of the building is a concern for the applicants with the view that the building should be demolished in order for the operator to take up the site, which would have significant cost implications.
83. Considering the arguments that the applicant has submitted, whilst many of the concerns they raise are not insurmountable, they do highlight a series of issues that lead to the site not being suitable for this particular operator.
84. The issue over the condition of the building and the potential redevelopment has been subject to further justification, it has been identified that should the unit be redeveloped

there are issues over the ownership with the operator likely to require the freehold of the site which raises further issues.

85. Given the above it is accepted that there are a number of issues with regards to the site's suitability and also over the potential redevelopment and availability. It is therefore considered that the sequential test has been passed.

Retail Impact

86. Policy 9 states that for proposals for retail, in excess of 1,500 sqm (gross) convenience floorspace or 1,000 sqm (gross) comparison floorspace, proposed outside of a defined centre, and that could impact on a Large Town Centre, will be required to provide an impact assessment in accordance with the guidance within the NPPF and the PPG. The proposed floorspace is above the threshold required for undertaking a retail impact assessment.
87. The NPPF identifies first that the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal should be considered. The applicants have briefly stated that they have been unable to identify other planned developments within the catchment area, this being through a search of planning applications and the CDP policies map. Whilst these conclusions are accepted the applicants have failed to consider the conclusions of the recently adopted Stanley Masterplan. The masterplan identified the need for retail investment within the town centre and recommended creating opportunities for new investment from an anchor retail store. In light of this it is however accepted through the sequential assessment, the applicant was able to demonstrate that there were no suitable or available sites and therefore the proposal could not be judged to impact on any investment. The masterplan has only recently been adopted and there is further work required to provide a site suitable and available for an anchor retail store.
88. The applicant has also considered the impact of the proposal on the vitality and viability of town centres within the catchment area. The centres within the catchment area are:
Stanley town centre
South Moor local centre
Burnopfield local centre
Dipton local centre
Annfield Plain local centre
89. The catchment area that the applicant has defined is accepted. The application also details that the Council's Retail and Town Centre Study (2017) identifies that a significant proportion of residents within the defined catchment area shop in Consett and therefore an assessment of the impact on Consett town centre has also been provided, again this approach is considered correct. The applicant concludes that the impact on the local centres identified above would not be significantly adverse. This is agreed, all of these centres predominantly act as top up shopping destinations which reflects their designation as local centres.
90. The applicants have carried analysis of the shopping patterns within Stanley town centre and the current trading patterns. They have also considered the relative health of town centre through a town centre health check.
91. Within Stanley town centre there are two main food stores that currently operate, Asda and Aldi, Iceland are also present within the centre. It is noted that Aldi opened in 2018 following the completion of the Council's Retail and Town Centre Study. The study therefore does not provide an up to date position of trading within the town centre. The

applicant has provided an assessment of the trading positions within the town centre with the Aldi now trading for a number of years. The applicants assume that the Aldi store has principally diverted from the Aldi in Consett and not significantly reduced the trading performance of the Asda store, which was found to be under performing against company benchmark in 2017.

92. In terms of impact on Stanley town centre the applicants find that the greatest impact will fall on the Aldi store. The other stores impacted are found to be Asda and Iceland with impact attributed to other convenience retailers. It is agreed that the low cost operator will compete more directly with the in centre Aldi store and this would therefore feel the greatest impact.
93. The applicant has also found that the Lidl within Consett will also be impacted as would be the other supermarkets within Consett, (Aldi, Tesco and Morrisons), albeit to a lesser extent. All of these units are located outside of Consett town centre. The Retail and Town Centre Study identified that at the time that the study was undertaken Stanley was seeing significant expenditure leakage out of the town to Consett which had a greater choice of convenience retailing. The opening of Aldi in Stanley town centre will have reduced this leakage. Further to this the applicant through their assessment has identified that further leakage to Consett will be reduced by the proposed new retail store. Ultimately through their assessment, the applicant concludes that the proposed store would not have a significant impact on Stanley town centre or any other centres in the catchment. These conclusions are agreed, given the likely clawback of trade that is leaking out to stores in Consett which would reduce the levels of impact on Stanley town centre. Given the above, the impact test is passed and the proposal is considered acceptable against Policy 9.

Other Economic impacts

94. Paragraph 81 of the NPPF advises that significant weight should be put on the need to support economic growth and productivity , taking into account both local business needs and wider opportunities for development. The proposal would boost the local economy in terms of the provision of local jobs which carries significant positive weight in the assessment.

Locational Sustainability of the Site

95. Policy 21 of the CDP requires all developments to deliver sustainable transport by providing appropriate, well designed, permeable and direct routes for walking, cycling and bus access, so that new developments clearly link to existing services and facilities together with existing routes for the convenience of all users. Policy 29 of the CDP requires that major development proposals provide convenient access for all users whilst prioritising the needs of pedestrians, cyclists, public transport users, people with a range of disabilities, and emergency and service vehicles whilst ensuring that connections are made to existing cycle and pedestrian networks.
96. Paragraph 104 of the NPPF makes clear that transport issues should be considered from the earliest stages of plan-making and development proposals. Reasons for this include so that opportunities to promote walking, cycling and public transport use are identified and pursued, and so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account.
97. Paragraph 105 of the NPPF states that the planning system should actively manage patterns of growth in support of these objectives and indicates that significant

development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

98. Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured appropriate opportunities to promote sustainable transport modes can be, or have been, taken up.
99. Notwithstanding the out of town centre location , the site performs well in terms of accessibility. The closest bus stops to the application site that are serviced are located at High Street, some 50m to the west of the site boundary with services travelling east to Chester-le-Street and beyond. Westward bound journeys to Stanley can be accessed via the bus stops outside the Academy some 130m from the site .There are several services that operate from these stops, typically half hourly services, running from early morning to late evening all week, and in theory, provide access to the site by means other than private vehicles. The distances to nearest bus stops are well within the 'desirable' range set out within the Institution of Highways and Transportation (CIHT) "Providing for Journeys" document and are, therefore, towards the lower end of distances that people may reasonably be expected to walk to access bus services to or from their place of work. Guidance would, therefore, suggest that these distances may encourage use of public transport by those requiring access to the site.
100. For these reasons, it is considered that the proposal performs acceptably against the requirements set out in Policy 21 of the CDP in this respect.
101. Given the location of the site close to nearby Stanley settlement cluster. walking is also considered to be a reasonable option for those requiring access to the retail unit.
102. In terms of cycle access, the site performs acceptably, with the site lying in reasonable proximity to the Sustrans National Cycle Network route (NCN7) and within a short ride of Stanley. Other local areas are accessible by bike, with many settlements within 30 minutes of the application site albeit some with more challenging terrain.
103. It therefore is clearly the case that the application site fully achieves sustainable transport policy objectives.
104. Notwithstanding the above, the applicants are proposing a Travel Plan (TP) which sets out initiatives to further improve upon accessibility. These include promotion of walking and cycling, encouraging the use of public transport and car sharing. These TP measures would, in turn, provide opportunities to encourage employees of businesses at the estate to use sustainable travel modes immediately following occupation, rather than attempting a modal shift following establishment of non-sustainable travel habits. It is noted however that the Framework Travel Plan does not meet the National Specification for Workplace Travel Plans PAS 500:2008 and, therefore, an updated Travel Plan is required. This can be secured by way of an appropriate planning condition.
105. In summary, officers consider that the development of the site would generally accord with the aims of Policy 21 of the CDP and paragraphs 104,105 and 110 of the NPPF subject to a condition securing the updated Framework TP and its implementation going forward.

Highway Safety and Access and parking

106. Objective 18 of the CDP seeks to ensure that new development is accessible, contributing to reducing the need to travel, thereby reducing the impacts of traffic and congestion on the wider environment, communities and health. In this context, the requirements of Policy 21 of the CDP requires that development should not be prejudicial to highway safety or have a severe cumulative impact on network capacity and that developments deliver well designed pedestrian routes and sufficient cycle and car parking provision. Similarly, Policy 29 advocates that convenient access is made for all users of the development together with connections to existing cycle and pedestrian routes.
107. Paragraph 111 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, Paragraph 112 provides for a number of criteria against which new development proposals should be assessed, with Paragraph 113 indicates that all developments that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a transport statement (TS) or transport assessment (TA) so that the likely impacts of the proposal can be assessed.
108. The proposals have been supported by a Transport Statement (TS). This document considers the potential impacts of the development and the issues relating to highways safety, network capacity, access and other transport related issues.
109. The application proposes a new single access off Chester Road to be served by a protected right turn, with off site works including a new protected right hand turn and no entry markings for the Petrol garage opposite. In response to concerns raised by Highways Officers in respect of the number of right turns within such a short stretch of busy road the application now also proposes the use of red paint on current hatched areas between the various right hand turn pockets and the relocation of a pedestrian island to the west of its current position.
110. The original application was also amended to include an independent road safety audit and redesign of the junction, junction capacity /modelling assessments and trip predictions to address concerns raised by the Highway Authority in respect of increased traffic movements on a section of road with conflicting traffic movements and lack of pedestrian crossing facilities.
111. The application proposes the provision of a total of 121 spaces including 6 accessible spaces and 9 parent and child spaces. This is generally line with and exceeds DCC requirements. There are 8 active EV parking spaces rather than the required amount of passive EV parking spaces and thereby some minor conflict with requirements, however as the active EV spaces are above requirements and involve rapid chargers this shortfall is accepted. Twelve cycle parking spaces are to be provided near the building for cyclists which is slightly below standard.
112. It is noted that local residents raise that the site has historically been used for parking by customers to the Local Spa and are concerned about access being restricted to the car park overnight as recommended by Durham Constabulary. This is not a material planning consideration given that the landowners have the right to prevent such parking at any time regardless of this planning application. The applicants have however confirmed that due to the need for the rapid ELV chargers to be available overnight that they do not wish for there to be restrictions to the parking area and advise that the charging company will have security measures in place to address

security. Bearing this in mind and noting that the carpark is long and narrow it is not considered that ASB as experienced at other superstores with larger car park areas would be likely to occur.

113. The Transport Statement considered trip generation from anticipated numbers associated with the uses proposed. The statement predicts that there would be 36,65 and 117 two way vehicle trips during the worst-case weekday AM, PM and weekend peak hours. It is considered that this new traffic would disperse quickly across the road network using multiple routes to lower the impact of the development to lower than 30 two way vehicle movements at every junction except the A693/A6076/Cemetery Road/Front Street roundabout to the west of the site. Further assessment was undertaken on the impacts upon this roundabout that concluded that the roundabout would continue to operate with capacity on all arms and no mitigation is required.
114. An assessment was also undertaken of the site access priority junction based on the trip figures and the results indicated that the junction would operate well under capacity during the AM and PM peak hours.
115. As the development has the potential to impact on the strategic road network, National Highways have been consulted. National Highways are satisfied with the submitted TS and the conclusions reached by the transport consultant which indicate that the proposed development would not result in severe residual cumulative impacts on the operation of the strategic highway network and that no mitigation is, therefore, required in this respect. The Highway Authority have similarly concluded that the proposals would not have a negative impact on the local road network in the vicinity of the site. The proposal, therefore, cannot reasonably be considered to give rise to a 'severe' impact within the context of the NPPF.
116. Overall, the highway impacts of the proposed development are considered to be acceptable and in accordance with Policies 21 and 29 of the CDP as well as Part 9 of the NPPF.

Residential Amenity and pollution

117. CDP Policy 31 is the principal CDP policy in respect to amenity and pollution and in summary advises that development will be permitted where it would result in no unacceptable impacts upon the health, living or working conditions or the natural environment and that can be integrated effectively with any existing business and community facilities. CDP Policy 29 requires, amongst its advice, that development minimises impact upon nearby occupiers and contributes towards healthy neighbourhoods, considering the health impacts of development and the needs of existing and future users.
118. Part 8 of the NPPF provides advice on how development can achieve healthy, inclusive and safe places. Parts 12 and 15 of the NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
119. The development is considered to be noise generating during construction and operation, potentially odour generating during operation and dust generating during construction. There is also the potential for light pollution during construction and operation.

120. A noise assessment has been submitted in support of the application which concludes that changes to noise levels at nearest noise sensitive receptors (NSRs) from the use of the car park and delivery noise, external plant and relocation of the substation during operation would be negligible. The Environmental Health Officer (EHO) agrees with this conclusion but suggested conditions to mitigate impacts. In response the applicants have agreed to limit noise from external plant at 1m from the façade and fixed building plant during the hours of 2300 to 0700h, to condition opening hours to the public as proposed and to condition limits to servicing and delivery times to opening times bar one daily newspaper delivery. The EHO has accepted that these conditions would ensure there would be negligible harm in terms of residential amenity.
121. No detail has been provided in relation to fume extraction equipment which would be required to control not only noise but odour from the commercial kitchen bakery. However Environmental Health Officers would accept that full details be agreed prior to the use commencing to ensure that odour from the site would not harm amenity and this would also ensure that the design is not intrusive in terms of visual amenity.
122. No detail has been provided in relation to lighting, to minimise light spillage and glare outside the designated area it is agreed with the EHO that a condition should ensure that details of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development being brought into use, including restricting the hours of its operation. This should ensure that impacts from lighting are at an acceptable level for residential properties.
123. With regard to the construction phase of the development no detail has been provided in relation to any construction management plan on how noise, dust and light will be controlled to reduce impact upon nearby sensitive receptors. However the EHO is satisfied that a condition to require a Construction Management Plan would ensure that any impacts upon NSR are known and mitigated prior to any works commencing.
124. Subject to adherence to conditions recommended as part of this report, it is considered that the impact of the development on nearby residents in respect of noise, including noise from traffic and during the construction phase, would not be so significant as to justify withholding planning permission. Specific conditions are put forward by the Council's EHO's, which are designed to ensure that the amenity of local residents would be preserved.
125. In addition to the above, EHO's have considered the potential impacts of the development in respect of air quality. Air quality impacts are possible from all new development. An air quality assessment and construction management plan have been submitted in respect of this issue. In this case, the impacts are considered to be acceptable generally, however, further details are required in respect of dust. EHO's are satisfied that this can be controlled by way of a planning condition requiring an updated CMP. With such a condition imposed, it is considered that, overall, the scheme would comply with Policies 29 and 31 and Parts 12 and 15 of the NPPF.
126. It is considered, therefore, that the impacts of the development to nearby residents can be suitably mitigated to ensure there are no unacceptable levels of pollution and to protect amenity in accordance with Policies 29 and 31 of the CDP, Part 15 and in particular Paragraph 174 of the NPPF.

Layout, Design and Impact upon the Character and Appearance of the Area

127. Part 12 of the NPPF seeks to secure high quality design, with Paragraph 126 explaining that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 seeks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; and establish or maintain a strong sense of place.
128. Collectively, Policies 26, 29 and 39 of the CDP seek to secure good standards of design in new development, whilst balancing the needs of the built, natural and historic environments and making clear that all development proposals will be required to achieve well designed buildings and places. Policy 29 of the CDP outlines that development proposals should contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities. In addition to the above, Policy 29 of the County Durham Plan requires all major new non-residential development to achieve Building Research Establishment Environmental Assessment Method (BREEAM) minimum rating of 'very good'.
129. The proposed long and narrow layout of the application site has dictated the layout of the building preventing the possibility of a roadside frontage. Nonetheless the frontage to the main route into Stanley has evolved positively with proposed tree planting. The design is as expected for a typical supermarket chain in terms of scale, materials and appearance. It is positive in design terms that the most visible north facing elevation and north-east corner of the building is animated by glazing and has a legible entrance.
130. Although not a zero-carbon building or a building targeting a BREEAM rating this carries little negative weight as the building has been designed to incorporate a number of sustainability measures such as the provision of photovoltaics on the roof, rapid E.V chargers on site, the use of materials that are highly rated within the BREEAM 'Green Guide' , remote operation of lighting triggered by sensors, low level overnight lighting and the operation of a recycling policy.
131. There are no landscape designations on or around the site and the Trees on site are not covered by a TPO. The removal of which will not have a negative effect on the site and a condition can ensure that the trees to be retained within the west and southern areas of the site are suitably protected during construction works. Replacement planting has been proposed around the site to soften the proposed development from where it is most visible and create a green frontage. New planting is not proposed to the south as the views of this area from the south would not alter significantly as a result of this application.
132. There would be direct views of the site from pedestrians and users of Chester Road looking south. The site would also be visible at close range from Stanley Public Footpath 37 on the western site boundary. There would also be views of the southern area of the site from Arnold Close looking north. The site is also visible from North Durham Academy looking east. Views of the site looking east are however limited due to intervening trees and buildings. Given the urban and industrial character of the site the proposed buildings and scheme of landscaping would be an improvement on the current character. The visibility of the buildings and parked cars from the above viewpoints has been taken on board and mitigated to an acceptable level with additional landscaping along the frontage . The detailed planting proposals within the site include native species hedgerow, tree planting, shrub planting , vegetated

retaining walls , wildflower and grass tree and grass planting, the delivery and management of which can be secured by way of a planning condition.

133. Subject to the aforementioned planning conditions, it is considered that the proposal would reinforce local character and sustainable design can be secured in accordance with Policies 26, 29, 39 and 40 of the CDP and Part 12 of the NPPF.

Ecology

134. Paragraph 174 of the NPPF makes clear that planning policies and decisions should contribute to and enhance the natural and local environment. It sets out a number of ways in which this can be achieved, including by minimising impacts on and providing net gains for biodiversity.
135. Paragraph 180 of the NPPF indicates that when determining planning applications, local planning authorities should apply a number of principles, the first of which indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
136. Collectively, Policies 26, 35, 41 and 43 of the CDP seek to protect and enhance the natural environment within the County, giving priority to protected species and designated landscapes, and with an emphasis on securing net gains for biodiversity. Policy 41 states that proposals for new development will be expected to minimise impacts on biodiversity by retaining and enhancing existing assets and features and providing net gains for biodiversity including by establishing coherent ecological networks. It makes clear that measures should be appropriate, consistent with the biodiversity of the site and contribute to the resilience and coherence of local ecological networks.
137. Policy 41 of the CDP requires proposals for new development to not be permitted if significant harm to biodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. Policy 43 relates to protected species and nationally and locally protected sites and similarly requires any development that would have an adverse impact on the ability of species to survive, reproduce and maintain or expand their current distribution to propose appropriate mitigation, or as a last resort compensation.
138. The application is accompanied by a Preliminary Ecological Appraisal (PEA) that identifies that the site is of low or local ecological value in terms of habitats and wildlife. The site has been subject to ecological surveys to understand baseline ecological conditions at the site. The ecological appraisal describes the site as hardstanding with some areas of semi-improved grassland and dense scrub , woodland and scattered trees and some Japanese Knotweed on site. The site possesses low quality habitat for bats with some moderate bat roost and foraging potential. The site has the potential to support a small number of locally common species of birds. The assessment recommends mitigation against the effects of the site's development on the baseline conditions, including provision of new habitat on site and adhering to ecological good practice in respect of invasive species control measures, new lighting, investigations and timings etc. These measures can be secured through the imposition of an appropriate planning conditions.
139. On the basis of the surveys undertaken and the nature of the site , the Ecology Section has raised no concerns in respect of impacts to ecology. However, the Officer notes that the applications biodiversity net gain assessment is not supported by Defra metric

trading rules . Calculations indicate a net gain for biodiversity on the site of 5.94% which falls short of the normal 10% requirements. Nonetheless given the small scale of habitats currently on site and the urban nature of the development the Ecology Officer is willing to accept this shortfall in this particular case.

140. Subject to securing an appropriate management plan and implementation of on-site compensation measures, it is considered that the impact of the proposals on the biodiversity value of the site would be suitably compensated for in accordance with CDP policies 41 and 43, and acceptable net gains for biodiversity would be achieved. The proposals would not be likely to directly affect European Protected Species.

Flooding and Drainage

141. Policies 35 and 36 of the CDP relate to flood water management and infrastructure. Policy 35 requires development proposals to consider the effects of the scheme on flood risk and ensure that it incorporates a Sustainable Drainage System (SuDs) to manage surface water drainage. Development should not have an adverse impact on water quality. Policy 36 seeks to ensure that suitable arrangements are made for the disposal of foul water.
142. National advice within the NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where a sequential test and some instances exception test are passed, informed by a site-specific flood risk assessment.
143. The submitted Flood Risk Assessment confirms that the development lies in Flood Risk Zone 1 and at the lowest potential risk from flooding. The submitted drainage strategy and hydraulic calculations have been reviewed by the Council's Drainage and Coastal Protection Team in their capacity as Lead Local Flood Authority (LLFA), who have advised the details are acceptable. A condition can ensure that the development adheres to these details.
144. In relation to foul water, it is proposed to connect to the existing sewerage network. No objections are raised by Northumbrian Water, and as a drainage strategy has been accepted by the LLFA, a condition to ensure that the approved details are adhered to would suffice in relation this issue.
145. On this basis, no objections to the development on the grounds of flood risk or drainage are raised, and the application is considered acceptable in accordance with Policies 26, 35 and 36 of the CDP and Part 14 of the NPPF.

Contamination and Land Stability

146. Policy 32 of the CDP requires sites to be suitable for use taking into account contamination and unstable land issues. Paragraph 183 of the NPPF requires sites to be suitable for their proposed use taking account of ground conditions and any risks arising from land instability and contamination.
147. In respect of contamination, a Phase 1 and Phase 2 Geo-Environmental site investigation report has been submitted and identifies risks associated with ground gas. Environmental Health Officers have considered this report, concluding that

conditions would be required to ensure that the site is suitable for its intended use taking account of any risks arising from contamination. These conditions would relate to securing Phase 3 works (remediation works) and phase 4 (verification) reports. The Officer has also requested an informative relating to unforeseen contamination. With such conditions the site would be suitable for use and appropriately remediated in accordance with Policy 32 of the CDP and Paragraph 183 of the NPPF.

Other Matters

148. Policy 26 of the CDP seeks to ensure that development protect and enhance public rights of way and footpaths, green infrastructure and green corridors. The proposal will impact upon the legally recorded line of Public bridleway 37 and will require a slight diversion which remains direct and convenient and would be attractively landscaped in accordance with the policy requirements. The applicants have confirmed that they intend to apply to divert the PROW under separate legislation and this will need to be done in advance of the works commencing on site.
149. In respect of the security of the PROW this is to lit with column lighting. The private areas of the site are protected from users of the PROW with fencing. Security during construction would form part of a Construction Management Plan agreed to be secured by condition.
150. The road, car park and footpaths would not be adopted as this is private commercial land.
151. Policy 27 of the CDP outlines that new commercial development should be served by a high-speed broadband connection. Part 10 of the NPPF also has similar aims. Whilst there are no details in respect of this aspect a condition can be imposed to secure that the site incorporates infrastructure for fibre broadband.
152. The proposal would result in the loss of a mobile phone Mast on the site and the operators did originally object on the grounds that there is a need to ensure the retention of mobile connectivity for emergency services, local businesses and the general public in accordance with the aims of national and local planning policy. Neither national or local policy specifically address the loss of provision, however the CDP recognises that telecommunications and access to high speed broadband are now considered essential to growing a sustainable economic future, providing opportunities to reduce carbon and the need for travel and as vital for education and individual lifestyles as well as an increasingly central part of community cohesion and resilience.
153. In this instance this is not a rural area where access to facilities is problematic. It is noted that there are 9 phone masts within 1km of the site and the 4 operators that provide 4G coverage offer either mostly very good and high average coverage for the area. It is therefore unlikely that the loss of the mast would significantly harm mobile connectivity. It is noted that the operator requested a condition that would require no removal until an alternative location has been agreed however it is understood that the landowners have now given notice to the operator to leave and they have agreed to vacate the site later this year. Therefore, it is not considered that such a condition would meet the six tests of a planning condition as it would not be considered necessary, relevant to planning or reasonable.
155. In respect of the adjacent planning application, as this is likely to have been determined by the date of Committee and Officers are minded to approve that application the cumulative impacts of both sites have been considered. In respect of

residential amenity, it remains the case that the impacts can be suitably addressed by condition to acceptable levels. It has also been borne in mind that this has been a mixed residential/commercial area for many years and that the former uses on both sites were intensive with noise and traffic impacts. In respect of Highways Safety the Highways Officer has been fully aware of both schemes in providing his advice and support.

154. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

CONCLUSION

155. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has an up-to-date development plan, the County Durham Plan (CDP) adopted in 2020. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay (paragraph 11c).
156. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. However, local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed
157. The site is an unallocated out of town centre site involving a town centre use in a built up part of Stanley. The proposal It is compatible with surrounding uses and presents an opportunity to enhance the character of the area with new built form and landscaping without harming the vitality and viability of Stanley or other local centres and any Town centre regeneration. The site is in a sustainable location and a brownfield site. It has been demonstrated that the local roads can accommodate the additional traffic and the proposed access arrangements are acceptable in terms of highways safety. The proposal therefore generally accords with Policies 6,9,21, 29 and 31 of the CDP and parts 9 ,11 and 12 of the NPPF.
158. The proposal would boost the local economy in terms of the provision of local jobs which carries significant positive weight in the assessment in accordance with part 6 of the NPPF.
159. Impacts to residential amenity from noise, odour, dust and light pollution and cumulative impacts from neighbouring site can be controlled by condition in accordance with Policies 29 and 31 of the CDP, Part 15 and in particular Paragraph 127 of the NPPF.
160. An appropriate management plan and implementation of on-site compensation measures would provide suitable ecological compensation and acceptable net gains for biodiversity would be achieved in accordance with Policies 26, 35, 41 and 43 of the CDP and part 15 of the NPPF.

161. Conditions can ensure that the agreed technical details in respect of drainage, remediation and broadband are undertaken in accordance with policies 27,32,35 and 36 of the CDP and part 15 of the NPPF.
162. Whilst the line of the PROW on site would need to be diverted for the development this would be direct, convenient and attractive in accordance with Policy 26 of the CDP.
163. The proposal has generated limited public interest with two representations having been received. Concerns raised have been taken account and addressed within the report.
164. In the overall planning balance, the proposal is in general accordance with the CDP and the NPPF. The proposals are considered acceptable in this respect and, it is recommended that planning permission be granted.

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 documents and plans:

Soft Landscape Specification		26/01/2023
Proposed GA Site Plan	1768 PL 105F	22/05/2023
Proposed Site Sections (1 of 3)	1768 PL 108	7/09/2022
Proposed Site Sections (2 of 3)	1768 PL 109	7/09/2022
Proposed Site Sections (3 of 3)	1768 PL 110	7/09/2022
Proposed GA ground Floor Plan	1768 PL 115	7/09/2022
Proposed Roof Plan	1768 PL 116	7/09/2022
Proposed Elevations	1768 PL 117	7/09/2022
Tree Root Protection Areas	7.4	7/09/2022
Tree Protection Fencing	7.5	7/09/2022
Landscape Plan	831/LA1A	26/01/2023
PV Roof Layout	SQ4S-PV-LIDL-S1029-R-B	7/09/2022
Site Location Plan	1768 PL100	7/09/2022
Minimum specification for Tree Protection		7/09/2022
Planting Schedule		26/02/2023
Solar Panel Information Booklet		7/09/2022
Air Quality Assessment		7/09/2022
BS:5837 (2012) TREE SURVEY, AIA & AM.		7/09/2022
ECOLOGICAL IMPACT ASSESSMENT ECIA, &...		7/09/2022
Noise Assessment		7/09/2022
Transport Statement and Travel Plan		7/09/2022
Flood Risk Assessment and Drainage Strategy		01/06/2023
Phase 1 Preliminary Contamination Risk Assessment		16/09/2022
Phase 2 Ground Investigation Report		4/10/2022
Further Air Quality Information		2/11/2022
Further Noise Information		2/11/2022

Air Quality Further Info Report		11/11/2022
Further Air Quality Information		18/11/2022
Response to Highways Concerns		24/02/2023
Drainage Layout Sheet 1	5015-3000 Rev P03	20/06/2023
Drainage Layout Sheet 2	5015-3001 Rev P03	20/06/2023
Construction Phase Drainage	5015-3100 Rev P02	20/06/2023
Exceedance Flow Route Sheet 1	51015-3200 Rev P01	20/06/2023
Exceedance Flow Route Sheet 2	5015-3201 Rev P01	20/06/2023
External Levels Sheet 1	5015-4000 Rev P02	20/06/2023
External Levels Sheet 2	5015-4001 Rev P02	20/06/2023
Drainage Model	5015-HJCE-00XX-CA-D-0001	28/06/2023
Flood Risk Assessment and Drainage Strategy	5015-HJCE-ZZ-XX-RP-C-3000-P05	20/06/2023
Road Access Arrangements	22-040/001 Rev B	25/04/2023
Swept Path Analysis		25/04/2023

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 1, 2, 21, 29, 31, 32, 35, 36, 39, 30, 41 and 44 of the County Durham Plan and Parts 2, 4, 6, 8, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework.

3. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:
 1. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
 2. Details of methods and means of noise reduction/suppression.
 3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
 4. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
 5. Designation, layout and design of construction access and egress points.
 6. Details for the provision of directional signage (on and off site).
 7. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
 8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.

9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.
13. Management measures for the control of pest species as a result of demolition and/or construction works.
14. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

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

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

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework. Required to be pre commencement to ensure that the whole construction phase is undertaken in an acceptable way.

4. 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 policy 31 of the County Durham Plan.

5. The rating level of noise from fixed building services plant on site at 1m from the façade of Nearby Sensitive Receptors, shall not exceed the background (LA90) noise level between 23:00-0700.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6. The hours of opening to the public shall be limited to 0700 to 2300hrs on Monday to Saturday and 1000 to 1600hrs on Sunday.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

7. Servicing and deliveries shall take place fully in accordance with the stipulation set out below:

No servicing or deliveries, with the exception of one daily newspaper delivery, shall take place to any part of the premises between the hours of 2300 and 0700hrs

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

8. No external lighting shall be operated between the hours of 2300 and 0700 hrs.

Reason: In order to minimise light spillage and glare, in accordance with Policy 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

9. Details of the external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. 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 order to minimise light spillage and glare, in accordance with Policy 31 of the County Durham Plan and Local Plan and Part 15 of the National Planning Policy Framework.

10. Prior to their installation details of any fume extraction equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.

Reason: To protect the residential amenity of existing and future residents from the development in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

11. 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 29 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

12. No construction work shall take place, nor any site cabins, materials or machinery be brought on site until all trees and hedges, indicated on the approved tree protection plan as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2010. The fencing shall be retained for the duration of the construction period.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the fences, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work shall be carried out.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Constraints Plan.

Reason: In the interests of the visual amenity of the area and to comply with Policies 29 and 40 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

13. The development shall take place in accordance with the general protection and mitigation measures outlined in part 6.1 of the Ecological Impact Assessment and BNG Report.

Reason: To safeguard protected species in accordance with Policy 43 of the County Durham Plan and part 15 of the NPPF.

14. Prior to the commencement of the development a 30 year Biodiversity Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.

Reason: To ensure the provision of net gains for biodiversity in accordance with Policy 41 of the County Durham Plan and part 15 of the NPPF.

15. The scheme shall be developed in accordance with the submitted FRA & Drainage Strategy and the approved Drainage Layout Plans dated 1/06/2023.

Reason: To ensure that surface and foul water are adequately disposed of, in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

16. The unit shall not be occupied until an updated Framework Travel Plan conforming to BSI National Specification for Workplace Travel Plans (PAS500) guidance has been submitted to and agreed in writing by the Local Planning Authority. Once approved the Travel Plan must be adhered to for the lifetime of the development. Within six months of occupation Full workplace Travel Plans must be submitted to and approved in writing by the Local Planning Authority and adhered to for the lifetime of the development.

Reason: In the interest of delivering sustainable transport objectives in accordance with Policy 21 of the County Durham Plan with Part 9 of the National Planning Policy Framework.

17. Prior to the commencement of the development, full engineering details of the access, pedestrian refuge island and highway road marking improvement works on the A693 shall be submitted to and agreed in writing by the Local Planning Authority. The works should follow plan Road Access Arrangements 22-040/001 Rev B and shall be implemented in accordance with the agreed details prior to the development been brought into use.

Reason: To ensure safe access in accordance with Policy 21 of the County Durham Plan and Part 9 of the National Planning Policy Framework.

18. The agreed scheme of electric vehicle charging points must be installed and available for use before occupation of the unit and retained on site in perpetuity.

Reason: In the interests of sustainable construction and in accordance with Policy 29 of the County Durham Local Plan and Part 14 of the National Planning Policy Framework.

19. The agreed bike storage scheme must be installed and available for use before occupation of the unit and retained on site in perpetuity.

Reason: To encourage sustainable transport modes of travel having regard to CDP Policy 21 and Part 9 of the NPPF.

20. Prior to the commencement of construction works a Phase 3 Remediation Strategy shall be produced and where necessary include gas protection measures and method of verification.

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

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

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

22. The development shall be constructed with infrastructure in place to ensure that full fibre broadband connection for the unit is achievable.

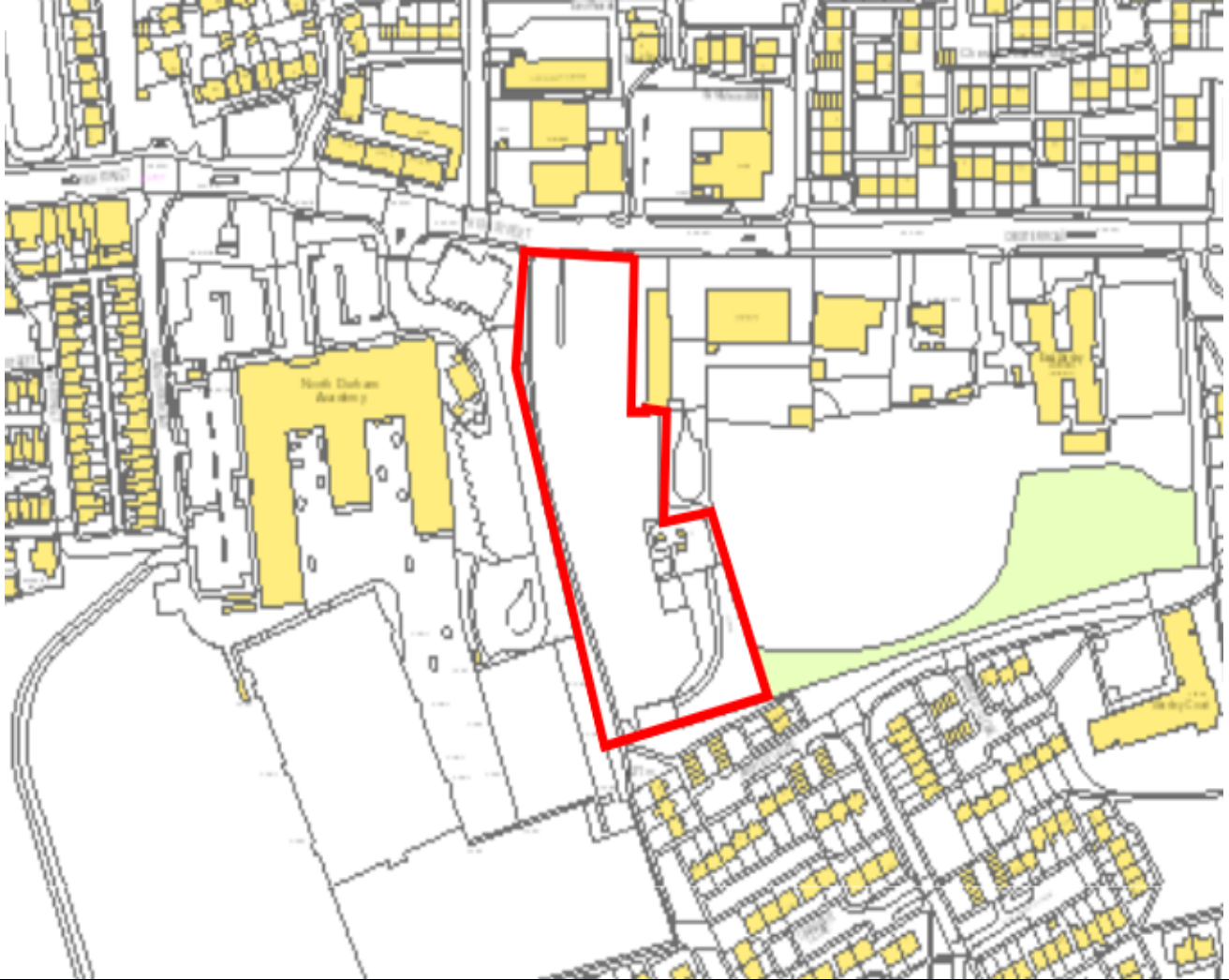
Reason: To ensure a high quality of development is achieved and to comply with the requirements of Policy 27 of the County Durham Plan and Part 10 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority 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 on the area in accordance with the NPPF.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes
- County Durham Plan 2020
- County Durham Parking and Accessibility Standards 2019
- Statutory, internal and public consultation responses



Planning Services

Full planning application for the construction of a new retail food store and associated car parking.

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DM/22/02627/FPA

Date 27 July 2023

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