

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/02891/FPA
FULL APPLICATION DESCRIPTION:	4 retail units (Class E), a tanning shop (Sui Generis), takeaway (Sui Generis) and ATM with associated access, car parking and landscaping (amended title).
NAME OF APPLICANT:	Almscliffe Dhesi Developments (Peterlee) Ltd.
ADDRESS:	Former Evans Halshaw, Passfield Way, Peterlee, SR8 1PX.
ELECTORAL DIVISION:	Passfield.
CASE OFFICER:	Jennifer Jennings Principal Planning Officer 03000 261059 jennifer.jennings@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to the former Evans Halshaw car sales site, situated to the south west of the settlement of Peterlee. The site extends to 0.55ha in area and consists of a large hardstanding area, with a former car showroom building to the east of the site. The site is largely open, with a narrow grassed verge along the north boundary and knee high metal barriers along this length. There is a small cluster of trees to the north east, that form part of the open amenity space associated with the neighbouring residential area. Bungalows along Corby Grove surround the site along the east and south east boundary, whilst two storey semis and detached properties along Corby Grove and Donerston Grove border the south and west of the site respectively. Access to the site is taken off Passfield Way to the north, beyond which lies open tree planted amenity space subject to a Tree Preservation Order, within which lies the Grade II listed Shotton Hall building, 180 metres to the north east of the site.
2. Passfield Way is a main thoroughfare linking the A19 to the west with Peterlee town centre to the north east. The junction with the A19 from this road is 250 metres to the west and provides access and egress onto the southbound carriageway only. Approximately 300 metres to the east lies Shotton Hall Academy School, and just beyond this, Shotton Hall Primary School. Peterlee town centre is located approximately 1.9km to the north east.

The Proposal

3. The application seeks full planning permission for a mixed use commercial development consisting of six units in total. The proposal would involve retaining the existing building and modifying it to create three commercial units, with a separate new build section running along the south boundary on the existing car park area, providing

a further three units. The proposed uses relate to four E class retail units, one tanning salon (sui generis use) and one hot food takeaway (sui generis use). The units would be located around a newly arranged car parking area for 68 cars, including eight EV car charge spaces. Two areas of cycle parking are also proposed on site.

4. The existing access from Passfield Way would be retained, with a slightly amended access into the parking area from the existing. Some of the existing planting is to remain in place, along with some additional landscaping proposed. A substation would be included within the site along the south boundary, adjacent to a new bin store area.
5. In terms of design, the modified car showroom building would be reduced in footprint, with removal of the western side offshoot. The new western elevation of the building would be the main frontage for the three units that are to be located here, with large glazed areas, Kingspan panels on the walls and signage proposed above. The end dual pitched roof, gable elevation of this building, visible from Passfield Way, would be amended to include a high level window. The building would remain single storey.
6. The new building proposed along the southern boundary would be a mono pitched single storey building, with similar glazed areas for shop frontages and matching Kingspan materials for the wall.
7. The application has been brought to the Planning Committee for consideration at the request of the local ward member, over concerns in relation to highway safety, road access and traffic generation.

PLANNING HISTORY

8. The following summarises planning history at the site:
9. The majority of the planning history at the site relates to the former car sales showroom with previous approvals for car park extensions, lighting columns and advertisements.
10. Two recent applications for advert consent have been granted (DM/23/00334/AD and DM/23/00940/AD) relating to fascia signage for one unit and a totem pole for the site. These approvals are without prejudice to the current application under consideration, the applicant applying for advert consent at their own risk.

PLANNING POLICY

NATIONAL POLICY

11. A revised National Planning Policy Framework (NPPF) was published in July 2021 (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 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.

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 ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.
16. *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.
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.

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

23. 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; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

24. *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.
25. *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
26. *Policy 21 - Delivering Sustainable Transport.* Requires all development to 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. Development should have regard to Parking and Accessibility Supplementary Planning Document.

27. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
28. *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.
29. *Policy 30 – Hot Food Takeaways.* Advises that proposals within Sub-Regional, Large Town, Small Town, District and Local Centres will be refused should an unacceptable impact upon the vitality and viability of those centres result. Outside of such centres, proposals within 400 metres of an entry point of an existing or proposed school or further education college will not be permitted. The specific amenity impacts of each takeaway proposal must also be acceptable.
30. *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 they can be integrated effectively 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. Permission will not be granted for sensitive land uses near to potentially polluting development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.
31. *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.
32. *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. Amongst its advice, the policy advocates the use of SUDS and aims to protect the quality of water.
33. *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.

34. *Policy 40 - Trees, Woodlands and Hedges.* 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 or provide suitable replacement planting. The loss or deterioration of ancient woodland will require wholly exceptional reasons and appropriate compensation.
35. *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 are biodiversity net gains. Proposals must protect geological features, have regard to Geodiversity Action Plans and the Durham Geodiversity Audit and where appropriate promote public access, appreciation and interpretation of geodiversity.
36. *Policy 43 - Protected Species and Nationally and Locally Protected Sites.* Development proposals that would adversely impact upon nationally protected sites will only be permitted where the benefits clearly outweigh the impacts whilst adverse impacts upon locally designated sites will only be permitted where the benefits outweigh the adverse impacts. Appropriate mitigation or, as a last resort, compensation must be provided where adverse impacts are expected. In relation to protected species and their habitats, all development likely to have an adverse impact on the species' abilities to survive and maintain their distribution will not be permitted unless appropriate mitigation is provided or the proposal meets licensing criteria in relation to European protected species.
37. *Policy 56 Safeguarding Mineral Resources.* Sets out that planning permission will not be granted for non-mineral development that would lead to the sterilisation of mineral resources within a Mineral Safeguarding Area unless certain exception criteria apply.
38. *County Durham Parking and Accessibility Standards (2019)* This document sets out the Council's approach to vehicle and cycle parking provision on new development and extensions to existing development which includes both residential and non-residential.

NEIGHBOURHOOD PLAN:

39. No Neighbourhood Plan in force for the area.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

40. *National Highways* – Assessed the details of the Transport Statement. They required further details and assessments in relation to trip rates and trip types. Additional information was received, National Highways wished it be noted that they did not agree with the methodology used in the assessment. However, due to the scale and nature

of the development and supported by specialist advice on traffic impact, they issued a Formal Response offering no objection.

41. *Highway Authority* – Assessed the details of the Transport Statement (TS). A number of issues were raised in relation to comments made within the TS. Further information and amendments were requested, including the addition of a ghost island for vehicles entering the site. Agreed that a Road Safety Audit (RSA) should be undertaken to establish need for ghost island. Initial RSA received but not deemed suitable. A further RSA provided which was deemed acceptable to remove the requirement for the ghost island.
42. Further details required in relation to servicing and deliveries at the site. These details can be secured by condition. Parking and cycle parking deemed sufficient, subject to conditions for details on bike shelters. Objection to the scheme is now removed subject to conditions.
43. *Local Lead Flood Authority* – Initial scheme not considered acceptable and further amends and updates to the drainage strategy requested throughout application process. Final updated scheme submitted and deemed acceptable. Drainage Strategy document to be conditioned and no objections raised.

INTERNAL CONSULTEE RESPONSES:

44. *Design and Conservation* – No concerns with reference to impact on Grade II listed Shotton Hall, given distance and intervening trees.
45. In terms of the scheme the proposed development is not opposed from a design and conservation perspective. Following advice at the pre-application stage, the applicant has given some animation to the gable of the existing building where it directly addresses Passfield Way. This could be improved by animating the ground floor. The applicant should provide clarification of the intended colour palette of the buildings proposed.
46. *Ecology* – No objections raised. Site has little in the way of ecological value and the building is low risk for bats so I do not feel that ecological surveys are required. Request 1 x integrated bat roost unit and 1 x integrated bird breeding unit per building as ecological enhancement under the NPPF. I note that the applicant has confirmed acceptance of this requirement.
47. *Environment, Health and Consumer Protection (Air Quality)* – Sufficient information submitted to support the scheme. Officers consider that the development would not lead to an exceedance of AQ objectives, and no further information is required.
48. *Environment, Health and Consumer Protection (Pollution Control)* – Fully assessed submitted details in relation to the noise assessment and further submitted kitchen ventilation documents. The principal officer considered the details appropriate. Conditions are requested requiring that relevant units adhere to the detailed specification reports in perpetuity. A further condition is requested in relation to adherence to suitable noise levels and limits to the hours of opening.
49. *Environment, Health and Consumer Protection (Contaminated Land)* – Advise the submitted phase 1 and 2 reports are acceptable but identifies the need for further site investigation. Therefore a pre commencement condition for a phase 3 report is required, followed by a phase 4 verification report. An informative should be included in the event any contaminated land is discovered during works.

50. *Spatial Policy* – Advises on relevant policies within the County Durham Plan. Assessment also undertaken of the submitted Sequential Assessment and Retail Impact Assessment, both of which were found to be acceptable. Their detailed comments on this are contained within the body of the report. In relation to the hot food takeaway, given the nature of the proposed development as part of a larger scheme, the use would be considered to accord with policy 30.
51. *Trees Officer* – Assessed existing planting on site, noting that the trees marked for removal are not of high amenity value. They further comment that the proposals intend additional planting in the south west corner and along the southern boundary. Further details on this can be attained through a landscape condition. No objections offered.

EXTERNAL CONSULTEE RESPONSES:

52. *Police Architectural Liaison Officer* – Comments received with advice on design standards to reduce likelihood of anti-social behaviour on site.

PUBLIC RESPONSES:

53. The application has been advertised by way of a site notice and individual notification letters to neighbouring residents.
54. 19 letters of objection have been received along with 52 letters of support. The following summarises the various comments received:
55. In objection:

General Issues / Impact on Town Centre / Proposed Uses

- Proposed units are inappropriate and known for negative health impacts including tanning booth and fast food takeaway, causing cancer and obesity.
- More fast food shops than clothing shops and site is really close to secondary school
- Proposals would not enhance the area
- Town centre first approach should be applied. Already enough empty places in Peterlee that could be used to bring in employment
- Concerns over location of sub station which is directly visible from nearby properties
- Tanning salon not suitable as no demand for this, as there are others in the vicinity. Not considered an essential service.
- Proposals will bring down the area
- Town centre is struggling to survive and new retail should be kept in this area
- Too many takeaways and fast foods places in the area.
- Whilst no objection to overall proposals the tanning shop is not appropriate and a health risk
- Queries over local impact document submitted with application - why is consideration given to Shotton Colliery, this local centre highly unlikely to be affected given its location across the A19
- Concerns over businesses already struggling in the town centres. A lot of money and investment put into this area but still empty retail premises exist. Queries why we are considering more units to be developed
- Consultation exercise undertaken by developer not considered to be reasonable consultation process
- Concerns about school children having access to takeaway so close
- Overdevelopment of the site
- Detrimental to character of residential area and concern over loss of trees.
- Better to develop the town centre than an outlying area

- Given current economic climate it would be appropriate to ensure that the development can secure 100% occupancy given the extent of vacant units in Peterlee town centre
- Based on size of units, better located in town centre where planning statement has shown they are available.
- Unlikely that Sainsburys would set up here given another store in close proximity. They may be likely to move causing another vacancy in the area
- Not an appropriate location for this type of development near houses and schools
- Concerns over why large quantity of people have written into support the scheme when they don't live near the development and won't be directly impacted.
- Not happy about outdoor seating area within development and potential for noise impacts.
- Negative impact on Peterlee town centre will force people to go to Sunderland or Hartlepool to shop

Highways

- Proposals will cause traffic problems, with deliveries
- Traffic congestion already bad during school opening / closing times, This development will make situation worse and cause accidents
- Increased traffic will increase air pollution in the area
- Slip roads on A19 very short and potential for accidents with delivery trucks trying to access site from here.
- People trying to access the site could cause traffic to back up, even onto the A19 at busy times.
- The current use will have more traffic over previous use.
- Noise impacts of delivery trucks and hours of access to the site.
- Fears that greater risk of accidents to school children - already difficult trying to cross the road in these locations.
- Concerns over routes taken by delivery vehicles and articulated trucks to access the site - concerns that existing road network unable to cater for them.
- Proposals will increase traffic flows from A19 to access shops

Noise / Pollution / Anti Social Behaviour

- Problems with noise and rubbish
- Development too close to surrounding bedrooms of nearby family homes, which are close to service areas and car parking.
- Concerns site will be used by boy racers
- Opening hours and sales of alcohol will cause problems
- Car park area will attract people over night with noise and music and doors slamming.
- Site could become a drugs hub location
- Increase in anti social behaviour through increase in noise crime and litter, which will radiate out to surrounding areas
- Police struggling to cope with crimes as it is.
- Given site has for years plagued nearby residents through operations and car deliveries, consider the site would be better used for housing rather than more retail where many businesses already struggling, potentially causing problems in the future for the site.
- Although already in use as business site, this was for one business, proposals for 7 different units will have more impacts on nearest residents
- Concerns that nearest residents will no longer be able to use their rear gardens through impact of noise and disturbance - including delivery trucks and beeping of reversing wagons, as well as people going to late night takeaway
- Rubbish will become a huge problem in the area.
- Increase in light pollution

- If development goes ahead it will adversely affect people's lifestyles, wellbeing and mental health
- Concerns with regards smells and odours from the takeaway and attraction of vermin to the site
- Neighbouring properties at risk from greater levels of crime as site will attract anti social behaviour
- Concerns over the increase in operating hours at the site, over and above previous single business that used the site
- Insufficient information submitted to address neighbour impacts in particular in relation to light pollution
- Noise assessment doesn't take into account longer hours of proposed use over existing.
- Air quality assessment not sufficient - no details on demolition works or increase traffic
- Insufficient information in relation to extraction from new units
- No details on CCTV to monitor anti social behaviour at the site. Site likely to be misused out of hours and mitigation should be provided.
- Concerns raised over the amount of 'carbon copy' letters of support submitted.
- Proposals will devalue houses and a number of properties have put their house up for sale
- Concerns that takeaway will attract vermin.
- Loss of privacy with units so close to dwellings and neighbours experiencing loss of privacy and unable to use rear gardens
- Concerns that the EVCP parking will attract long distance drivers from the A19 to set up all night and create noise disturbance through opening and closing of car doors.

Consultation issues

- Issues raised over the consultation process taken by the developer and that it left little time to comment - prior to submission of the planning application.
- Issues raised over the sign put up on the building saying development coming soon - this is misleading as no decision made and might put people off objecting to the scheme.
- Concerns over the website set up by the development promoting the development and making it easy for people to submit their comments of support - a lot come from a distance away (sometimes 4 miles) and should be given less weight than comments from nearby residents.
- Concerns that local councillors not putting the people they represent first.

Objection from Praxis Real Estate Management Ltd (owner of Castle Dene Shopping Centre in Peterlee Town Centre.

- Concern with regards the conclusion drawn from the Sequential Assessment. The search parameters used in undertaking the assessment are considered to be based on flawed interpretation of planning policy and case law.
- Applicant refers to Tesco vs Dundee City Council Supreme Court Judgement, but fails to provide any explanation as to how the case is relevant to the proposals and what weight to afford it. Case is used as blunt instrument to circumvent the requirement to undertake a robust and pragmatic sequential assessment.
- The applicant does not consider disaggregation of the scheme.
- No particular need for the proposal is identified in the Applicant's submission other than it would result in the redevelopment of a vacant site.
- Reference made to PPG which states: 'It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.' The objector's interpretation of this statement is that where a development comprises

separate units a combination of more central sites should be considered provided that they do not require any of the individual retailers to disaggregate their offer.

- The Tesco vs Dundee City Council decision related to a single Asda store which could clearly not be disaggregated and provides no direct comparison to the current proposal. Concern that the applicant's interpretation runs counter to the town centre first policy approach and incentivises developers to propose large schemes that cannot be readily accommodated in town centre locations.
- Consider the applicant has failed to comply with local and national policies on the sequential approach to site selection.
- Objector considers the applicant should have considered the scheme in a disaggregated format, with flexibility as regards format and scale in accordance with PPG. By using this approach, the individual units could be accommodated with various vacant units available with Peterlee Town Centre, the objector providing a list of various vacant units and floor space to demonstrate this.
- Considers the existing vacant units would be suitable in this location having ample parking and access to public transport and being more centrally located than the current application site. The application site is considered more suited for residential development.
- Objector proceeds to echo objections already raised by local residents with regards type of use, anti social behaviour, highway impacts and amenity, and non-compliance with relevant policies.
- There is no identified need for the proposal, to the contrary, there is a pressing need to focus investment on nearby Peterlee Town Centre and Shotton Local Centre, both of which are plagued with prolific vacancies.

In support:

- A new retail led local centre will enhance retail opportunities for residents
- Proposals will create numerous jobs for local people
- Make good use of vacant brownfield site
- Offers convenient and accessible shopping opportunities for all residents in the vicinity
- Development would be a great asset to the local area
- Provides much needed local services
- Facility will prevent people needing to access services by transport.
- Remove eyesore from the area and improve it
- Breathe new energy into the town which is currently lacking
- Would be able to attract customers from the A19 and beyond
- Provides more retail choice
- Would boost the local economy

*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/applicationDetails.do?activeTab=documents&keyVal=QU6BIIGD0BK00>*

APPLICANTS STATEMENT:

56. The Proposed Development seeks to construct 4 retail units (Class E), a tanning shop (Sui Generis), takeaway (Sui Generis) and ATM with associated access, car parking and landscaping on the site of the former Vauxhall Motor Dealership, Passfield Way, Peterlee, SR8 1PX.

The site is located outside of the Peterlee 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 Peterlee which could accommodate the Proposed Development.

A Retail Impact Assessment has been undertaken in accordance with the requirements of the NPPF, which demonstrates that the proposed development would not result in a negative impact on the vitality and viability of the defined centres within the study area. It is considered that the proposed development will enhance the retail offer in Peterlee which will contribute positively to the vitality and viability of the centre.

In terms of viability the proposed development needs to be located collectively rather than being disaggregated, in order to function and attract the retailers who want to trade in this area of Peterlee as there is currently a need for a neighbourhood style convenience centre here. Notwithstanding this, it is important to note that there is no specific planning requirement to disaggregate a scheme and Case Law determines that this is not required.

Overall, the proposals will have significant benefits for the residents of Peterlee by enhancing the retail offer there. One major benefit is that it will bring a vacant brownfield site back into use.

The re-use of the existing building underpins the sustainability strategy for the scheme, as this limits the demolition required and maximises the green credentials of retaining the structure. This generates the sustainable benefit of limiting waste and the requirement for new construction materials were a new replacement building be proposed. The development will utilise locally sourced materials for construction and will incorporate energy efficient design to reduce the overall energy consumption of the development. This includes high levels of insulation to the roof, walls, and floor areas. In addition, advanced glazing systems will be utilised to reduce heat loss and solar gain as appropriate to the buildings. The building will need to comply with Part L to meet building regulations approval. The operators are all installing air source heat pumps as their heating source, and the only operator with gas is Dominoes which is required for cooking. Careful consideration has therefore been given to the merits of making the building more efficient during the construction and operational phases of the development.

Another benefit of the proposal is the encouragement of the use of sustainable modes of travel, including the provision of EV charging points. The EV charging bays are currently proposed to be available for use 24hrs a day. It is not envisaged that these spaces would attract anti-social behaviour given the nature of their use, i.e., people are required to pay to use them and are only going to use them for the purposes of charging their car. The site has been vacant for 2 years and there have been no issues with anti-social behaviour whilst it has been vacant, so the applicant does not anticipate issues to arise once it has been re-developed.

The proposal will also result in job creation both during the construction and operational phase of the development. In turn this will generate employee salaries which will encourage spending in the local economy. This will bring both economic and social benefits to the area.

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

57. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, particularly in relation to retail and town centre policy, impact on the character and appearance of the area, impact on residential amenity, highway safety and access, drainage, ecology and contaminated land.

The Principle of the Development

58. 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) forms 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 approving development proposals that accord with an up-to-date development plan without delay. Where a planning application conflicts with an up-to-date development plan paragraph 12 of the NPPF further advises that permission should not usually be granted. Local Planning Authorities (LPA) may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicated that the plan should not be followed.
59. The proposal relates to a new commercial development, consisting of 6 units on the site of the former Evans Halshaw car show room site and policy 9 would be of relevance in the consideration of this scheme. The site is not situated within a town, district or local centre as defined within Policy 9, the location is therefore considered an out of centre site within the settlement of Peterlee. Policy 9 defines Peterlee as having a large town centre and this is located approximately 1,900m to the northeast of the site. Horden has two local centres situated further east, with further local centres contained to the west of the A19 in the settlements of Shotton Colliery and Wheatley Hill respectively. The site is not allocated for any particular use in the County Durham Plan (CDP) (2020) and noting its location within the built up area of Peterlee, the proposals would be subject to consideration against policy 6 also.
60. The proposals include changing the use of the existing building on site, re-modelling and subdividing to create 3 units. A new purpose-built building would be constructed creating a further 3 units. The units would range in size from 111 sqm to 371 sqm. In total the floorspace created would amount to 1,210 sqm, with a net floor space of approximately 860 sqm. Units are expected to include 4 E class uses, including retail and café, with a further two units to include a tanning shop and hot food takeaway, the latter two identified as sui generis. Policy 30 is applicable to the consideration of the hot food takeaway in this case.

Retail Policy

Sequential Test

61. In considering the acceptability of the site in this out-of-centre location, due consideration must be given to relevant parts of the NPPF, PPG and Policy 9 (Retail

Hierarchy and Town Centre Development) of the CDP. For completeness the wording of the relevant parts of these policies will be provided below.

62. As required within paragraph 86 of the NPPF (Ensuring the vitality of town centres), policy 9 of the CDP sets out a retail hierarchy, with Peterlee recognised as a large town centre. The CDP seeks to protect and enhance these retail centres and supports new town centre development across all of the county's centres that will improve choice and bring about regeneration and environmental improvements. The proposed retail uses / units as part of the planning application are acknowledged as being classed as main town centre uses under the Annex 2: Glossary of the National Planning Policy Framework (NPPF) (2021) and whilst some of the uses proposed (hot food takeaway and tanning Shop) are not specifically listed under the Annex 2, it is recognised that they are all most commonly found within them, and that Annex 2 is not a closed exhaustive list. Policy 9 requires proposals for town centre uses not within a defined centre to provide a sequential assessment (this reflects advice within the NPPF, paragraphs 87 and 88), and also (depending on the scale of floorspace) an impact assessment. The main issues therefore relate to satisfying the sequential test in terms of the town centre first approach and assessing the impact on existing centres (where applicable).
63. Paragraph 87 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
64. Paragraph 88 of the NPPF states when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
65. The Planning Policy Guidance web pages relating to 'Planning for town centre vitality and viability' provide guidance on how the sequential test should be used in decision making (Paragraph: 011 Reference ID: 2b-011-20190722 Revision date: 22 07 2019). This states that it is for the applicant to demonstrate compliance with the sequential test. The application of the test will need to be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites will need to be discussed between the developer and local planning authority at the earliest opportunity.
66. The PPG further provides a checklist, as below, that sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:
 - with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.
 - is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
 - if there are no suitable sequentially preferable locations, the sequential test is passed.

67. The PPG continues that in line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account. Compliance with the sequential and impact tests does not guarantee that permission will be granted – all material considerations will need to be considered in reaching a decision.
68. The applicant engaged in pre application discussions where they were advised that as part of any forthcoming sequential assessment, the LPA would expect reasonable justification behind any proposed site parameters that would be set in determining whether a town centre site is suitable or not. It was also agreed that the sequential assessment could be limited to the large town centre of Peterlee.
69. The sequential assessment features in Section 5 of the applicant's Planning Statement. Para 5.6 sets out the stated site requirements for the proposed development in terms of a minimum site size (to accommodate the floorspace and parking & circulation space), and prominent location within Peterlee. The applicant's sequential assessment seeks to demonstrate (para's 5.13 - 5.19) that there are no available sites which could accommodate the proposals within Peterlee town centre. This is based on the three primary indicators which they outline at para 5.10 relating to availability, suitability and viability. Para 5.14 makes the assertion that sites like Broadclose Court, Castle Dene Shopping Centre are too small.
70. Further within the assessment, the applicant has recognised that there are sequentially preferable units vacant within the town centre with 44no. vacant units identified in August 2022 (para 5.15), however they state that many of the vacant units are not available on account that they cannot find details of them being marketed online. Those which are, are deemed to be unsuitable and discounted as they are too small.
71. The LPA, whilst agreeing that the vacant units identified would be too small, sought a more robust analysis in relation to availability of the units. In response the applicant clarified that consideration was also given to vacant units located adjacent to each other and the possibility of merging these units to provide sufficient area to accommodate the proposed development. However, even upon undertaking this exercise it was found that, where in one case five units were next to each other, they were unable to accommodate the proposed development again being too small in size. It was further clarified that not all vacant units were being marketed online and were therefore not considered to be readily available for occupation.
72. In assessing the details and in consultation with Spatial Policy it was accepted that the sequential test had been suitably undertaken and the overall conclusions not disputed. However, on the issue of flexibility, further consideration was requested in relation to potential for disaggregation of the scheme. Indeed, in their objection Praxis considers the sequential assessment to be flawed and states that the scheme should be considered in a disaggregated format, as to do so would be in line with PPG guidance seeking flexibility as regards format and scale of development.
73. The applicant was thus requested to advise whether their scheme could be considered in a disaggregated format within the town centre. They provided comment in relation to this, stating that the previous commercial use of the site as a car dealership had benefited from key attributes in relation to visibility, ease of access and position within Peterlee. Given this, they consider that the site continues to benefit from these

attributes and would therefore provide a suitable location for a neighbourhood style centre, well located to serve the local area for top up shopping and convenience needs.

74. The applicants also make reference to intended occupiers at the site, including a Sainsburys Local and confirm that the nature and size of the shop would mean it would be inappropriate to locate within the town centre, given the larger stores already in that location (including for example, Asda and Lidl). The local shop premises is therefore intended to appeal to a very local population to pick up a 'small basket' of essential goods rather than driving to the town centre and access a much larger store which would be inconvenient for the nature of the purchase required. The applicant further highlights that Sainsburys Local already has a store on Grampian Drive, over a kilometre to the north and consider that this demonstrates the very localised range of these size and style of shops.
75. The applicant further comments that the Sainsburys Local is intended to occupy the largest floorspace of the retail units and therefore operate as the anchor store for the neighbourhood centre. In this way, the proposed operators of the adjacent units are attracted to the development as they will benefit from the attraction of local top up shoppers. Cooplands Bakery currently occupies in the town centre, but they deem the proposed development site to be far enough away to not detract from their town centre store trade, as they would benefit from the trade of local top up shoppers in the proposed development location as would other occupiers of the remaining units.
76. With reference to the hot food takeaway unit, the applicant advises that this is intended to be operated by Dominos, and would function similarly, benefiting from proximity to other retail uses as they will interact and feed off each other's customer base. Further comments are provided highlighting that the hot food takeaway unit, in particular Dominos in this case, has a preference to neighbourhood style centre locations, due to: ease of parking and its close proximity for delivery drivers and customers to collect; difficulties in ensuring suitable extraction and ventilation equipment can be installed particularly problematic within an indoor shopping centre; along with benefits of high visibility on the road frontage.
77. They conclude, that in terms of the operation and functionality of the proposed development, it needs to be located collectively rather than being disaggregated, in order to function and attract the retailers who want to trade in this area of Peterlee as, they consider, there is currently a need for a neighbourhood style convenience centre here. They consider that each of the units located adjacent to likeminded retailers seeking to serve local top-up needs would allow the development to better succeed than if it were to be located on an individual basis within the shopping centre in Peterlee.
78. In assessing the case put forward, the LPA considers that the nature and size of the development, in particular the size of the individual units, would equate to a neighbourhood style centre and that there is commercial merit to the various retailers/operators being located adjacent to each other as part of a group to provide for the needs associated with the local adjacent residents. It is accepted that the top up nature of the trade to be provided at this site would attract customers for differing reasons than those visiting the town centre and as such the proposed scheme of this size operating as a neighbourhood style centre would perform a more local function that is not expected to detract to any significant extent from Peterlee town centre (further discussion on impact in paragraphs 84-89 below) nor would it be considered to function within a local capacity disaggregated within the town centre. Officers therefore agree that the future viability of the scheme in operational and functional terms requires that the development is not disaggregated, to allow the individual units

to benefit from co-dependency and shared customer base that can be achieved collectively as part of a neighbourhood style centre in this location.

79. In consideration of the objection from Praxis particularly in relation to disaggregation, whilst it is noted PPG guidance advises that consideration should be given to flexibility in terms of the format and scale of the development, it is of further note that there is no specific planning requirement in policy or guidance that requires such schemes to demonstrate ability or not to disaggregate. With regards to this, it is useful to take into account numerous appeal decisions that have considered this specific issue. In recommending that the Secretary of State grant planning permission for a retail development at Rushden Lakes, Northants in 2014, a Planning Inspector found that with regards to disaggregation:
80. 'There is no longer any such requirements stated in the NPPF...Had the Government intended to retain disaggregation as a requirement it would and should have explicitly stated this in the NPPF. If it had been intended to carry on with the requirement, then all that would have been required is the addition of the word "disaggregation" at the end of the NPPF'
81. Whilst this appeal decision references a version of the NPPF that has since been revised, the revised NPPF does not provide any additional policy clarification which impacts on the relevance of the above interpretation. The general thrust of relevant paragraphs within the NPPF remain unchanged, and crucially continues to make no specific reference to disaggregation.
82. This issue was also further considered in an appeal at Tollgate Village, Colchester in 2017, where it was found that the NPPF requirement is for the sequential test to 'demonstrate flexibility', and that although in some cases – particularly where proposed developments are large, phased, open-ended and have no identified operators, that this may amount to disaggregation. However it was also found that it does not follow that disaggregation is always required in order to demonstrate flexibility, and that alternative sites, in order to be considered as suitable, should be capable of accommodating development which is recognisably closely similar to what is proposed.
83. As a result, whilst it is considered that there is no specific requirement set out in case law or policy that the applicant should consider disaggregating elements of the proposal in order that it can fit on alternative sites, the LPA consider in this case, with vacancies within Peterlee town centre and to ensure a robust sequential assessment, there is merit in considering the scheme in a disaggregated form in the context of the PPG requirement for flexibility. However, given the case put forward by the applicant as to the intended operation and functionality of the development and the wording of policy and case law, it is not considered reasonable that the scheme be disaggregated in this case. The sequential test is deemed to be passed.

Impact Test/Assessment

84. Para 90 of the NPPF advises that retail schemes which are outside of town centres and not in accordance with an up-to-date Local Plan should be accompanied by an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500sqm). Policy 9 of the CDP specifies that 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 Sub Regional, Large Town or District Centre, will be required to provide an impact assessment in accordance with

the guidance within the NPPF and the PPG. Where there could be an impact on a Small Town or Local Centre the threshold reduces to 400 sqm (gross).

85. The applicant has submitted a Retail Impact Assessment in support of the application to comply with relevant policy. In their assessment and based on the floorspace of this scheme (circa 1,210 sqm) it is noted that the scheme falls below this threshold for convenience floorspace. It would be above the threshold for comparison floorspace in respect of a large town (Peterlee), however, the applicant has set out at para 1.2 of 'Retail Impact Assessment' that as Policy 9 refers specifically to retail uses (Use Class E), the proposed hot food takeaway unit and the tanning shop unit, which amount to 250sqm should be excluded from this Retail Impact Assessment as they are both within the 'Sui Generis Use Class'. This would take the remaining 4 units under the 1,000 sqm threshold meaning the impact on Peterlee town centre would not require assessing. The LPA note the stance which has been adopted and do not contest it, and do not consider that an assessment of the impact can be insisted upon. Paragraph 6.8 of the Planning Statement advises that the applicant *"is willing to accept a planning condition which limits comparison floorspace to below 1,000 sqm"* in these circumstances. In addition to this, it is considered that should this scheme be approved, the 2 units that are proposed as non-retail uses (sui generis) should be conditioned so that they cannot change to retail, thus negatively impacting on Peterlee town centre.
86. The proposal is above the threshold (both convenience and comparison) for a local centre (Shotton Colliery). Within the Retail Impact Assessment, analysis of the impact of this centre is set out within Section 6, with analysis of the turnover of the proposed development contained within Section 5. It is concluded *"that Shotton Local Centre services an important role as a convenience centre which serves day-to day shopping and top up shopping. Whilst the proposals may divert some convenience trade from users which live to the east of the A19, it is considered that Shotton will maintain its role and will continue to be a healthy centre. There are a number of other stores within the catchment area which also serve a top-up shopping role and it is considered that the store will also divert some trade from these stores"*. In respect of comparison goods it goes on to state *"Shotton is not a centre with comparison uses and therefore the proposals will not divert any comparison trade from the centre"*.
87. Taking account of the above, the applicant's impact assessment is accepted and no unacceptable impacts upon the town or local centres are identified.

Summary in relation to retail impacts

88. In conclusion and having assessed the various reports submitted with the scheme, it is accepted that both the tests required in the Sequential Impact Assessment and Retail Impact Assessment have been suitably undertaken in line with NPPF, PPG and Policy 9 of the CDP requirements. Acknowledgement is given to the numerous objections received from neighbouring residents, alongside the objection from Praxis, where concerns were raised that the proposals would negatively impact on the town centre and that there should be a town centre first approach applied to the scheme. In undertaking the sequential assessment, a town centre first approach has been applied. However, the findings indicate that there are no suitable and available sequentially preferable locations, and on this basis, the sequential test is deemed to be passed. In addition, the proposals are not anticipated to have a significant adverse impact on the nearest local centre as demonstrated in the Retail Impact assessment and is deemed satisfactory.

89. However, and as noted within the PPG, compliance with the sequential and impact tests does not guarantee that permission will be granted – all material considerations will need to be considered in reaching a final decision on the scheme.

Sui Generis Units - Hot Food Takeaway and Tanning Salon

90. Policy 30 within the CDP relates to hot food takeaways. This policy states that in order to promote healthy lifestyles in young people, proposals for hot food takeaways outside of defined centres but within 400 metres of an entry point of an existing or proposed school or further education college will not be permitted.
91. In assessing the current scheme it is noted that Shotton Hall Academy is in close proximity to the site with the nearest pedestrian entrance point to the school site just under 400 metres away. Whilst some early discussion took place seeking removal of the take away element on this basis, noting identified impacts of such units on negative health impacts on young people, it is acknowledged that the policy applies to standalone hot food takeaway units and not for units forming part of a larger mixed use scheme, as noted within the supporting text (para. 5.316) relating to this policy in the CDP. As this proposal relates to a hot food takeaway unit as part of a larger mixed use scheme, the policy cannot be applied.
92. Objections are noted in relation to the inclusion of the hot food takeaway and tanning salon as part of the scheme with specific concerns raised with regards the negative health impacts of both of these uses, however, although a specific policy relates to the hot food takeaway, which is ineffectual in this case, there is no such specific policy relating to restrictions on tanning salons. The appropriateness or not of such a use in this location will fall to be assessed in association with the suitability of the development as a whole in line with policy 9, already discussed above, and policy 6 as assessed below.

Policy 6 assessment

93. Within defined settlement areas, Policy 6 is permissive of development subject to it according with the following criteria:
- a) Being compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land

The site has operated in commercial use for some time, ceasing operations in 2020, but has been recognised as an established site for commercial use. Surrounding the site on three sides are residential properties, with Passfield Way running along its northern boundary. The proposals seek to introduce new commercial activities within the site which individually would be of a small scale and intended to provide local services to the area. Such uses, particularly of this size and scale, are not uncommon next to and within residential estates and as such, are deemed to be compatible in principle. However, further discussion on this aspect and impact on nearest residents will be assessed later in the report, noting in particular that a number of objections have been received raising concern over noise and disturbance. These issues will be discussed in more detail in the relevant section below.

- b) Not contributing to coalescence with neighbouring settlements;

No conflict with this criteria.

c) Not resulting in the loss of open land with recreational, ecological or heritage value or that contributes to the character of the locality which cannot be adequately mitigated or compensated for.

The site consists largely of a hardstanding fore court, with large parking area and a disused car showroom building. Its redevelopment would be considered an improvement to the area. Further details on impact on character of the area discussed in relevant section below.

d) Being appropriate in terms of scale, design, layout and location to the character function, form and setting of the settlement

This is discussed in relevant section below, but in general the proposals do not raise concerns in this regard.

e) Not being prejudicial to highway safety or have a severe residual cumulative impact on network capacity

Discussed in relevant section below on highway safety.

f) Having good access by sustainable modes of transport to relevant services and facilities and reflecting the size of the settlement and the level of service provision within that settlement,

The site is well located within the settlement, next to residential areas and ready walking and cycling access can be gained to the site. Regular buses also pass near the site along Durham Way. The proposals would accord with this criteria.

g) Not resulting in the loss of a settlement's valued facilities or services.

There is no conflict with this criteria.

h) Minimising vulnerability and providing resilience to impacts arising from climate change, including but not limited to flooding,

Further details on this are provided in relevant sections below, relating to sustainability and drainage.

i) Making as much use as possible of previously developed land; and

j) Where appropriate reflecting priorities for urban regeneration.

It is recognised that the proposal would utilise brownfield land and present an opportunity for its regeneration, in accordance with these criteria.

94. Subject to further detailed discussion in relation to parts a), d), e) and h) in relevant sections below, the proposals are broadly compliant with policy 6.

Impact on the Character and Appearance of the Area

95. CDP Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity and townscape features, helping to create and reinforce locally distinctive and sustainable communities.

96. Criterion d) of CDP Policy 6 requires development on unallocated sites to be appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement.
97. Part 12 of the NPPF also seeks to promote good design, specifically stating within Paragraph 130 that planning decisions should aim to ensure developments 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 the surrounding built environment and landscape setting, and establish or maintain a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
98. Some objections have been received stating the proposals would bring down the area and would be an overdevelopment of the site, with issues raised over the loss of trees.
99. The site is currently not in use and contains a large vacant car showroom building surrounded by a large expansive hardstanding area. At present the site has very limited visual merit.
100. The proposals intend that the existing car show room building be largely retained, with the western element removed to allow creation of a new retail frontage along the west elevation of the building. A proposed purpose built 3-unit retail block would be set well within the site, running along the rear / south boundary and would have a mono pitched roof. The scale and massing of these buildings and their layout on site is considered appropriate, with the main building already long established on site and maintaining this presence. Some minor amends would be made to the northern elevation overlooking Passfield Way by means of providing a high level window to provide some animation on this side. The frontages of the retail units facing west and north would all benefit from large full height glazed shop fronts, surrounded by king space wall panels, that would help break up the elevations and define each individual unit.
101. In general, the two buildings would be largely functional in appearance but there is a uniformity and simplicity in the style and design and they would be clearly legible in terms of their accessibility and purpose. In addition areas for signage are well located over each unit noting that each new sign would be subject to a separate advert consent. Any permission would be subject to a condition for details of materials to be agreed. In addition further details on any fencing or enclosures and bins would also be required for agreement prior to their installation.
102. As currently exists, the units would be surrounded by large areas of hardstanding, used for parking, and footways connecting the shopping units. To make way for services to the rear of the existing unit, two trees would be removed, but there is no objection to this, being specimens of limited value. The hedgerow running along the south boundary would be retained and maintained on site. A landscape scheme was submitted identifying replacement tree planting, which would be acceptable, however, a condition will be required for details of planting and maintenance, with a further condition applied for implementation of the scheme.
103. Overall although quite utilitarian in appearance, the scale and massing of the development and general design is considered acceptable in this location. Subject to conditions, the proposals are considered to adhere to policies 6 and 29 of the CDP and Parts 12 of the NPPF.

Impacts on Residential Amenity

104. Policy 29 of the CDP requires that all development achieves well designed buildings and places having regard to supplementary planning documents and as part of criteria e), provides high standards of amenity and privacy, and minimises the impact of development upon the occupants or existing adjacent and nearby properties.
105. Policy 31 states 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 can be integrated effectively with any existing business and community facilities. The proposal will also need to demonstrate that future occupiers of the proposed development will have acceptable living or working conditions. Proposals which will have an unacceptable impact such as through overlooking, visual intrusion, visual dominance, or loss of light, noise or privacy will not be permitted unless satisfactory mitigation measures can be demonstrated whilst ensuring that any existing business and / or community facilities do not have any unreasonable restrictions placed upon them as a result.
106. There are a number of sensitive receptors in proximity to the site, namely residential development along Corby Grove to the east and south and Donerston Grove to the west.
107. The current site arrangements comprise the existing building running along the east boundary, adjacent to gable end of no. 26 Corby Grove, set at a distance of 20 metres. The east elevation of this building would face towards this property, and would represent the service area, partly external and partly covered and contained within the building. The appearance of the building would not be significantly altered, with works to make good masonry. This side of the building has already operated as a service area associated with the car showroom garage site. An existing palisade fence runs along the east boundary followed by a grass verge on either side of a public adopted footway before reaching the garden boundary of this property some 16 metres away.
108. South of this unit, the existing hardstanding area formerly used for parking of cars associated with the car showroom, would now include an access to the service area for delivery vans, along with 9 general parking spaces central within this part of the site. In addition 8 EV charging bays would run along the south boundary of the site. The proposed service area access strip would be approximately 16 metres from the gable end of no. 25 Corby Way, whilst the EV parking bays would be located adjacent to the existing hedge that abuts the rear boundary garden fence of nos. 18 and 19 Corby Grove, at a distance of at least 22 metres from the rear elevation of these properties.
109. The new build unit would run east-west along the south boundary adjacent to the rear garden boundaries of nos. 16 and 17 Corby Grove, at a distance of a minimum of 21 metres from the rear elevation of these properties. This new build would be mono pitched, measuring 3.6 metres height to the rear, rising to approximately 4.5 metres to the front. The rear elevation would consist of a single rear service door to each of the units, but given the narrowness of the rear passage to the back of this unit and the existing hedgerow, the rear section of the building is not anticipated to be in regular use.
110. No. 17 Donerston Grove is located adjacent to the south west corner of the application site. The blank elevation of the new build unit will be approximately 12 metres north east of this dwelling. However given the height of the building as a small single storey block and its location away from direct outlook of this property it is not considered there would be a significant adverse impact on visual amenities or outlook for this property.

111. No. 18 and 19 Donerston Grove would overlook more directly the blank gable end of the new building, but this would be at a distance of some 22 metres, with intervening rear garden fence and hedge planting.
112. Remaining properties along Donerston Grove, nos 20-24 would have their rear garden boundary fence adjacent to the small section of adopted highway that leads from Passfield Way into the parking area of the proposed development. Distances from the rear of these properties to the edge of this carriageway are a minimum of 20 metres up to over 25 metres away.
113. Overall in visual terms, the scale and massing of the development is considered acceptable and would not be considered to create any new overbearing impacts, visual intrusion or loss of privacy to established residents in the area.
114. In terms of activities, it is acknowledged that the proposed new uses on site would create a greater intensity of use at this location than previously existed, with six different units available for a variety of purchases and services, open 7 days a week. However, it is understood, although vacant for the last three years, the previous commercial use extended across the whole site and itself consisted of various activities associated with its use, both indoor and outdoor, including car deliveries, visiting customers, car movements along with car maintenance.
115. The majority of objections received in relation to the current scheme raised concern that the proposals would increase noise and disturbance and negatively impact on their amenity. There were concerns raised that the proposals would introduce anti social behaviour and the site would become a haven for drug use and underage drinking. Issues were raised over the likely impact of increased litter and attraction of vermin. Neighbours nearest to the site were concerned over the noise associated with delivery vans and users of the car park nearest their gardens and the impacts of closing and opening of car doors.
116. In consideration of the site, the orientation and location of the buildings on site is such that frontages are located along the western and northern elevations, overlooking the parking area central to the site and located at a reasonable distance from nearest residential areas. The buildings themselves would offer a buffer to those dwellings to the east and south from activities taking place. The service areas to the rear of the buildings are not intended to be accessible to the general public and would be used infrequently relative to the main shop entrances. The service access, parking area and EV charging area to the south east of the site would bring activity adjacent to rear garden boundaries to closest residents at Corby Grove. However this parking area is more secluded, accounting for 9 standard spaces as opposed to 46 within the site frontage, along with 8 EV parking spaces, and it is anticipated that this area of parking would not be used to the same extent as spaces to the front of the units.
117. Dwellings along Donerston Grove would be more exposed to activities, but the nearest properties, no. 17 would overlook the rear elevation of unit 6, whilst nos. 18, 19 and 20 would overlook the side end gable elevation of unit 6 at a distance of some 23 metres from the rear elevation of the property or 13 metres from the rear garden fence. Although a close relationship from the rear garden boundary, the majority of activity associated with the site would be further east from these boundaries. Property nos. 21-24 are located at a further distance from main activities at the shop frontage etc, measuring approximately over 30 metres from rear garden boundaries.
118. It should be noted that the CDP does not contain specific guidance on appropriate separation distances between these uses, therefore a judgement has to be made on whether the arrangements would be acceptable or not in terms of impact upon

amenity. In general, from assessing the distances involved and the location, type and small scale of proposed activities on site, it is considered that the proposals would not be deemed to detrimentally impact on residential amenity to an unacceptable degree, particularly given the site has had a previous commercial use and could be brought back into that use without the need for any planning permission.

119. The application was submitted with a detailed noise impact assessment that undertook an initial survey to determine background noise levels over a weekend period when residual noise levels are lower. Background noise was largely associated with distant road traffic noise associated with roads to the north and west of the site. Anticipated noise levels associated with deliveries for the Sainsburys unit and the Cooplands were provided based on a noise assessment from a similar scheme. Sound power data for the external plant for Sainsburys and the proposed Dominos unit were also provided, taking into account silencers that would be applied to any plant. Further modelling was undertaken in relation to the car park area, taking into account anticipated trips at a Saturday peak hour, worst case scenario.
120. In concluding the assessment, noise from deliveries and external plant during the daytime period was deemed to be low in terms of impacts on closest receptors, when assessed against the measured background noise level on a Sunday as the quietest time. Noise associated with the external plant over the night time period was considered negligible. In relation to deliveries associated with the Cooplands unit between 6-7am, impacts were considered low, when measured against background noise levels on a Sunday.
121. In terms of the car park noise assessment, the results indicated the impact likely to be at worst 'moderate' in the short term and minor in the long term for all receptors. This is based on measuring the baseline on a Sunday against the highest peak use on a Saturday. The assessment goes on to point out that the noise associated with the car park use would not be much different to existing dominance of road traffic noise in the locality and would therefore be less noticeable at the receptor location due to the character of the noise. Taking into account these factors, the report concludes car park noise would be 'minor' at worst during peak use, with majority of the time having a 'negligible' impact.
122. In relation to the hot food take away use, policy 30 states that where such a proposed use is considered locationally acceptable, consideration will need to be given to the impact that the development would have in terms of amenity, particularly in relation to noise and odours. Where it is considered that the proposal would give rise to unacceptable impact, the application should be refused.
123. A separate kitchen ventilation and extraction document was provided to address issues associated with odour and noise for the hot food takeaway.
124. The Council's Environmental Health Section has commented on the scheme noting the details contained within the noise impact assessment and the separate extraction document. They agreed with the methodology undertaken in the reports, with the findings associated with the assessments deemed to be within appropriate parameters. They were satisfied that the measures provided within the noise impact assessment would suitably mitigate noise impact from the development and road traffic. To ensure compliance with the Technical Advice Notes, a number of conditions are deemed appropriate to be included with any permission, and these would relate to: the hot food takeaway unit operating wholly in line with the submitted extraction document; further details to be submitted prior to use of any unit for the cooking of foods to demonstrate accordance with relevant guidance on the control of odours and

noise; all machinery and plant to not exceed set noise thresholds; and limits on hours of opening and hours of deliveries.

125. A separate service and delivery plan condition would also be applied seeking details on routing within the site and ensure noise impacts are limited during operations on site. A further condition is deemed required in relation to a car park management plan, seeking details on hours of use and general management of parking on the site.
126. In order to limit the potential disturbance for existing residents during the demolition and construction phase, Environmental Health Officers recommend that a construction management plan is secured to deal with construction related impacts. A separate condition is also proposed to control the hours of construction work. Subject to the imposition of such conditions construction related impacts could be adequately managed and mitigated.
127. With regard to air quality, the application is accompanied by an Air Quality Assessment which finds that the impact of the development upon air quality during the construction phase and once occupied, would not lead to an exceedance of AQ objectives. Measures to address nuisance dust during the construction phase would be included as part of the Construction Management Plan which is to be conditioned as mentioned above.
128. In relation to concerns raised by residents relating to crime and anti social behaviour, the Police Architectural Liaison Officer was consulted for their views and advice on the scheme. They raised no objections to the proposals and did not highlight concerns with regards anti social behaviour. They provided some guidelines in relation to safety by design which were adopted as part of the scheme. Although the concerns are noted, in light of comments from the Police it is not considered that the proposal would be likely to result in crime or antisocial behaviour and accordingly, this would not be a sustainable ground for refusal.
129. Subject to the conditions noted above, the proposals are considered to appropriately accord with policies relating to protection of amenities for neighbouring properties in line with policies 29 and 31 of the CDP, and Part 12 of the NPPF.

Sustainable Design

130. Policy 29 requires that proposals minimise greenhouse gas emissions, by seeking to achieve zero carbon buildings and providing renewable and low carbon energy generation, where possible.
131. This policy was devised prior to upgrades to Part L of the Building Regulations, which came into effect in 2022, and seeks to improve energy efficiency of buildings. It is noted that Part L would not directly apply to any buildings subject to a change of use, but would apply to any new structures.
132. Whilst it is accepted that Part L does provide a beneficial upgrade in sustainability credentials of buildings, policy 29 is not limited to the requirements set out in this Part. The applicant was requested to provide details of additional measures to improve the energy efficiency of its buildings, and whilst it is acknowledged, there are significant benefits to the reuse of an existing building and improvements to its insulation, further measures were requested. The applicant has confirmed that they would seek to install air source heat pumps to all units as their heating source, with the exception of the hot food takeaway which requires the installation of gas in this case. This is considered acceptable in line with policy 29 in this regard.

Highways Safety and Access

133. CDP Policy 6 requires that development should not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity.
134. CDP Policy 21 states that the transport implications of development must be addressed as part of any planning application, and where relevant this could include through Transport Assessments / Transport Statements. In addition development should: c) ensure that any vehicular traffic generated by new development, following the implementation of sustainable transport measures, can be safely accommodated on the local and strategic highway network and does not cause an unacceptable increase in congestion or air pollution and that severe congestion can be overcome by appropriate transport improvements.
135. In relation to parking policy 21 states that cycle parking or secure cycle storage should be provided to facilitate increased cycle ownership and use; car parking at destinations should be limited to encourage the use of sustainable modes of transport, having regard to the accessibility of the development by walking, cycling, and public transport; and appropriate provision for electric vehicle charging, including charge points and laying of cables, should be made on non-residential development where parking is provided.
136. NPPF sets out at Paragraph 110 that safe and suitable access should be achieved for all people. In addition, Paragraph 111 of the NPPF states 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.
137. The proposals would be accessed through the existing access to the north off Passfield Way, and utilise the existing adopted highway road connection into the site adjacent to the north elevation of the new build retail unit to the south of the site. Provision would be made for approximately 55 spaces, along with 5 accessibility spaces and 8 EV charging spaces. Cycle parking for 20 cycles would be provided within three separate locations across the site.
138. A transport statement was submitted in support of the application providing an assessment on existing conditions on the local highway network and an assessment of future traffic generation resulting from the development, among other things. National Highways were consulted for their views on the scheme, given the close proximity of the development to an access / egress point to and from the south bound carriageway of the A19 some 200 metres west from the access point of the development. Further information was requested to back up some of the comments provided within the statement. Upon receipt, National Highways reassessed the details and although not entirely satisfied with the data and evidence provided, conceded that there would not be a severe impact at the merge / diverge junction to warrant a cost effective mitigation scheme, noting however, that insufficient evidence was provided to demonstrate that the development would not have an impact upon the Strategic Road Network. However they removed their objection due to the scale and nature of the development.
139. The Highways Authority also assessed the details of the scheme, undertaking their own detailed analysis of speeds along Passfield Way, accident record along the road and assessment of the proximity of roundabout junctions etc, against traffic flows. Concern was raised that there was a potential for a road safety issue, given the proximity of roundabouts along Passfield Way and the anticipated increase in use of the junction into the site. The inclusion of a ghost island was therefore deemed

warranted as part of any scheme, which would consist of the use of road markings to create an additional lane to allow traffic waiting to turn right from the main road into the site, without impeding through traffic movement.

140. Following further discussions, a road safety audit was completed, including a speed survey, and submitted to the Highways Authority for consideration. Whilst they continued to have some concerns based on the information submitted, they accepted that a ghost island could not be insisted upon and that there would be insufficient grounds on which to base an objection to the scheme that could be upheld as a refusal at appeal, in line with requirements set out at Para. 111 of the NPPF.
141. Further comments provided in relation to the scheme included queries regarding the servicing of the units. Units 1 to 3 would require vehicles to reverse however there is no swept path analysis to prove safe manoeuvring of articulated HGVs and it was noted that Appendix B of the Transport Statement only provide for a rigid HGV. The highways authority consider there is a high likelihood that a major retail outlet (Sainsburys) is likely to occupy a main unit and is most likely to utilise articulated vehicles on the basis that the use of articulated wagons is logistically cost effective for larger retailers. It is noted however that the applicant in subsequent correspondence confirmed that articulated HGVs would not be used for deliveries. Nonetheless, further concern was raised with regards the servicing of units 4-6 as limited service area existed at this point, necessitating servicing from the front and potentially introducing a conflict with the public and users of the site. It was accepted however, that a condition for a service management plan could be applied to secure these details, including size of delivery vans, as part of any approval, being agreed prior to occupation of any unit.
142. A further condition was also requested in relation submission of a construction management plan to include but not limited to, details of the routing of delivery vehicles, delivery times, the control of deliveries to avoid peak periods, the protection of the public during site works, avoidance of mud and detritus being deposited on the public highway, highway works traffic management etc.
143. Details of parking for vehicles and cycles were deemed acceptable, although covered cycle shelters would be required and a further condition will be applied seeking these details.
144. Based on the above assessment, and whilst noting residents' concerns over impact of traffic, it is considered that the extent of development proposed would not be expected to create significant impacts on the highway network and it is accepted, following further studies, that suitable and safe access to the site can be achieved with appropriate levels of parking provided. The NPPF states that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impact would be severe. In this case, the Highways Authority consider that the proposals would not have an unacceptable impact and a refusal on highways grounds would not be warranted. Overall, the highways impacts of the development are considered to be acceptable and in accordance with policy 6 and 21 of the CDP and Part 9 of the NPPF.

Ecology

145. Part 15 of the NPPF requires that when determining planning applications, Local Planning Authorities seek to conserve and enhance biodiversity. CDP Policy 41 seeks to ensure new development minimises impacts on biodiversity by retaining and enhancing existing diversity assets and features. Proposals for new development should not be supported where it would result in significant harm to biodiversity or

geodiversity. Policies 29 and 40 of the CDP similarly seek to protect and create opportunities for wildlife.

146. Ecology section were consulted for their views on the proposals and commented that the site have very limited ecological value, noting in particular that the building was low risk for bats. By way of enhancement it has been requested that integrated bat roost units and bird breeding units be installed in each building as an ecological benefit and as required by the NPPF. A condition will be applied seeking the specific details of these features and their location within the site.
147. Subject to this condition, Ecology section raise no objections to the proposals in line with relevant policy.

Flooding and Surface Water

148. 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. Amongst its advice, the policy advocates the use of SUDS and aims to protect the quality of water.
149. 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.
150. Durham County Council's Drainage and Coastal Protection Team act as the Local Lead Flood Authority (LLFA) and have assessed the various plans and information submitted in support of the scheme. Throughout the planning process amendments have been sought accompanied by plans to demonstrate appropriate management of surface water across the site. The latest drainage strategy, received 19 July 2023, is considered to cover sufficient detail to ensure proposals would accord with relevant policies 35 and 36, during construction phase and the life of the development. Any approval would be subject to a condition to adhere to the details contained within the plan.

Other issues

151. Policy 27 of the CDP requires new commercial development to be served by a high-speed broadband connection unless it can be demonstrated that this is not appropriate. The development would be located in a well established settlement location characterised by both residential and school development. Similar, requirement in terms of broadband connectivity and broadband connectivity would be delivered in this wider context. As such it does not appear that there any significant constraints to delivering the connectivity in accordance with the requirements of policy 27 and the applicant has confirmed that appropriate ducting would be provided as part of the scheme. Based on this the development is considered to accord with the aims of policy 27 of the CDP.
152. 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.

153. Contaminated land section assessed the details of the proposals and various reports submitted in support of the scheme. They were satisfied with information provided but require a condition for a 3 report and phase 4 verification report to be included on any approval granted.

Objections received

154. The application has elicited a lot of public interest, with numerous various concerns raised from nearest residents as well as an objection from the Praxis group associated with the shopping centre at Peterlee town centre. Many of the concerns raised have been addressed within the report but there remain some outstanding points for consideration.
155. A number of points were raised with regards whether there was a need for these proposals. There is no policy requirement for an applicant to demonstrate need in these circumstances.
156. Further concern was raised over the extent of consultation undertaken by the applicant prior to the development. In general there is no requirement for applicants to undertake their own consultations particularly for a scale of development such as this. As part of the planning application process, a formal consultation was undertaken by the local planning authority, including a site notice and neighbour notification letters. Any consultation exercise undertaken by the applicant was therefore on a voluntary basis.
157. Issues were raised over the website set up by the developers promoting the development and making it easy for people to submit their comments of support. It was further noted that the letters of support came from a distance away and were largely identical and concern was raised over the weight that would be given to this over concerns raised by nearby residents. Weight is afforded to representations based upon the materiality of the issues raised rather than the identity of the person making the representation or where they reside. Details of the letters of support have been summarised within the relevant section of the report and have been afforded weight, where material, Equally, the various concerns and issues raised by nearest residents have been given detailed consideration in the report and afforded appropriate weight, where material.

CONCLUSION

158. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case relates to the County Durham Plan. 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 11 c).
159. The proposal relates to the development of a former commercial site within the settlement of Peterlee to create six commercial units, outside of the designated town centre area. The principle of the development has been assessed against relevant retail policies within the CDP and NPPF, with the conclusions of the sequential assessment and impact assessment accepted. The principle of the development on

this basis and in line with other relevant policies was therefore considered acceptable in accordance with policy 6, 9 and 30 of the CDP and Part 7 of the NPPF.

160. Detailed consideration was given to the impacts on residential amenity and highway safety, with appropriate detailed submissions including the noise assessment and transport statement and road safety audits. The details were considered acceptable and subject to suitably worded conditions, residential amenity would be considered to be suitably protected in line with policy 29 and 31 of the CDP and parts 12 and 15 of the NPPF. The proposals would not be considered to create significant highway safety concerns and the scheme would not warrant a refusal in line with para. 111 of the NPPF. The proposals accord with policy 6 and 21 of the CDP and Part 9 of the NPPF in this regard.
161. Impacts in terms of the amenity of the area, drainage, sustainable design, ecology and contaminated land are considered acceptable in line with policy 29, 32, 35, 36, 40, 41 and 42 of the CDP and parts 8, 12, 14 and 15 of the NPPF.
162. The proposal has generated substantial public interest, however whilst the objection and concerns raised have been taken into account, they would not warrant a refusal in this case for the reasons detailed in this report. On balance, it is therefore considered that the proposals are acceptable and the application is recommended for approval.

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 approved plans listed in Part 3 - Approved Plans.

Plan	Drawing No.	Date Received
Location plan	2141 PL 100	30/09/22
Tree protection I na - red line/broken red line is position of protective fencing	7.5	30/09/22
II. Protective fencing details		30/09/22
Proposed site plan - external works plan	2141 P 801 (B)	06/09/23
Proposed site layout	2141 PL 102J	06/09/23
Unit 1-3 - G.A. ground floor plan	2141 PL 110C	06/09/23
Unit 1-3 - G.A. roof plan	2141 PL 111C	06/09/23
Unit 1-3 - proposed G.A. elevations sheet 1	2141 PL 112D	06/09/23
Unit 1-3 - proposed G.A. elevations sheet 2	2141 PL 113D	06/09/23
Unit 4-6 - G.A. ground floor and roof plan	2141 PL 115E	06/09/23
Unit 4-6 - proposed G.A. elevations	2141 PL 117G	06/09/23
Proposed Drainage Strategy	RP C 0001 REV D	19/07/23

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 6, 9, 29, 30, 31, 32, 35, 36 and 40 of the County Durham Plan and Parts 7, 9, 12, 14 and 15 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 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 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.

5. 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 Policy 32 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

6. No part of the development shall be brought into use until such time as a scheme for the management of servicing and deliveries, to and from the units has been submitted to and approved in writing by the local planning authority. The scheme shall include measures to limit conflict between service vehicles and customers visiting the site during the delivery and servicing activity associated with the units, details on delivery vehicles, as well as limit noise impacts. Deliveries and servicing for the units shall thereafter be adhered to in accordance with the approved details for the lifetime of the development.

Reason: in the interests of highway safety and to protect residential amenity of existing residents from the development to comply with policy 21, 29 and 31 of the County Durham Plan and Part 12 and 15 of the NPPF.

7. No unit shall be occupied until a car park management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan should detail hours of use, management of parking during opening hours and management of the site when the units are closed and not in operation. Thereafter the approved Car Park Management Plan shall be adhered to for the lifetime of the development.

Reason: in the interests of highway safety and to protect residential amenity of existing residents from the development to comply with policy 21, 29 and 31 of the County Durham Plan and Part 12 and 15 of the NPPF.

8. Details of any 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 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 interest of the amenity of existing surrounding residents and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

9. Prior to the first 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 Policy 29 of the County Durham Plan and Parts 12 and 15 of the National Planning Policy Framework.

10. The development hereby approved shall not be occupied until details of all cycle storage compliant with the Council's Parking and Accessibility Standards, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the agreed detail and the approved provision shall be retained for the storage of cycles at all times for the duration of the use hereby approved.

Reason: To encourage sustainable transport modes of travel in accordance with policy 21 of the County Durham Plan and Part 9 of the NPPF.

11. Prior to the first occupation of the development hereby approved, details of litter bins within the site and the general bin store shall be submitted to and approved in writing by the Local Planning Authority. The litter bins and bin stores shall be constructed in accordance with the approved details and be made available prior to the occupation of the development to which they relate.

Reason: In the interests of visual amenity and highway safety in accordance with Policies 21 and 29 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

12. Within 3 months of commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.

No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above.

Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats.

The landscape scheme shall include accurate plan based details of the following:

Trees, hedges and shrubs scheduled for retention.

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

Finished topsoil levels and depths.

Seeded or turf areas, habitat creation areas and details etc.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The Local Planning Authority shall be notified in advance of the start on site date and the completion date of all external works.

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

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.

- 13 Within one month of commencement of development precise details of the integrated bat and bird boxes along with an elevation plan indicating their precise location on the buildings hereby approved, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to first occupation.

Reason: In the interests of ensuring the delivery of Biodiversity Net Gain enhancement in accordance with Policy 41 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

14. Before any unit hereby approved is brought into operation the approved on site cycle parking facilities and car parking spaces shall be made available for use.

Reason: In order to ensure the provision of safe access for users of the highways in accordance with Policy 21 of the County Durham Plan and Part 9 of the NPPF.

15. In relation to the hot food takeaway unit at no. 4, all noise and odour attenuation measures detailed in the 'KITCHEN VENTILATION - SPECIFICATION INFORMATION', published on the planning portal on 28 March 2023, shall be fully implemented prior to the beneficial occupation of the development and shall be operated and maintained in accordance with the detail contained within this document permanently thereafter.

Reason: In the interest of the amenity of existing surrounding residents and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

16. Notwithstanding condition 15 and excluding the hot food takeaway hereby permitted at unit 4, prior to the commencement of use of any unit involved in the cooking of foods (within the E Use Class of the Town and Country Planning (Use Classes) Order 1987 (as amended), details of the fume extraction system to include a risk assessment, design schematic, details of any odour abatement measures, details of noise levels and any other documents considered necessary to demonstrate accordance with the current EMAQ/DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems shall be submitted to and approved in writing by the Local planning authority. The approved scheme shall be installed prior to the use commencing and shall be operated at all times when cooking is being carried out on the premises.

Reason: In the interest of the amenity of existing surrounding residents and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

17. The rating level of noise emitted from fixed plant/machinery on the site shall not exceed 44dB LAeq (1 hour) between 07.00-23.00 and 35dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019. On written request by the local planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

Reason: In the interest of the amenity of existing surrounding residents and future occupants in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

18. The development hereby approved shall be carried out strictly in accordance with submitted Proposed Drainage Strategy document (ref. RP C 0001 REV D) received 19 July 2023.

Reason: To ensure that surface water is adequately disposed of and prevent the increased risk of flooding from any sources in accordance with Policies 35 and 36 of the County Durham Plan and Parts 14 and 15 of the National Planning Policy Framework.

19. 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.

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.

20. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 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: 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.

21. 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.

22. With the exception of the bakery operation within Unit 5, the remaining commercial units hereby approved shall not be open to customers outside the hours of 0700 to 2300 on any day of the week.

Servicing of the units shall not take place outside of the hours of 0700 to 2300hrs Monday to Saturday and 0700 to 2230hrs on Sunday and Bank Holidays.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

23. Notwithstanding condition 22, the trading and servicing hours of the bakery operation within Unit 5 shall not commence before 0600hrs and shall terminate by 2300hrs on any day of the week.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

24. Prior to the commencement of the hot food takeaway operation, a scheme for the management of litter associated with the premises to include additional litter bins, anti-litter signage and a litter-picking regime shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the agreed details.

Reason: In the interest of the amenity of the area in accordance with Policy 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

25. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any revocation and re-enactment of that order), comparison retail space shall be limited to 4 out of the 6 units, with the remaining two units used only as non retail units (namely a hot food takeaway use at unit 4 and a tanning salon use at unit 6, and for no other use).

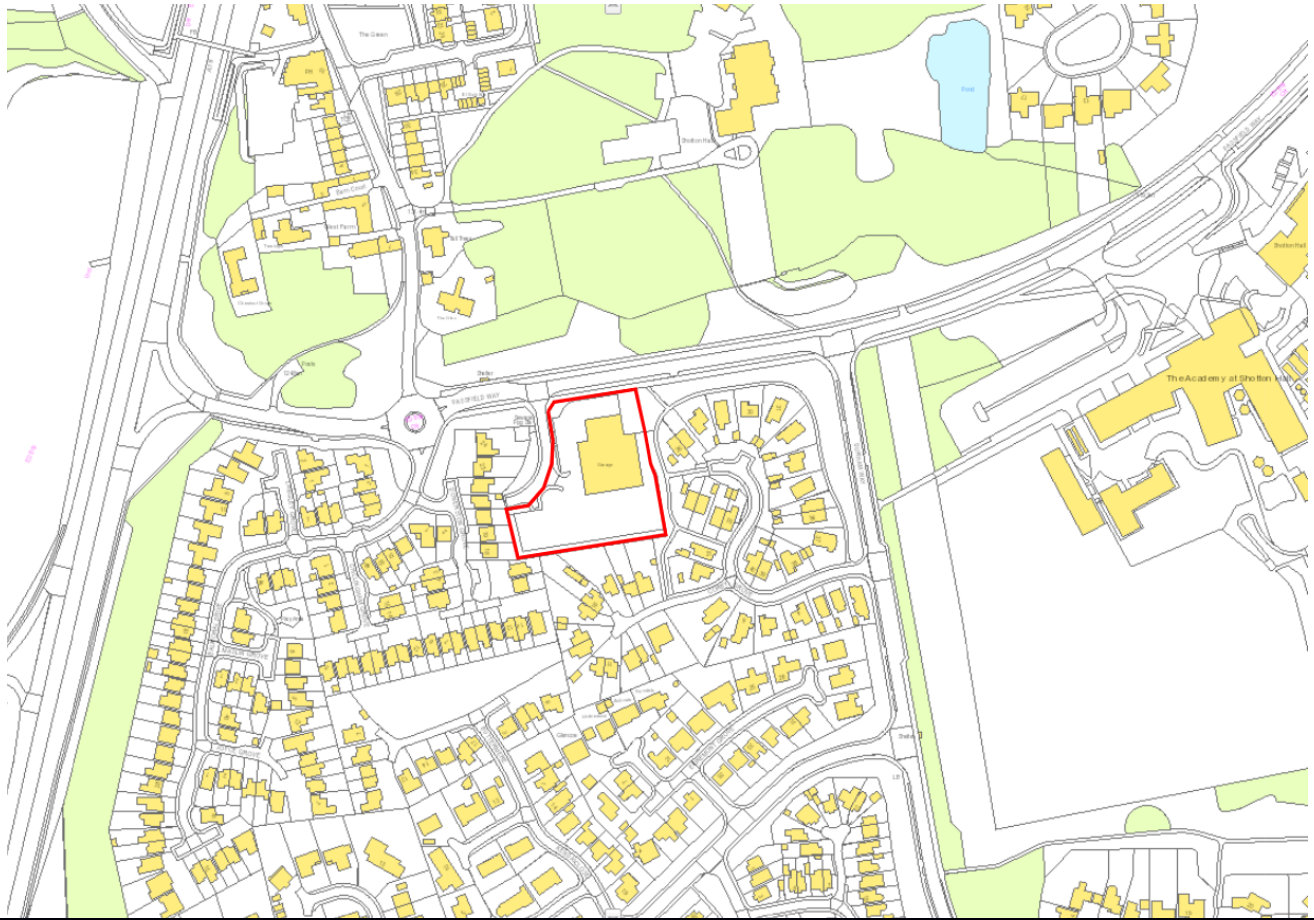
Reason: In the interests of protecting viability of nearby local centres in accordance with Policies 9 of the County Durham Plan and Part 7 of the National Planning Policy Framework.

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 of 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
- Statutory, internal and public consultation responses
- County Durham Parking and Accessibility Standards 2019



Planning Services

4 retail units (Class E), a tanning shop (Sui Generis), takeaway (Sui Generis) and ATM with associated access, car parking and landscaping (amended title)
 Land at Former Evans Halshaw, Passfield Way, Peterlee, SR8 1PX
 Ref: DM/22/02891/FPA

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Comments

Date 10 October 2023

Scale Not to Scale