

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/24/00426/FPA
FULL APPLICATION DESCRIPTION:	Change of use of restaurant to local convenience shop together with extension, new shop front, and external plant and bin enclosure
NAME OF APPLICANT:	Mr Alan Yip
ADDRESS:	How Do You Do York Road Peterlee SR8 2DP
ELECTORAL DIVISION:	Peterlee West
CASE OFFICER:	Michelle Penman Planning Officer Michelle.penman@durham.gov.uk 03000 263963

DESCRIPTION OF THE SITE AND PROPOSALS

The Site:

1. The application relates to an existing mixed-use building comprising of a public house, restaurant, dance hall and hairdressers. The site is located on the outskirts of Peterlee to the north of the main town centre. Vehicular access is currently taken from York Road to the west of the site.
2. The building is situated within a predominantly residential area, however, a local amenities centre is positioned immediately to the north of the site and comprises a post office, betting shop and other local businesses.

The Proposal:

3. The proposals relate to the change of use and conversion of the restaurant element of the building to a local convenience store together with a small single-storey extension to provide sufficient retail space for the business, a new shop front, and associated external plant and bin enclosure.
4. The building appears to have originally been a public house with a function room and later a restaurant element was established. Other uses, such as a hairdressers, are also noted within the wider building and there are no permissions for these uses. However, they clearly operate separate to the public house and restaurant functions and are therefore considered to be separate planning units. Nevertheless, it is

considered that a change of use would be required for the current proposals but that the building is fundamentally commercial in character.

5. The application is reported to planning committee at the request of Councillor Louise Fenwick and Councillor Susan McDonnell on grounds of impacts on the amenity of neighbouring residents and anti-social behaviour.

PLANNING HISTORY

6. 5/PLAN/2008/0120 Formation of decked area and ramp and erection of retractable awning. Approved 15th April 2008.

5/PLAN/2007/0748 Formation of decking area for use as smoking area. Approved 21st December 2007.

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

7. The following elements of the National Planning Policy Framework (NPPF) are considered relevant to this proposal:
8. 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.
9. 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.
10. NPPF Part 6 - Building a Strong, Competitive Economy - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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>

NATIONAL PLANNING PRACTICE GUIDANCE:

16. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; historic environment; design process and tools; determining a planning application; flood risk; healthy and safe communities; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; light pollution; 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; and; water supply, wastewater and water quality.

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

LOCAL PLAN POLICY:

The County Durham Plan

17. The following policies of the County Durham Plan (CDP) are considered relevant to this proposal:
18. 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.

19. 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. Proposals for town centre uses, as defined by National Planning Policy Framework not located within a defined centre (, as shown on the policies map, will be required to provide a sequential assessment.
20. 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 the Parking and Accessibility Supplementary Planning Document and Strategic Cycling and Walking Deliver Plan.
21. 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 etc.; adaptable buildings; minimising greenhouse gas emissions and use of non-renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; and suitable landscape proposals. Provision for all new residential development to comply with Nationally Described Space Standards
22. 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.
23. 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.
24. 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 (BNG). 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.
25. The current County Durham Parking and Accessibility Supplementary Planning Document 2023 sets out the Council's approach to parking requirements on development sites. They are designed to make sure there is enough parking at our homes and for our shops and employment locations and to encourage the use of more sustainable modes of travel including walking, cycling and use of public transport.

Neighbourhood Plan

26. There is no neighbourhood plan relevant to the determination of this application.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. The Highway Authority raises no objection to the proposals from a highways perspective.

INTERNAL CONSULTEE RESPONSES:

28. Design and Conservation raise no objections.

29. Environment Health (Nuisance Action) raise no objection to the application, subject to the inclusion of conditions relating to construction works and a scheme of sound proofing measures.

30. Spatial Policy provided guidance on policies and issues relevant to the determination of this application and consider the development to accord with Policy 9.

PUBLIC RESPONSES:

31. The application has been advertised by means of site notice and by notifying neighbouring residents by letter. At the time of writing five letters have been received in response to the application, including from Cllr Louise Fenwick, Cllr Susan McDonnell and Grahame Morris MP.

32. The objections and concerns raised in relation to the application are summarised as follows:

- Increased disturbance and light pollution from the shop entrance, advertisements, security lights, and from car headlights as cars are leaving the car park.
- Existing issues with light pollution from cars will be exacerbated by the development, particularly on evenings and during winter months
- Increased noise and general disturbance in quiet area
- Impact on amenity and quality of life of occupants in adapted bungalows, located opposite to the site, many of which are elderly or vulnerable adults with health conditions
- Potential anti-social behaviour and groups congregating outside of the shop
- Increased litter
- Noise and disruption from deliveries
- Additional traffic and parking on the pavement or road
- Noise from plant equipment
- Not appropriate location, should utilise vacant units in adjacent parade

33. A letter in support of the application was also received and considered that there is currently no access to local convenience stores and such access within walking distance would be a great benefit to the community. A local shop will also reduce emissions from people driving to other locations.

The above is not intended to list 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=S8WQ8SGDGHY00>

APPLICANT'S STATEMENT:

34. None Provided.

PLANNING CONSIDERATIONS AND ASSESSMENT

35. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
36. The National Planning Policy Framework is a material planning consideration in this regard. The County Durham Plan is the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. The NPPF advises at Paragraph 225 that the weight to be afforded to existing Local Plans depends upon the degree of consistency with the NPPF.
37. The County Durham Plan (CDP) was adopted in October 2020 and as such represents the up-to-date local plan for the area. Consequently, consideration of the development should be led by the plan if the decision is to be defensible.
38. In this context, it is considered that the main planning considerations relate to the principle of development, impact on residential amenity, impact on the character and appearance of the area, parking and highway safety, and other matters.

Principle of Development

39. The proposals relate to the change of use and conversion of the restaurant element of the existing building to a local convenience store which is located within Peterlee. As such, policies 6 (Development on Unallocated Sites) and 9 (Retail Hierarchy and Town Centre Development) are the key policies relevant to the determination of this application.
40. Policy 6 (Development on Unallocated Sites) of the County Durham Plan (CDP) 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, provided the proposals accords with all relevant development plan policies and:
 - a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
 - b. does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development;
 - c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
 - d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of, the settlement;
 - e. will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity;

- f. has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement;
 - g. does not result in the loss of a settlement's or neighbourhood's valued facilities services unless it has been demonstrated that they are no longer viable;
 - h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding;
 - i. where relevant, makes as much use as possible of previously developed (brownfield) land; and
 - j. where appropriate, it reflects priorities for urban regeneration.
41. Paragraph 85 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
 42. The application site lies within the built-up area of Peterlee and relates to an existing building currently in use as a restaurant attached to a public house. Although the surrounding area is predominantly residential in character the existing building is commercial and there is a parade of shops located immediately to the north of the site. On that basis it is considered that the development would be a compatible use in accordance with criteria (a). However, the compatibility within neighbouring residential properties will be considered in more detail elsewhere in this report.
 43. Criteria (b) and (c) are not considered relevant to this proposal as the development is located within the built-up area and would not result in ribbon development, inappropriate backland development, or the loss of open land. Criteria (d) and (e) relate to design and highway safety and will be considered in more detail elsewhere in this report.
 44. In terms of criteria (f), the development relates to a site with an established commercial use and there are commercial uses within the existing shopping parade to the north. The site is located within a predominantly residential area with a bus stop located in close proximity which provides services into the centre of Peterlee with good connections to surrounding settlements.
 45. In relation to criteria (g) the development would result in the loss of the restaurant use, however, the use has not been identified as an asset of community value and there remains a choice of licenced restaurants within Peterlee. The development would not therefore result in the loss of a settlement's or neighbourhood's valued facility or services. The development is not considered to conflict with criteria (h) to (j).
 46. Taking the above into account, it is considered that the change of use, together with the extension, to a local convenience shop would be acceptable in principle in accordance with Policy 6 of the CDP. However, Policy 9 (Retail Hierarchy and Town Centre Development) is also relevant and seeks to protect and enhance a hierarchy of retail centres in the County. The Plan will look to support new town centre development across all the County's centres that will improve choice and bring about regeneration and environmental improvements. Proposals for town centre uses, as defined by the NPPF not located within a defined centre, as shown on the policies map, will be required to provide a sequential assessment. This is in line with paragraphs 91-93 of the NPPF.
 47. As this is a town centre use outside of a defined centre, then a Retail Sequential Test (Document no. JH/DW/001), prepared by Fairhurst and dated October 2023, has been

submitted in support of the application and seeks to appraise the locality to determine whether there are any sequentially preferable sites for the proposed development. Based on the proposed floorspace, the applicants have assumed that the catchment of the proposed development would be a 10–15-minute walk or 1km. The assessment has identified that there are no defined centres within the catchment, however, potential vacant units within or on the outskirts of Peterlee Town Centre have been considered.

48. The proposal involves the development of a retail unit of approximately 232sqm, however, to demonstrate flexibility, the applicant would consider units 20% smaller or 20% larger, however, they stipulate that there is a commercial requirement for the units to be able to operate between 7.00am and 10.00pm. Despite there being significant numbers of vacant units within the town centre, there have been no units identified that are suitable or available. The units were either not being marketed, not of the required size or not available to be operated for the applicant's chosen hours of business.
49. The Council's Spatial Policy team were consulted on the application and accept the sequential analysis, commenting that given the nature and size of the store it is not realistic for it to be located in the town centre, away from the catchment area it is intended to serve. Despite this the applicant has considered units within the town centre and concluded none were either available or suitable. Given the above, it is considered that the applicant has met the requirements of the sequential test detailed within the NPPF and Policy 9.
50. It is acknowledged that some comments have been received suggesting that, while a local convenience shop is needed in the area, the proposed site is unsuitable and would be better situated within the existing shopping parade to the north of the site. The comments suggest that a newsagent recently closed and that there are vacant units which should be utilised. Notwithstanding the requirements of Policy 9 and the NPPF, together with the applicant's commercial requirements, a brief online search carried out by the case officer did not appear to reveal any units for sale or to let within the adjacent shopping parade.
51. Considering all of the above the principle of development is considered to be in accordance with Policies 6 and 9 of the CDP subject to more detailed consideration of other relevant matters and policy requirements below.

Impact on Residential Amenity

52. Paragraph 135 (f) of the NPPF requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
53. Policy 31 (Amenity and Pollution) of the CDP displays broad accordance with the aims of Paragraph 135 and 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. 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.
54. Policy 6 (a) of the CDP requires development to be compatible with, and not prejudicial to, any existing, allocated or permitted use of adjacent land. In addition, Criteria (e) of

Policy 29 (Sustainable Design) states that all development proposals will be required to provide high standards of amenity and privacy and minimise the impact of development upon the occupants of existing adjacent and nearby properties.

55. It is acknowledged that a number of concerns have been raised in relation to potential increased noise and disturbance, anti-social behaviour, and light pollution resulting from the development. In particular, there are concerns in relation to impacts on the amenity and quality of life of occupants in the adapted bungalows located opposite to the site, many of which are elderly or vulnerable adults with health conditions.
56. The application proposals include the installation of external plant which is to be sited to the rear of the unit within an enclosed area, along with bin storage. An Assessment of External Plant Noise (Reference: ARR/C/2217.106 Rev A), prepared by ADC Acoustics and dated 20th September 2023, has been submitted in support of the application. Based on the assumption of all equipment running on full load throughout the night, the report concludes that the predicted noise from the external mechanical plant in the proposed position is likely to require some minor mitigation for the apartments to the northwest of the store. The submitted drawings show the proposed location of the plant to be enclosed by a 2.4m acoustic fence, in accordance with the recommendations of the report.
57. The Council's Environmental Health Nuisance Action Team have been consulted on the application and have undertaken a technical review of information submitted in relation to the likely impact upon amenity in accordance with the relevant Technical Advice Notes (TANs). The EHO notes that the development relates to an existing commercial premises, therefore, it is envisaged relevant impacts will be within reasonable parameters given the character of the area. The EHO are also not aware of any matters concerning the premises which would indicate that the development will lead to an adverse impact, providing relevant good practice and guidance is complied with. In addition, it is considered unlikely that the development would cause a statutory nuisance.
58. Concerns have been raised in relation to impacts on residents of York Road and particularly occupants of the adapted bungalows situated directly opposite the proposed development and access. In particular, there is concern that the amenity and quality of life of these occupants will be compromised as a result of intrusive light, particularly from car headlights when parking and exiting the premises. It is suggested that this is an existing issue which will be exacerbated by the proposed use.
59. It is acknowledged that the development could lead to an increase in traffic movements and car headlights would likely be more noticeable on an evening and particularly during winter months. However, as already noted, this is an existing commercial site which includes the public house and restaurant, and the access is established. On that basis, the impacts of the existing uses and vehicular traffic could change at any time, albeit within the permitted hours of use of the premises. There will be a separation distance of approximately 43 metres between the new shop front and frontage of the nearest bungalows opposite and approximately 22 metres from the site access to the bungalows. The properties are set back from the main road and existing commercial centre with a grass area and some established trees providing a buffer. As such, while there could be some impact on the properties opposite, it is not considered to be so harmful that a refusal could be sustained in this instance.
60. In terms of lighting from advertisements, this will be subject to a separate application for advertisement consent and an informative will be added in this regard. With regards to lighting from the premises itself and security lighting, it is considered that this could

be dealt with via a condition to secure the submission of details, prior to the first occupation of the development.

61. Concerns have also been raised in relation to general increased noise and disturbance from the proposals as a result of additional vehicles and the nature of the use. In terms of increased noise, as already noted the Council's EHO raised no objections to the application and as already discussed this is an established commercial site with current opening hours of 12pm to 11pm. Given the size of the proposed shop and position adjacent to the existing parade of shops, it is not considered that the development would result in a significant increase in noise and disturbance to a degree that would result in a detrimental impact on the amenity of neighbouring residents. While vehicles may park on the highway opposite to the bungalows, it is noted that the bungalows are set back from the highway and are separated by a grassed area. Therefore, it is not considered that any impacts on amenity on this basis would be so significant as to sustain refusal of the application.
62. There are also some concerns that the development could lead to anti-social behaviour resulting from the sale of alcohol or groups congregating outside of the shop. However, it is noted that the sale of alcohol is dealt with under separate legislation and whether the site would be suitable for the sale of alcohol would be a matter for the licensing authority. In addition, as already noted the EHO raised no objections, and no evidence has been submitted to suggest that there are any ongoing issues on the site or neighbouring commercial units. The proposed use would not be expected to create these issues, however, as already discussed it is considered that sufficient distance and separation would remain between the development and neighbouring properties, with the highway in between, to reduce any potential impacts.
63. In addition, concerns have also been raised in relation to increased litter. It is noted that there is an existing litter bin to the south of the site and adjacent to the bus shelter to the north, however, it is considered that a condition can be affixed to any planning permission granted to secure details for the provision of additional litter bins on the site.
64. Taking the above into account, the proposals are not considered to result in any significant adverse impacts on the amenity of surrounding occupants that would sustain a refusal of the application in this instance, in accordance with Policies 6, 29 and 31 of the County Durham Plan and Part 15 of the NPPF.

Impact on the Character and Appearance of the Area

65. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
66. Policy 6 (d) requires development to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement. Policy 29 requires development to contribute positively to an area's character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.
67. The proposals include refitting the existing restaurant element of the building to form a new One Stop store. To provide adequate retail space and storage a single-storey flat roof extension is proposed to the northern side of the building, together with a new shop front and external plant and bin store. The proposed extension will seek to match

the existing and will be finished in painted brickwork with the height of the flat roof carried through from the existing. The new shopfront will comprise of grey window frames (RAL 7016) which will reflect the existing grey windows.

68. The Design and Conservation section were consulted on the proposals and commented that the public house forms part of the original local centre associated with the western expansion of Peterlee New Town to the Acre Rigg Farm area in the mid-20th century. Its relationship to the local shopping parade is integral to the social and architectural design of the town, making its retention and continued use desirable. It has considerable social value, and some retained architectural and historic value reflecting the New Town planning approach. Map regression confirms the building has been altered and extended in a somewhat ad hoc manner.
69. Officers consider that the current proposal seeks to integrate the proposed extension to reflect the previous alterations and harmonise the appearance with that which exists. It is considered to have been handled carefully and appears successful. The proposed shopfront will be a clear modern intervention; however, it relates to the established principal access points of the building. The proposed external plant and storage are not considered to result in any design concerns and officers raised no objections from a design point of view.
70. Taking the above into account, the development would be considered to have an acceptable impact on the character and appearance of the building and surrounding area and would accord with the aims of Part 12 of the NPPF and Policies 6 and 29 of the County Durham Plan.

Parking and Highways Safety

71. Policy 6 (e) of the CDP permits development which will not be prejudicial to highway safety or have a severe residual cumulative impact on network capacity. Policy 21 states that new development should ensure that any vehicular traffic generated can be safely accommodated on the local and strategic highway network.
72. This displays broad accord with Paragraph 114 of the NPPF which requires new development to provide safe and suitable access to the site. Paragraph 115 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.
73. The Durham County Council Parking and Accessibility SPD Adoption Version 2023 sets out the Council's approach to parking provision. For retail uses the guidance recommends 1 parking space per 25m² of Gross Floor Area, 2 short stay spaces for visitors and 1 long stay cycle space per 100m². This part also sets out that these guidelines for car parking are not minimum or maximum standards but rather recommendations that are intended to be applied equally across the County. However, where development is situated in an accessible location or in an LCWIP area, as defined in section 2, a lower parking requirement may be negotiated with Highways officers.
74. The Design and Access Statement submitted with the application confirms that the current on-site parking arrangements are not clearly marked, however, there are approximately 34 no. existing parking spaces to serve the whole site. Based on the DCC Parking Standards 46 no. spaces would be required in total to serve the existing and proposed uses on site, 7 no. of which would be required to serve the new retail use. There are roughly 10 no. marked parking spaces for the restaurant which are

located adjacent, and these spaces will be utilised for the new retail use with an additional 2 no. parking spaces, one of which will be accessible.

75. The Highway Authority were consulted on the proposals and advised that analysis of the accident history indicates that there are no incidents associated with the site during the standard search period. Officers note that parking provision has been carefully considered for the site and whilst it would not comply with the DCC Parking Standards for a new site it is acknowledged that the site has existed for a significant period. It is therefore accepted that the parking is a mixture of extant use and proposed use. It is also accepted that there will be shared trips associated with the adjacent businesses and that the adjacent car park as well as on-street parking will be utilised. It is therefore considered that the level of parking provision is agreeable. On that basis, the Highway Authority offer no objection to the proposals from a highway's perspective. An informative is also recommended in relation to undertaking works in the highway and will be added to any consent granted.
76. A cycle stand has been indicated on the site plans to the front of the proposed shop, however, no further details have been provided. Although the site is established it is considered appropriate to include these facilities to improve the sustainability credentials of the site in line with the Parking SPD guidance. It is therefore considered that a condition requiring the submission of precise details of such facilities, to be agreed by the LPA and installed prior to first use, would be necessary in this instance.
77. Concerns have been raised in relation to increased traffic movements and parking on the highway. In particular, concerns have been raised by a local resident and Grahame Morris MP in relation to existing parking issues, particularly on a weekend when the function room is in use which leads to parking on pavements. While these concerns are acknowledged, it is considered that this is an existing situation which sporadically occurs and not one which appears to be replicated on a daily or necessarily weekly basis. Whilst the proposals could place additional strain on parking, it would generally be capable of accommodation within the available parking. On this basis, it is considered that it would be difficult to justify a refusal on safety grounds.
78. While it is noted that concerns have been raised, no objection has been raised by the Highway Authority and given the existing established use of the site, it is not considered that the development would result in any significant additional adverse impacts on highway safety or congestion that would sustain refusal of the application in this instance. The development is therefore considered to accord with the aims of Part 9 of the NPPF and Policies 6 and 21 of the County Durham Plan.

Other Matters

79. Policy 32 (Despoiled, Degraded, Derelict, Contaminated and Unstable Land) states that development will not be permitted unless it can be demonstrated that any land issues can be satisfactorily addressed, and the site is suitable for the proposed use. The Council's Contaminated Land officer was consulted on the application and has assessed historical maps and the submitted screening assessment form and have no adverse comments to make. No contaminated land conditions are required.
80. Policy 41 (Biodiversity and Geodiversity) of the CDP does not permit development if significant harm to biodiversity or geodiversity resulting from the development cannot be avoided, or appropriately mitigated, or, as a last resort, compensated for. The Council's Ecologist was consulted at the pre-application stage and confirmed that the site looked to be low risk for bats and that no further surveys were required.

Public Sector Equality Duty

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

CONCLUSION

83. In summary, subject to conditions, it is considered that the principle of development is acceptable in planning terms and would accord with the aims of Policies 6 and 9 of the CDP, subject to appropriate planning conditions described within the report and listed below.
84. When assessed against other relevant policies of the County Durham Plan it is not considered that the proposed development would have a significant detrimental impact on residential amenity or on highway safety that would sustain a refusal of the application in this instance. The proposals would also have an acceptable impact on the host building and the character and appearance of the surrounding area. On that basis, the development would accord with Policies 6, 9, 21, 29 and 31 of the County Durham Plan and Parts 9, 12 and 15 of the NPPF.
85. Whilst the concerns raised by local residents, Cllr Louise Fenwick, Cllr Susan McDonnell and Grahame Morris MP are acknowledged, for the reasons discussed within this report they are not considered sufficient to sustain refusal of the application. Considering the above, the application is reported to the Committee with a recommendation to approve the application, subject to conditions.

RECOMMENDATION

That the application be **APPROVED**, subject to the conditions detailed below:

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.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies 6, 29, and 31 of the County Durham Plan and Parts 6, 12, and 15 of the National Planning Policy Framework.

3. Prior to the development hereby approved first being brought into use details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The detail provided shall 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 thereafter.

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

4. 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 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 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.

5. Prior to the development hereby approved first being brought into use details of cycle storage facilities shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle storage facilities shall be constructed in accordance with the approved details and shall be retained in perpetuity for the lifetime of the development.

Reason: In the interests of amenity and to encourage sustainable modes of transport in accordance with Policies 21, 29 and 31 of the County Durham Plan and Parts 9, 12 and 15 of the National Planning Policy Framework.

6. The development hereby approved shall not operate outside the hours of 0700 to 2200hrs 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.

7. Prior to the development hereby approved first being brought into use a scheme for the management of litter associated with the premises, to include additional litter bins, 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.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and

representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

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

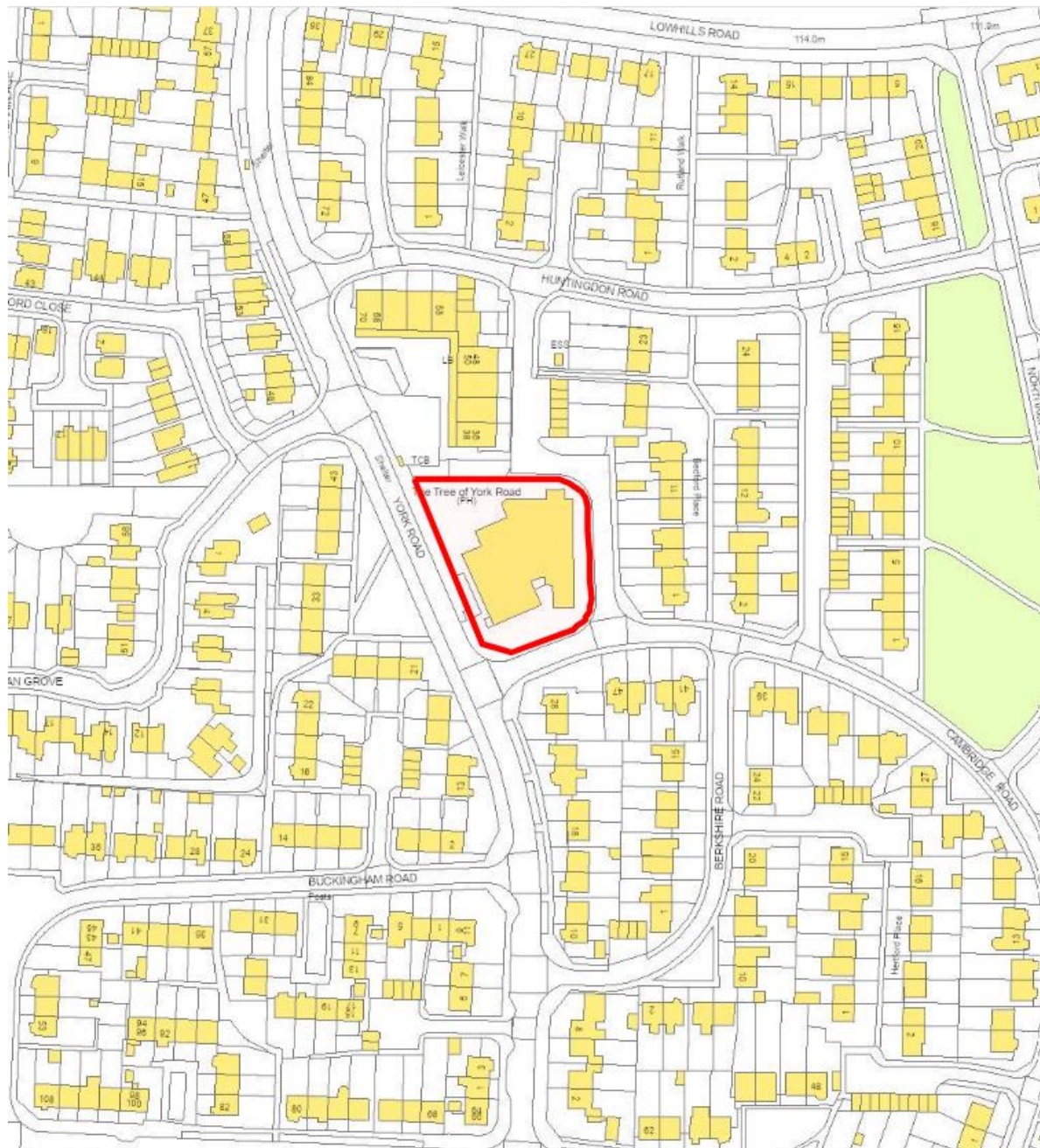
Statutory, internal and public consultation responses

The National Planning Policy Framework (December 2023)

National Planning Practice Guidance Notes

County Durham Plan (2020)

County Durham Parking and Accessibility Standards 2023



Planning Services

Change of use of restaurant to local convenience shop together with extension, new shop front, and external plant and bin enclosure at How Do You Do, York Road, Peterlee, SR8 2DP.

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Comments

Date April 2024

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