

DURHAM COUNTY COUNCIL

AREA PLANNING COMMITTEE (NORTH)

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 28 November 2024 at 9.30 am**

Present:

Councillor E Peeke (Chair)

Members of the Committee:

Councillors W Stelling (Vice-Chair), J Blakey, L Brown, K Earley, J Purvis, A Sterling and A Watson

1 Apologies for Absence

Apologies were received from Councillor J Griffiths and Councillor K Shaw.

2 Substitute Members

There were no Substitute Members.

3 Minutes of the Meeting

The minutes of the meeting held on Thursday 26 September 2024 were agreed as a correct record and signed by the Chair.

4 Declarations of Interest (if any)

There were no declarations of interest.

5 Applications to be determined;

a DM/24/00939/FPA - Ponds Court, Genesis Way, Consett, DH8 5XP

The Committee considered a report of the Senior Planning Officer regarding an application for the erection of a retail food store (Class E) with associated parking, alterations to access, landscaping and associated works at Pounds Court, Genesis Way, Consett, DH8 5XP.

Scott Henderson, Senior Planning Officer gave a detailed presentation that outlined the application which had been submitted on behalf of Project Genesis Ltd and Farmfoods Ltd for the development of a single storey mono pitched roof retail building with EV charging points and cycle parking, integrated EV roof panels, alterations to access and enhanced raised landscaping. The presentation included a site location map, ariel photograph, site photographs and ariel outline of the planned biodiversity enhancement area with a 17% net gain to fully secure 106 legal agreement.

Development of the retail unit would be on previously undeveloped land historically used for industrial activity with a mix of grass and shrub which was deemed as having a low ecological value. The site was located within walking distance of the town centre, adjacent to a bus stop and existing commercial sites which included a 24-hour McDonalds restaurant and supermarkets. Recommendations included additional conditions to protect the residential properties adjacent to the site with The Grove and a short-term care residential facility being the closest. Site access would be modified for delivery access to accommodate up to two deliveries per day. Upon public consultation, letters had been sent to local residential properties, site and press publications received no responses. Environmental Health and Consumer Protection (air quality and contamination) and the Police gave no objections. The Spatial Policy classed the development as an out-of-town location. To be compliant with CDT policy 9 the applicant was asked to complete an assessment of a defined suitable site within a defined town centre. No site was found and the impact of pulling footfall from the town centre was seen as having minimal.

In summary, it was considered that the site was acceptable in accordance with the relevant policies as set out in the report with the recommendations as detailed.

The Chair noted that the applicant was present but had not registered an intention to speak however would be available to respond to members questions regarding the application.

The Senior Planning Officer responded to a question from Councillor L Brown regarding the agreed delivery times and control measures limiting associated vehicle movements. He responded that there would be control measures under policy 13 to limit delivery within unsocial hours however times were yet to be determined. The modified delivery access was tested and tracked to ensure vehicles could turn without reversing.

Councillor J Blakey noted that the development fitted with the proximity of other retail development located in the area and as such **moved** that they agreed the Officer's recommendation and approved the application subject to the conditions listed in the report.

Councillor A Sterling commented that she was familiar with the site and the proposed biodiversity enhancement area which were currently undeveloped scrubland to the rear of Tesco. She asked if the planned biodiversity changes would change any visual impact of the site. The Senior Planning Officer outlined a plan for upgraded planting of trees and the addition of hedges which would be agreed when section 106 was finalised.

Councillor A Sterling **seconded** the Officer's recommendation to approve the application subject to the additional conditions presented and an amendment to the conditions listed in the report.

Councillor A Watson commented he would support the application which complied with policies and would enhance the area. He added that it would boost footfall to the undeveloped site that had previously been subject to a planning application for a hotel in 2019 which had been granted but had now lapsed.

Councillor L Brown noted that an amendment to condition 4 relating to construction and delivery activity times to site should be limited to Monday to Saturday 0800-1800 due to the locations proximity to residential properties.

Councillor A Watson noted that delivers to other retail businesses in the area which operated unsocial hours, including one that was open 24-hours may not operate under restricted delivery times.

Upon a vote being taken it was unanimously:

Resolved:

That the application be **Approved**, subject to the conditions as set out within the report, with an amendment to Condition 4 in respect of respect of an 0800 start-time for construction work and deliveries.