

# Planning Services

## COMMITTEE REPORT

### AGENDA ITEM NUMBER:

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### APPLICATION DETAILS

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APPLICATION NO:	CMA/3/33
FULL APPLICATION DESCRIPTION:	Outline application for retail food store, car parking and service yard
NAME OF APPLICANT:	Lime Development Ltd
ADDRESS:	Site at No. 45 High Street and adjoining car park and land to north of the junction of High Street and Albion Street, Willington.
ELECTORAL DIVISION:	Willington
CASE OFFICER:	Chris Baxter Tel: 0191 383 3360 chris.baxter@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is situated to the north of High Street located centrally within the main shopping area of Willington. The site comprises a detached building known as 45 High Street with parking and open land surrounding the building. An adopted 'loop' road runs through the site. Beyond this loop road, within the application site, is an area of open grass land with some mature trees. This northern area of the site was previously occupied by Albion House, a residential care home.
  2. The A690 highway is located directly to the south with the highway of Albion Place running along the east boundary of the site. Albion Place and High Street meet at the traffic light junction which is on the south east corner of the application site. Residential properties are located on Albion Place to the east of the site. Commercial shopping units are situated on the High Street to the south of the site. Recreational land which includes a children's play area is sited directly to the west of the site with the residential properties on Kensington Terrace located beyond.
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## The proposal

3. Outline planning permission is sought for a retail food store with access, landscaping and layout to be considered within this application and appearance and scale to be reserved for future consideration. The proposed layout shows the footprint of the actual store building located to the back (north) of the site with the majority of the parking located to the front (south) of the site. Public access to the site would be taken directly from the A690 using the existing junction. Delivery vehicle access would be taken from Albion Place to the east of the site. The proposed retail store would provide a retail floor area of 2787 sqm with additional warehouse accommodation to the rear of the building. In addition to this 170 parking spaces including 9 disabled and 8 parent and child spaces are proposed. Landscaping is mainly directed to the boundaries of the site with the inclusion of a public realm feature to the south east corner of the site. The proposal would also incorporate the demolition of the existing building on the site.

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## PLANNING HISTORY

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4. There have been several planning applications related to the existing building on the front of the site, most recently the reroofing of the building in 2005 and 2008 with a new shop front approved in 1991. The demolition of Albion House to the rear of the site was given prior approval in 2005. Subsequently Albion House was demolished and the land grassed over.

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## PLANNING POLICY

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### NATIONAL POLICY:

5. *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)* sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
6. *Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4)* sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.
7. *Planning Policy Guidance Note 13: Transport (PPG13)* sets out objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
8. Furthermore, the emerging NPPF sets out a presumption in favour of sustainable development to encourage economic growth, particularly where it is within a Local Plan identified centre and below a certain scale. This draft guidance is a material consideration in determining planning applications, and this proposal is considered to be in general conformity with the NPPF.

## REGIONAL PLAN POLICY:

9. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The overall objective for minerals policy in the Region, as set out in RSS, is to ensure the prudent use of the Region's indigenous natural resources in line with sustainable development objectives.
10. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This position was challenged through the courts and the Court of Appeal ruled in May 2011 that the proposed abolition of Regional Spatial Strategies can be regarded as a material consideration when deciding planning applications. The following policies are considered relevant.
11. *Policy 7: Connectivity and Accessibility* seeks to minimise the need to travel by promoting public transport, travel plans, cycling and walking. Green Travel Plans are encouraged.
12. *Policy 8: Protecting and Enhancing the Environment* encourages high quality design in all development proposals sensitive to the surrounding built and natural environment.
13. *Policy 12: Sustainable Economic Development* states that the majority of new economic development and investment should be focussed towards:
  - a) *the Conurbations and Main Settlements within the Tyne & Wear City Regions;*
  - b) *brown field mixed use locations; and*
  - c) Key Employment Locations, particularly for employment uses of regional and sub-regional significance.
14. *Policy 38: Sustainable Construction* states that planning proposals should:
  - a) *ensure that the layout and design of new buildings and developments minimise energy consumption;*
  - b) *encourage and promote opportunities for new developments to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice.*

## LOCAL PLAN POLICY:

15. The following saved policies of the Wear Valley District Local Plan (WVLP) are relevant in the determination of this application:
  16. *Policy GD1: General Design Criteria* states that all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
  17. *Policy BE14: Open Spaces within Built Up Areas* states that open spaces which contribute to the character and amenity of the area within defined settlement limits will be protected against development.
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18. *Policy BE22: Environmental Improvements* seeks to improve the environmental quality of the District, both built and natural, through landscape improvement and enhancement schemes.
19. *Policy S7: Growth Areas* identifies specific sites for retail development (Class A1).
20. *Policy S8: Local Shopping Areas* states that in settlements such as Willington, shopping proposals (Class A1, A2 and A3) will be permitted in local shopping areas.
21. *Policy T1: Highways – General Policy* states that all developments which generate additional traffic will be required to fulfill policy GD1 and:
  - i) provide adequate access to the developments;
  - ii) not exceed the capacity of the local road network; and
  - iii) be capable of access by public transport networks.
22. *Policy T4: Land Safeguarded for Road Proposals* states that specific allocated land will be safeguarded from development other than road proposals.
23. *Policy T8: Development of Car Parks* states that developments which would reduce the capacity of existing car parks will only be allowed if alternative provision can be made.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at: -*

*National Planning Policy* <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/>

*Regional Planning Policy* [http://www.gos.gov.uk/gone/planning/regional\\_planning/](http://www.gos.gov.uk/gone/planning/regional_planning/)

*Local Planning Policy* <http://www.durham.gov.uk/>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

24. Northumbrian Water: Has no objections subject to a condition requiring the submission of a detailed scheme for the disposal of surface water from the development prior to the commencement of the development.
25. Council Highways Authority: Does not object to the proposal but makes a number of comments having regard to the views of the Travel Plan and Public Transport Teams.
26. *Car parking:*

The proposal would remove some existing public car parking provision (the car park on Durham County Council (DCC) land to the north of 45 High Street) and some lawful parking on the northern side of the unnamed adopted loop road. In total the latter areas equate to approximately 35 vehicles capacity. There are 'limited waiting' parking bays on the southern side of High Street, together with separate loading and disabled bays, adjacent the ground floor retail units. When the supermarket and car park could be expected to be closed, parking demand at High Street parking bays will be lower, with the limited waiting restrictions ending at 6pm. The DCC guidelines for maximum car park provision at the retail food store is 139 spaces. The additional (31 no.) proposed, above that guideline figure is approximately commensurate with the number to be lost therefore, overall, this is not a concern. Given the loss of parking areas, there is a requirement to restrict the minimum period of available parking within the supermarket car park to not less than that commensurate with general existing short stay trips to the town centre.

27. *Impact upon bus services:*

DCC Public Transport Section has expressed concerns regarding the impact of this proposal on service buses that currently utilise the adopted unnamed loop road. The Transport Assessment (TA) states continued use of the loop road by bus services is uncertain due to possible service reviews caused by funding pressures. However no further cuts are planned at this time, the turning manoeuvres undertaken by buses are not informal; being carried out on a public highway to authorised and published timetables and service routeings. There is also a bus stop located upon the loop road.

28. *Other matters:*

The number of cycle parking places are queried (14 are stated in the Interim Travel Plan). The TA proposes relocating the A689 Front Street westbound bus stop to the east slightly, away from the junction mouth into the site. Due to potential car manoeuvring and that moving the bus stop east would require revisions to the disabled bay and limited waiting areas that are located currently to the east of bus stop promontory. It is considered that there is not a compelling case for the relocation of the bus stop/shelter.

29. There is an existing vehicular access (the former care home vehicular access point) to the application site from Albion Place which appears to have been, or is being, periodically used for DCC grounds maintenance purposes to the wider open space land. Consideration must be given to where appropriate alternative vehicular access will be provided from if consent is given to the proposal. It is also noted that the existing DCC owned car park area has recycling facilities placed within it and ideally these should be found an alternative location as part of the application process.

30. It is highlighted that there are sections of public highway within the site (footpaths and access road to the car park area) that would require to be legally stopped up if the development proceeds.

31. The County Travel Plans Advisor has assessed the Travel Plan against the National Specification for Workplace Travel Plans PAS 500:2008. Concerns are raised regarding the targets and proposed measures and initiatives. In terms of targets it is considered that the developer and occupier should commit to implementing Travel Plan measures prior to the opening of the store and should aim to achieve a level of single car occupancy lower than the figure suggested in the submission (58%). However, it is acknowledged that this will depend on the faith the developer has in the initiatives and measures being implemented.

32. It is considered that there are no commitments to the proposed measures and measures only concentrate on staff when customers should also be considered given that they would generate the most traffic associated with the site. Although the final occupier is not yet known and the company may have specific initiatives which it can promote, it is considered that a Framework Travel Plan must be the minimum a company will do to promote sustainable travel, not least to ensure the development does not have an adverse effect on the road network. It is requested that a number of initiatives are considered. These being: provision of real time bus information outside the store; customer notice boards promoting sustainable travel; sustainable travel links to the store on the company's website; sponsored sustainable travel events for charity; free 7 day bus ticket for all new starters; money off shopping vouchers for customers who travel sustainably to the store; cycle training and pool bikes for staff.

33. In addition it is suggested that the developer be required to make electric vehicle charging provision in the supermarket car park and a single point is considered to be acceptable.

#### **INTERNAL CONSULTEE RESPONSES:**

34. Spatial Policy Team: This site is located within the local centre boundary identified within the Council's retail and town centre study, and is allocated for retail development within the Local Plan. A new food store will have a positive impact on the vitality and viability of Willington, by providing enhanced consumer choices and competition between retailers. As a consequence, no objections are raised.
35. Environmental Health: In order to ensure noise impact is minimised to local residents would recommend a condition should be included, in the final planning permission, which regulates delivery times into the completed development/service yard from 0730hrs to 2230hrs. Also recommend an effective Noise Management Plan should be implemented by the operator of the development/supermarket to ensure intrusive noise from the service yard is minimised to near by residential properties by means of a close boarded acoustic fence and ensure an acoustic enclosure is provided to the proposed air handling units and refrigeration/condensing units to be located on the roof of the development and all demolition and construction work is carried out in a competent manner.
36. Ecology: No objections providing the development complies with section 5 of the submitted ecology survey relating to protected species and their habitats.
37. Design and Conservation: Overall use of the site as a supermarket together with the proposed wider public realm improvements is generally welcomed and would provide a range of commercial, economic, visual and community benefits for Willington. However, I consider that the proposed layout does not relate acceptably to the character and appearance of the settlement and the site presents the opportunity for a significantly improved layout.
38. Landscape Team: The proposed layout indicates the loss of all existing trees near Albion Place and existing service road frontages which is an unacceptably high price to pay in the currency of visual amenity and landscape character. Mitigation planting for the loss of the trees and open space is insufficient. Planting to the west lacks depth and there is no planting to the north. A low retaining wall dividing the car park from High Street and Albion Place with planting beds might help maximise visual separation.

#### **PUBLIC RESPONSES:**

39. The application has been advertised on site, in the press and the closest residents notified in writing. Two letters of objection/observation have been received. The main points raised in these letters are summarised below:
- Adverse impact on residential properties
  - Increase in noise (from deliveries etc).
  - The development will be an eyesore.
  - Vermin will be attracted (due to the storage of refuse).
  - Devaluation of residential properties.
  - Traffic will increase causing congestion and pollution.
  - Local small businesses will be affected.
  - Green space currently used for recreation will be reduced.
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- Disruption and inconvenience during construction work.
- Part of the site was once laid out as a garden to commemorate the Silver Jubilee of King George V and Queen Mary and designated as an 'open space'. It is queried if this could be reinstated and incorporated into the proposed plans.

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## **APPLICANTS STATEMENT**

40. The proposed development lies within the central part of Willington on a prime site in need of regeneration. It will deliver a long identified redevelopment opportunity in an appropriately sustainable location in a settlement that has seen significant growth in recent years. The proposals represent an opportunity to develop a new food store of a commercially viable scale that can be delivered through the market. In terms of vitality and viability Willington and Crook both have a significant under provision of convenience retailing which directly impacts upon the balance, strength and overall offer within the catchment area. The proposed store is located within the centre of Willington and has excellent accessibility to its large residential catchment by foot, cycling and public transport.
41. Most importantly the development will deliver much needed local jobs and make an important contribution to local economic activity along with other community benefits that includes the funding of a bandstand adjacent to the site. Members of the planning committee are urged to provide support to the proposals to enable these clear local benefits to be delivered.

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*The above 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 the Durham County Area Planning Team. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below.*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

42. Having regard to relevant guidance, development plan policies and all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, layout and landscaping, impact on protected open space, highway issues, regeneration and economic benefits, impact on surrounding area and community benefit.

### Principle of Development

43. The application site is located within the settlement limits of development for Willington therefore the proposal does accord with Policy H3 of the Wear Valley District Local Plan (WVLP) amended by Saved and Expired Policies September 2007.
  44. Approximately half of the site is allocated specifically for retail use, under Policy S7 of the WVLP, and therefore the proposed development would be in accordance with this policy. The other half of the site lies on land allocated as protected open space (Policy BE14) and this issue is discussed below.
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45. A retail impact report has been submitted with the application and the Council's Spatial Policy team have fully assessed the content of this report. It is acknowledged that the WVLP for the area was adopted in 1997 and there are issues whether this Plan represents 'an up to date development plan'. The Council's Retail and Town Centre Uses Study (undertaken November 2009 as part of the evidence base for the Local Development Framework) presents evidence which is more up to date. This study identifies a local centre boundary for the Willington area. This plan shows that the majority of the site falls within the proposed local centre boundary. Under the criteria set out in PPS4, proposed developments which are located within existing centres do not require a sequential test to be submitted. It is therefore considered that given that the majority of the site is located within the local centre boundary, a sequential assessment is not required to be submitted by the applicants as part of this application
46. The submitted retail impact report identifies that in terms of vitality and viability, Willington and Crook both have a significant under provision of convenience retailing. The retailing provision that does exist consists predominantly of 'top up' shopping facilities that are unable to competitively cater for main food shopping trips. It is considered that this proposal would reduce trade diversion and retain shoppers within the Willington area without drawing considerable trade from the Crook area.
47. The principle of development is considered to be acceptable and the proposed development would have a positive impact on the vitality and viability of Willington by providing enhanced consumer choices and competition between retailers. The proposal accords with the saved Policies S7 and S8 of the WVLP and the Policies set out in PPS 4.

#### Layout and Landscaping

48. The proposed layout shows the food store building to be located to the back (north) of the site with the car parking to the front (south) adjacent to Willington main High Street. The proposed layout, of the building to the rear of the site with parking to the front, is a common approach adopted by many retail food stores which can be seen around the country and locally within the County.
  49. Advice from the Design and Historic Environment Team has suggested that the building ideally should be positioned at the front of the site as a landmark building and focal point within the main street scene. It is recognised however that a concept statement for this site was produced by the former Wear Valley District Council in June 2007. This concept statement states that it envisages a retail store to be set back from the main High Street with parking at the front of the site. The developers have indicated that they have based their layout design partly on statements made in this concept statement.
  50. The site and existing building at present does not add any significant visual quality to the Willington High Street. Whilst it is accepted that the proposed layout may not provide a landmark building on the main street running through Willington, it is considered that the proposal would still provide a significant visual improvement to the area. Landscaping and public realm improvements are proposed along the front of the site and although full details are not provided within this application, it is considered that the implementation of high quality landscaping and public realm improvements would significantly improve the site and positively contribute to the street scene. It is essential that appropriate landscaping and public realm improvements are achieved which can be sought through the imposition of planning conditions.
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51. The proposed layout of the site, on balance, would improve the overall appearance of the site and with the addition of landscaping and public realm improvements along the High Street and would contribute to the visual amenity of the street scene. It is therefore considered that the proposal would be entirely consistent with the aims of Policies GD1 and BE22 of the WVLP.
52. It is noted that the landscaping plans provided with the application appear to be indicative and offer no specific details. A condition relating to the submission of landscaping scheme is recommended to ensure adequate landscaping is provided which would contribute to the area.

#### Impact on Protected Open Space

53. The northern part of the application site is allocated as protected open space under Policy BE14 of the WVLP. Policy BE14 states that open spaces which contribute to the character and amenity of the area should be protected against development. It is therefore noted that this proposal would be in conflict with Policy BE14.
54. It is however argued that the area of land to the west of the site, which incorporates open spaces and a children's play area, actually contributes more to the surrounding area as it has recreational facilities available for public use. This area of land to the west of the site is allocated as land for road improvement proposals. The intentions when the Local Plan was adopted in 1997 was that this area of land was to be developed as a relief road through Willington, however those plans never came forward for this section of land. Although the land is still allocated in the Local Plan, Highway Officers have confirmed that there are no immediate plans to construct this relief road.
55. It is also acknowledged that the northern area of the application site was occupied by a residential care home known as Albion House which has since been demolished and the area grassed over.
56. The issue to be considered in this respect is therefore whether the loss of this open space in the northern area of the site would adversely affect the outlook and open appearance of the area. Whilst the loss of the land to a retail store would be regrettable in terms of the facility, the open space and recreational land to the west, which is now extremely unlikely to be required for the Willington relief road, does provide land available to the public which contributes to the open outlook and appearance of the area.
57. The County Durham Open Space, Sport and Recreation Needs Assessment for the Crook, Willington and Tow Law area, which forms part of the evidence base for the County Durham Plan, states that there is sufficient supply of amenity open space across the area and that there is a significant opportunity to utilise some of the existing spaces for alternative use.

#### Highway Issues

58. County Highways Authority has been consulted on the application along with the Travel Plan Advisor and the Public Transport section. Comments from the Highway sections relate to car parking, impact upon bus services, travel plan issues and other matters. Each topic will be discussed in turn.
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59. *Car parking*

It is recognised that there is existing parking provision within the existing car park and on the loop road which would be removed as part of the development. This existing parking provision is generally used for short term stays during the day by visitors to the main High Street. The Highway Officer has confirmed that the parking provision which is to be lost can be adequately accommodated within the proposed car park of the new store as well as providing sufficient parking provision for users of the store.

The Highway Officer has requested a condition to restrict the minimum period of available parking within the proposed food store car park to not less than that commensurate with general existing short stay trips to the town centre. A condition restricting parking for two hours maximum has been requested. Whilst the needs of this short stay restriction are understood, the imposition of a condition to this effect would not be enforceable. Essentially this issue would be a car parking management issue which would rest with the operator of the site. It is noted however, that this is an issue which could be incorporated within the submission of an updated Travel Plan which is recommended as a condition.

60. *Impact on bus services*

The County Public Transport Team raised concerns with the loss of the 'loop road' which runs through the site, as public bus services currently use this loop road as part of their service route. Whilst alternative options for public bus routes could be finalised through further submissions to the travel plan in a reserved matters application it is considered prudent that an alternative bus route is explored at this stage and agreed upon by the County Public Transport Team. The developers have explored several options and have proposed a bus route which used to be used by public buses running through the old Dene Wood Close Estate. The Dene Wood Close Estate has now been redeveloped however, the highway route through the estate would be adequate to accommodate a route for public bus transport. The bus route proposed would therefore run through the new estate along Armstrong Drive and Richardson Court. The County Public Transport Team has agreed that this alternative option for the bus route service is acceptable.

61. *Travel plan issues*

The County's Travel Plan Advisor raises issues with regard to the targets and measures discussed in the submitted Travel Plan. The Travel Plan Advisor has suggested a number of initiatives to promote sustainable travel to and from the site. A condition is recommended for an updated travel plan to be submitted for consideration.

62. *Other matters*

Other highway matters raised relate to specific design details of the scheme. It has been suggested in the Transport Assessment that the westbound bus stop on the A689 High Street should be relocated slightly east however the Highways Officer considers this unnecessary and the bus stop could actually remain as existing. Other issues relate to cycle parking spaces and electric charging points which should be included within the proposed scheme. It is also noted that there is an existing access to the north east of the site which is used for County grounds maintenance purposes, and this would need to be looked at for an alternative access to be found. Finally, the recycling facilities would have to be relocated to a suitable location and there would be sections of the highway within the site which would have to be legally stopped up.

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63. Whilst there are a number of issues raised which would need to be addressed, it is considered that these are points which can be addressed through suitable conditions or through the submission of a reserved matters application. Essentially the proposed access points into the site are considered acceptable and the level of parking provided is sufficient for the development. The proposed development would not exceed the capacity of the surrounding local road network and would not create any highway safety issues. The proposal would therefore be in accordance with Policies GD1 and T1 of the WVLP.

#### Regeneration and Economic Benefits

64. The development of the site would have positive regeneration benefits for the immediate Willington area. The proposed development would create additional jobs both within the retail food store and as well as construction jobs associated with the building works. The agent for the application has stated that potentially 200 jobs could be created by the development. The scale of the proposed food store is designed to cater for the under provision of convenience retailing within the catchment area and retain an increased amount of local expenditure. The proposal represents a key opportunity to deliver a viable scheme within the catchment area over the short term in an area that has seen significant new residential growth in recent years.

#### Impact on Surrounding Area

65. Whilst the site is situated within a predominantly retail area it is noted that there are residential properties located to the east of the site sited approximately 30 metres away. In terms of overbearing, overshadowing and privacy issues it is considered that this separation distance would be acceptable and would not create any adverse impacts to the residential occupiers. Environmental Health Officers have suggested certain conditions to ensure that the proposed development would not adversely impact on the amenities of surrounding residential occupiers. These conditions relate to restricting delivery hours and providing acoustic fencing to reduce noise impact. Conditions are also proposed with regards to construction working arrangements.
66. The Ecology Officer has raised no objections to the proposed scheme providing the development is in accordance with the recommendations outlined in the ecology survey submitted with the application. A condition is recommended accordingly.
67. A letter of objection has been received from a local resident which primarily raise issues of noise and traffic. Conditions recommended would ensure that noise and disruption from deliveries and construction works would not adversely impact on neighbouring properties. In terms of traffic congestion the Highways Officer has confirmed that there are no overall objections to the proposed accesses or the parking provision provided within the scheme. In terms of the proposal impacting on local businesses, it is considered that the scheme would actually be beneficial for local businesses as the proposed development would attract customers to the area. Other issues raised relating to devaluation of surrounding properties are not considered to be material planning considerations. It's accepted that part of the site was once laid out as a garden to commemorate the Silver Jubilee of King George V and Queen Mary. As described in the 'community benefit' section below, the developers have shown that they are committed to contributing to the wider community by offering up a contribution towards the provision of a bandstand and flagpole.
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68. Although the scale and appearance of the final development is reserved for future consideration, it is considered that the proposal would not have a detrimental impact on the surrounding area. There are no objections from statutory consultees and the proposal would be in accordance with the criteria set out in policy GD1 of the WVLP.

### Community Benefit

69. Following the public consultation exercise undertaken by the developer prior to the submission of the application, the developer has indicated that they are keen to contribute to the wider community benefit. On this basis the developer has offered up a unilateral undertaking which would provide a sum of £50,000 towards the provision of a bandstand and flagpole on the open space to the west of the application site.

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## **CONCLUSION**

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70. The recent Retail Study commissioned by the County Council provides evidence that the application site lies predominantly in the local centre boundary for Willington, and therefore represents an acceptable location for retail development within the Town centre first approach advocated by National Planning Policy advice given in PPS4. As result of the town centre location a sequential site assessment of other sites is not required to be submitted with this application. It is considered that the proposal would reduce trade diversion to other centres and retain shoppers within Willington without adversely impacting on Crook retail centre. The principle of development is therefore considered acceptable and would have a positive impact on the vitality and viability of the Willington shopping area.
71. On balance, the proposed layout of the site would improve the overall appearance of the site as it would result in the loss of an unsightly building and car park. The addition of landscaping and public realm improvements would positively add to the street scene. It is noted that significant landscape details would be required to be submitted through a reserved matters application.
72. It is accepted that the proposal would result in the loss of allocated protected open space. However, there is an area of public open space with recreational facilities immediately to the west of the site and as a result this would provide adequate compensation for the loss of the facility on the application site.
73. There are some minor highway issues which would need to be addressed through suitable conditions or through the submission of a reserved matters application. However the proposed accesses to the site and the proposed parking provision are considered acceptable and would not create any adverse highway safety issues.
74. The proposal represents a key opportunity to deliver a viable scheme which would have positive economic and regeneration benefits and the development would create potentially 200 jobs.
75. Subject to the imposition of conditions, it is considered the proposal would not adversely impact on the amenity of neighbouring occupiers or have a visual detrimental impact on the surrounding area.

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## RECOMMENDATION

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

**Conditions:**

1. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. Approval of the details of appearance and scale (hereinafter called "the reserved matters") shall be obtained in writing from the Local planning authority before any development is commenced.

*Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

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

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
PL-01	Location Plan	08/06/2011
PL-03	Demolitions Plan	08/06/2011
PL-04	Proposed Site Plan	08/06/2011
PL-05	Proposed Indicative Site Sections	08/06/2011
PL-06	Indicative Landscaping Plan	08/06/2011

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

4. None of the buildings hereby approved shall be constructed until a full schedule of all the materials to be used in the external surfaces of the development have been submitted to and approved in writing by the local planning authority. Thereafter, samples of the materials to be used in the external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to the commencement of the construction of these buildings. The development shall be carried out in accordance with approved details.

*Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.*

5. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.*

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6. No development shall commence until a detailed landscaping scheme, incorporating tree constraints plan showing tree removal and protection plan, has been submitted to and approved in writing by the Local Planning Authority.  
*Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.*
  7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
*Reason: In the interests of the appearance of the area and to comply with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.*
  8. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.  
*Reason: In the interests of the amenity of the site and to comply with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.*
  9. No development shall commence until a comprehensive travel plan has been submitted to and approved in writing by the Local planning authority. The development shall thereafter be implemented in accordance with the approved details.  
*Reason: In order to encourage sustainable means of travel in accordance with PPG13 (Transport).*
  10. Deliveries to the site shall be restricted to between the hours of 0730hrs and 1030hrs.  
*Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.*
  11. No development shall commence until a noise management plan has been submitted to and approved in writing by the Local planning authority. The scheme, as approved, shall be implemented before the development is brought into use.  
*Reason: In order to prevent noise disturbance in accordance with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.*
  12. Prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details.  
*Reason: To ensure a quality finished development in accordance with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.*

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13. No development shall commence until a floodlighting assessment has been submitted to and approved in writing by the Local planning authority. The scheme, as approved, shall be implemented before the development is brought into use.  
*Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.*
14. No development shall commence until a demolition and construction method statement has been submitted to and approved in writing by the Local planning authority. The development shall take place in accordance with the approved scheme.  
*Reason: In the interests of preserving the amenity of residents in accordance with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.*
15. No development shall take place unless in accordance with the recommendations detailed within the protected species report titled 'Arboricultural Survey Report & Generic Method Statement' by Sylvanus Arboricultural Consultants March 2011.  
*Reason: To conserve protected species and their habitat in accordance with Policy GD1 of the Wear Valley District Local Plan amended by Saved and Expired Policies September 2007.*
16. Prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.  
*Reason: In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22.*
17. The development hereby permitted shall not be commenced until such time as a scheme to ensure the safe management of surface water drainage (including the discharge location) has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.  
*Reason: In the interests of the amenity of the area in accordance with Policy GD1 of the Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

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## **REASONS FOR THE DECISION**

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1. The proposed development is in accordance with Policies S7 and S8 of the Wear Valley District Local Plan and Policies set out in Planning Policy Statement 4 as it would not adversely impact on the vitality and viability of the Willington retail shopping area.
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2. The proposed layout would provide a scheme which would be an overall improvement to the visual appearance of the site and the surrounding area, in accordance with Policies GD1 and BE22 of the Wear Valley District Local Plan.
  3. The proposal is acceptable in relation to Policies GD1 and T1 of the Wear Valley District Local Plan as it would not adversely impact on highway safety and would not exceed the capacity of the surrounding local highway network.
  4. The amenity of the surrounding area would not be compromised as a result of the proposed development and would therefore be in accordance with criteria set out in Policy GD1 of the Wear Valley District Local Plan.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- Design and Access Statement
- City of Durham Local Plan
- Planning Policy Statements/Guidance, PPS1, PPS25, PPG13
- Consultation Responses
- Public Consultation Responses