

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01961/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing food store and petrol station, and erection of a replacement food store (Class A1) and associated works
NAME OF APPLICANT:	Lidl UK GmbH
ADDRESS:	Former Co-Op, New Road, Crook
ELECTORAL DIVISION:	Crook
CASE OFFICER:	Colin Harding Senior Planning Officer 03000 263945 colin.harding@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site relates to an existing former food retail store (2,426sqm gross floorspace), car park and petrol filling station situated within Crook town centre, and which ceased trading in late November 2014. The site itself extends to approximately 1.01 hectares, in a 'C' shape and currently accommodates an existing foodstore located to western part of the site, a delivery yard located to the north west, a petrol filling station to the south east of the site and associated customer car parking. The existing store comprises one and two storey development and is constructed of red brick with a grey tile roof. Vehicular access is currently provided at two access points to the south and east of the site, off Glenholme Drive, with a separate gated access and delivery yard off Croft Street, located to the north west of the site, for delivery vehicles servicing the store.
2. Beyond the site, to the north is St. Catherine's Community Centre, with Crook Police Station and Bradbury House (a nursing care home) located to the east. The majority of the Crook Town Centre commercial uses are located to the north of the site, beyond the Community Centre. Further east, past Crook Police Station and Bradbury House is Crook Cricket Ground, green open space and Crook Beck, with residential properties located beyond this.
3. The site lies within Crook Town Centre as identified in the Wear Valley District Local Plan, whilst Crook Conservation Area abuts the site on its western and northern boundaries.

The Proposal

4. Planning permission is sought for the demolition of the former Co-op store and petrol filling station, and the erection of a replacement foodstore (Use Class A1) of some 2539sqm (Gross Internal Area) with a sales area of 1424sqm. In addition, the proposals include a reconfigured car park and associated works. The position of the proposed foodstore largely replicates that of the existing, whilst the removal of the petrol filling station facilitates the reconfiguration of the car park. The segregated delivery and customer access points would remain, although it is intended that the access to the petrol filling station off Glenholme Drive be closed off.
5. The proposed foodstore would be served by a total of 182 parking spaces, including 11 disabled spaces and 4 parent and child spaces, which are positioned close to the customer entrance. There will also be three electric car charging points.
6. The customer entrance is located on the south east corner of the building fronting onto the car park, with the shopfront having a full height glazed elevation extending to the width of the sales area. Customers can also access the store via a pedestrian access on New Road, to the east of the site.
7. In addition to the glazed shopfront area, the proposed store would have a grey render plinth with a mix of both white render and cladding above, together with a grey metal sheet roof.
8. This application is reported to Committee as it represents a major development.

PLANNING HISTORY

9. In 1989 planning permission (3/89/317) was granted for the erection of a supermarket, public toilets and new highways. There have been a number of subsequent minor planning and advertisement consent applications for the site.

PLANNING POLICY

NATIONAL POLICY:

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF). The overriding message is that new development that is sustainable should proceed without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
11. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal;

12. *NPPF Part 1 – 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 of a low carbon future.
13. *NPPF Part 2 – 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.
14. *NPPF Part 4 – Promoting Sustainable Transport.* The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It is recognised that different policies and measures will be required in different communities and opportunities to maximize sustainable transport solutions which will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
15. *NPPF Part 7 – Requiring Good Design.* 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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
16. *NPPF Part 8 – Promoting Healthy 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.
17. *NPPF Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.
18. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The planning system should contribute to, and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.
19. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf> (*National Planning Policy Framework*)

20. The Government has recently cancelled a number of planning practice guidance notes, circulars and other guidance documents and replaced them with National

Planning Practice Guidance (NPPG). The NPPG contains guidance on a number of issues, and of particular relevance to this proposal is guidance relating to design, flood risk, travel plans, transport assessments and statements in decision-taking;

<http://planningguidance.planningportal.gov.uk/> (National Planning Practice Guidance)

LOCAL PLAN POLICY:

Wear Valley District Local Plan (1997) (WVLP)

21. *Policy GD1 (General Development Criteria)* - 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.
22. *Policy BE1 (Protection of Historic Heritage)* - The Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
23. *Policy BE8 (Setting of a Conservation Area)* – Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.
24. *Policy S1 (Town Centres)* – Seeks to maintain and protect town centres, through the restriction of uses.
25. *Policy S6 (Retailing in Crook)* – States that within the shopping area of Crook, that retail and office uses will be approved.
26. *Policy T1 (General Policy – Highways)* - All developments which generate additional traffic will be required to fulfil Policy GD1 and: provide adequate access to the developments; not exceed the capacity of the local road network; and, be capable of access by public transport networks.

The County Durham Plan

27. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight. Relevant policies and the weight to be afforded to them are discussed in the main body of the report.

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: <http://www.durham.gov.uk/media/3660/Wear-Valley-District-Local-Plan/pdf/WearValleyDistrictLocalPlan.pdf> (Wear Valley District Local Plan) <http://durhamcc-consult.limehouse.co.uk/portal/planning/> (County Durham Plan)

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

28. *Highway Authority* – It is recognised that the site has an established use as a foodstore and petrol filling station and there will therefore be no greater impact on the highway network from the proposed replacement foodstore. A revised site layout has been submitted in response to a number of comments in relation to the layout of the car park.
29. *Northumbrian Water Limited* – Raise no objection subject to the imposition of a condition to provide for a detailed scheme for both surface and foul water disposal.
30. *Environment Agency* – Raise no objection to the proposed development, but provide advice in relation to the developer ensuring risks to controlled waters are minimised.

INTERNAL CONSULTEE RESPONSES:

31. *Design and Conservation* – Raise no objection. It is highlighted that the site is within the immediate setting of the Crook Conservation Area. The existing buildings are of variable quality and make little if any contribution to the wider built environment; their loss is therefore considered acceptable. The replacement building is simple, functional and again of limited architectural merit, and is a standard solution to the provision of a much needed local service. Although somewhat detached from the core of the conservation area opportunities still exist to improve the design and detailing of the building primarily to the New Road elevation bringing more activity and vibrancy to this main route in to Crook.
32. *Spatial Policy Section* – Advise that no objection is raised in principle to the proposed development; however, it is considered disappointing that the store's entrance is positioned away from the town centre.
33. *Ecology Section* – Having considered the submitted Bat Survey, they are satisfied that the likely presence and hence impact on bats is low and they therefore have no objections. An informative in relation to breeding birds is recommended.
34. *Landscape Section* – Raise no objection but note the inevitable conflict between parking and pedestrian access to the proposed building. Surfacing to highlight pedestrian priority should be provided to the east side of the building.
35. *Drainage and Coastal Protection* – Advise that the site is at risk of flooding from overland flows as identified in the Council's Strategic Flood Risk Assessment and as such, floor levels need to be at sufficient height to avoid water entering the building. In terms of surface water drainage, a condition is recommended in relation to ensuring that a scheme for the disposal of such is in accordance with sustainable urban drainage principles.
36. *Sustainability* – Whilst the absence of a Sustainability Statement is highlighted, a condition is nonetheless recommended in relation to securing embedded sustainability and minimise carbon emissions both during construction and once in use.

37. *Environmental Health and Consumer Protection* – Raise concerns in relation to the impact of light spill upon nearby residential properties, in addition to noise impacts from both plant and deliveries. However, in recognition of the established use of the site, it is considered that the matters could be adequately controlled by way of planning conditions.
38. *Environmental Health and Consumer Protection (Contamination)* – Raises no objection subject to the imposition of appropriate planning conditions to minimise risk to future users of the land from contamination.
39. *Access and Rights of Way Team* – Advise that there are no recorded Public Rights of Way through the site.
40. *Travel Planning Team* – Advise that the submitted Travel Plan details an acceptable range of objectives. However, further measures and commitments with appropriate funding are required to meet these objectives.

PUBLIC RESPONSES:

41. The application has been publicised by way of both press and site notices as well as notifications to surrounding properties. In response, three representations have been received. In summary the issues raised include:
- The re-opening of a food store is welcomed, but a replacement filling station is also required;
 - Concern about the closure of a path providing residents with access to the store; and,
 - Concerns are expressed in relation to the demolition of the building and the impact on enclosures between neighbouring buildings.

NON-STATUTORY REPRESENTATIONS

42. *Police Architectural Liaison Officer* – Advise that there are no issues from a Design out Crime perspective.

APPLICANTS STATEMENT:

43. Lidl purchased the former Crook Co-op site in 2014, the existing store is dated and cannot meet Lidl's operational requirements for the following reasons, and therefore the applicant seeks planning permission for a replacement store.
- Lidl has a distinct store format that is integral to the success of its business model;
 - The minimum store size that is normally required by Lidl (unless there are unusual circumstances) is a single level store of circa 2,000 sq m Gross External Area;
 - Lidl stores stock a limited number of products compared to other retailers, while space is needed in the sale areas for the non-food specials, which can be bulky items;
 - Lidl is a deep discounter which is dictated by its ability to cut costs throughout the business. In order to do so, all products are displayed from the original pallets or boxes on/in which they were delivered to the store. This minimises the costs associated with manual handling by removing the need to break pallets down and stack products on shelves;

- A single level store of 2,000 sq m Gross External Area allows for pallets to be easily moved directly from the delivery bay and placed in the sales area. This cannot be achieved in the same way in smaller stores or the former Co-op store layout, resulting in the need to break pallets down and stack more products on shelves, which consequently increases staff costs. This therefore makes it more difficult for Lidl to pass cost savings on to its customers, thereby impacting on its ability to deliver the benefits of discount retailing, and
- In addition, the standard store format has been purposefully designed in order to provide mobility impaired customers, the elderly and those with small children space to move through the store easily. Also by placing bulky products on the sales floor, Lidl ensure easy access to these items for all customers.

44. Further, the redevelopment proposals constitute sustainable development for a number of reasons including:

- The proposal comprises the redevelopment of an existing town centre retail store for a discount convenience offer consistent with national and local policy that promotes the location of main town centre uses within existing centres;
- The proposals will result in the sustainable re-use of previously developed land to deliver the redevelopment of an existing foodstore (Class A1 use) within Crook Town Centre;
- The proposal will improve consumer choice and complement the existing retail offer within Crook;
- It will introduce a new dimension to convenience goods retailing in Crook by introducing a format and variety of goods and contributing to creating healthy competition in the town;
- The new discount convenience offer within Crook will assist in retaining retail expenditure in the local area, and
- There will be a positive economic impact as a result of continued employment, additional employment opportunities being retained in Crook and increased earnings in the local area.

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 <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

45. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development; design and impact upon heritage assets, highway safety and parking, residential amenity, ecology, flood risk and drainage, and other matters.

Principle of Development

46. The site has an established use as a foodstore and therefore its replacement with a new foodstore of broadly the same level of floorspace (7sqm increase), is considered acceptable in principle and in accordance with WVLP Policies S1 and S6 which permit new retailing opportunities in the Crook Town Centre. This is also considered consistent with the NPPFs aim of ensuring the vitality of town centres by directing new retail development to town centres as opposed to edge of centre or out of centre locations.

Design and Impact upon Heritage Assets

47. In terms of the context of the application site, it adjoins Crook Conservation Area on its northern and western boundaries and is therefore within its immediate setting and having the potential to affect its significance, and in the context of it being a designated heritage asset. Whilst the conservation area does contain a number of listed buildings, none are considered to have a relationship with the site such that they would be affected by the proposals. In addition there are a number of buildings identified as Notable Unlisted Buildings in the adopted conservation area appraisal; Crook Business Centre and St Catherine's Community Centre. The impacts on these heritage assets (both designated and non-designated) arise through the demolition of the existing foodstore as well as in relation the replacement foodstore building.
48. The Design and Conservation Section consider that the existing buildings and structures on the site that would be demolished are of poor design and detailing and have aged poorly since their construction, and as such, they are not particularly positive features within the streetscene and therefore their loss through demolition is considered acceptable and without harm to the setting of the conservation area. Similarly, the demolition of the buildings would not harm the setting of the identified Notable Unlisted Buildings. In this respect, this element of the proposals would not be contrary to Policy BE8 of the WVLP or Paragraph 129 of the NPPF.
49. The proposed building is largely on the same part of the site as the existing foodstore, however, it extends further south than the existing foodstore towards the junction of New Road and Glenholme Drive, but does not extend as far northwards at the rear of St Catherine's Community Centre as the existing building does. In addition, the building is generally set back from New Road by some 10m unlike the existing building, and this provides opportunities for a scheme of soft landscaping, including trees and ornamental shrub planting. This will soften the impact of the development. In terms of appearance, the building features a simple monopitch roof sloping down from its eastern side to the west elevation adjacent New Road and where the building is more prominent upon approach to Crook Town Centre. This elevation in particular features a low level grey plinth above which there would be white rendered panels with a section of grey horizontal cladding beneath the eaves line. The southern elevation, again visible in approaching the town centre and seen more readily in the context of the setting of the conservation area, features glazing along its entire length. The proposed building therefore, in contrast to the existing, clearly has a contemporary appearance.
50. As with all conservation areas Crook has areas within it which are of more importance than others; of particular importance in relation to Crook are the public spaces around North Terrace and the historic Market Place. The presence of St Catherine's Community Centre with its high pitched slate roof detaches the application site from the core of the conservation area. The Design and Conservation Section consider that the impact of the proposed buildings on the setting of the adjacent conservation area and the identified non-designated assets would be similar to that of the existing. However, they consider that limited opportunities have been taken in the siting and design of the proposed food store to improve the contribution that it could make to the setting of the identified heritage assets. The introduction of a building with an active frontage to New Road and of an architectural quality complimenting surrounding older quality buildings would have been highly desirable. To this end, the proposals would be considered to cause less than substantial harm to the setting of the conservation area. Any such harm should, in accordance with NPPF Paragraph 134, be weighed against the public benefits of the proposal.

51. In this case, there are a number of public benefits that arise. Whilst acknowledging the application does not propose replacement of the petrol filling station as a facility for residents, the proposals do reinstate a supermarket for the town's residents, which it is considered assists in promoting a competitive town centre that provides customer choice and some diversity to the towns retail offer. Whilst noting that the Spatial Policy Section consider that the orientation of the store is disappointing in terms of its relationship with the town centre, this is considered to not be a fundamental issue given the relative proximity of the store generally to the town centre. Residents have clearly had to leave the town to access a supermarket and the re-opening of one in the town will clearly address this issue, and in turn reduce the extent of travel by private car to other areas. In addition, the proposal would generate some 30 full-time equivalent jobs at the store.
52. Notwithstanding the statutory presumption against the grant of planning permission as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, the harm has been considered and in this case, the public benefits would outweigh the less than substantial harm that has been identified. Whilst such adverse effects as identified could be considered to be in conflict with Policy BE6, it is considered that this policy cannot be afforded significant weight in this context since it does not accord with the NPPF's requirement to balance any harm against public benefits.

Highway Safety and Parking

53. The existing foodstore has separate access points for customers and servicing, the former from Glenhome Drive and the latter from South Street to the north. These access arrangements would be retained, whilst a further access point associated with the petrol filling station would be closed off. The site clearly has an established use as foodstore and therefore an associated impact on the highway network. As the level of floorspace proposed is almost identical, the Highway Authority consider that the impacts of the replacement foodstore on the highway network would be the same, and is accordingly, acceptable in this regard, and in accordance with WVLP Policy T1, would not be to the detriment of highway safety.
54. The Highway Authority made a number of comments about the detailed layout of the carpark particularly in relation to pedestrian permeability. A similar point was made by the manager of the nearby Bradbury House. A revised site layout has been submitted which addresses the issues raised and ensures appropriate levels of permeability are provided.
55. The submitted Travel Plan highlights a number key objectives around improving accessibility of the site by means other than single occupancy private car, but the Travel Planning Team consider that further commitments and measures are required to ensure the objectives are met. This can be secured by way of a planning condition, which would also secure its implementation.

Residential Amenity

56. The application site is within the town centre and therefore being generally surrounded by retail/commercial and office uses. However, there are residential properties on Bell Street to the north and Dawson Street to the west. At present the site is serviced via an access from the south-eastern corner of the Market Place and this arrangement would be retained. Whilst the movements associated with the servicing of the site wouldn't be any different in terms of relative proximity to residential properties, the times, frequency and nature of the vehicles servicing the site may be different. Environmental Health Officers have highlighted this is a concern, but in acknowledging the existing arrangements, they are satisfied that the servicing can

continue to take place in this way, but that the hours ought to be restricted to daytime hours only. A condition to this effect should therefore be imposed upon any planning permission. This would it is considered ensure no unreasonable disturbance or conflict would arise with adjoining issues, and as such, the proposals would comply with WVLP Policy GD1.

57. Environmental Health Officers have similarly highlighted the possible adverse noise effects of plant equipment, such as air conditioning and refrigeration units, upon the amenity of nearby residential occupiers. No details of such equipment is provided with the application, however, this too is a matter that it is considered can be adequately dealt with by way of a planning condition, again ensuring no unreasonable disturbance or conflict would arise with adjoining issues, and as such, the proposals would comply with WVLP Policy GD1.
58. The application is accompanied by details of a lighting scheme for the car park and servicing area. This indicates that there would be light spill from beyond the application site and onto adjoining buildings. Environmental Health Officers consider that the submitted information does not adequately demonstrate the effects of light spill, particularly in relation to the nearby properties on Bell Street and Dawson Street in relation to the lighting for the service yard. The lighting for the remainder of the site does not give rise to concerns and is otherwise considered acceptable. In order to control the lighting in the service yard area, it is therefore considered necessary and appropriate to impose a planning condition to agree the precise details of the lighting and avoid any unnecessary spread of light to nearby properties and to ensure compliance with WVLP Policy GD1.

Flood Risk and Drainage

59. Foul drainage would take the form of connection to the existing main sewer in the same way that the existing building does. Given the floorspace and use are the same, it is considered that this is appropriate. Northumbrian Water have sought a planning condition to agree a detailed scheme of foul sewerage disposal, however, it is considered that in this instance there is an existing connection on the site serving the same use, and the developer would have a right to connect to the existing apparatus.
60. Turning to surface water issues, although not in an area identified as being in a flood zone, the site is identified in the Council's Strategic Flood Risk Assessment as being at risk from overland flows, and as such, it would be appropriate to consider setting floor levels which would reduce the risk of surface water entering the proposed foodstore. This can be controlled by planning condition. Similarly, a scheme to ensure the satisfactory disposal of surface water from the site to minimise the risk of flooding elsewhere, and which embodies the principles of sustainable urban drainage can be adequately controlled by way of a planning condition. This would ensure that the requirements of WVLP Policy GD1 are met, as well as Paragraph 103 of the NPPF.

Ecology

61. The application is accompanied by a Bat Roost Assessment and a Bat Survey Report. The former identifies that the existing building has low potential to support roosting bats and that following surveys there were no bats or evidence of bats recorded. However, in order to confirm the presence or likely absence, further survey was undertaken. The Bat Survey Report details the additional survey work, which similarly found that there were no bats recorded emerging from the building. The Ecology Section are satisfied on the basis of the submitted information that the likely presence and hence impact on bats is low and they therefore have no objections. The Bat Survey Report does recommend that in order to enhance the area for bats,

further planting is incorporated into the development to improve the area for foraging or commuting bats. To this end, there is an extensive area of additional planting along the western boundary of the site, which will assist in meeting such objectives, and therefore providing net biodiversity gains in accordance with Paragraph 109 of the NPPF.

Contamination

62. Environmental Health Officers have highlighted the need for further site investigation work to be undertaken in respect of the petrol filling station and its demolition. In particular, there is the need for further understanding around any historic fuel leakage at the site with resultant ground and groundwater contamination, and how any such contamination would be treated in the context of the redevelopment of the site. It is considered appropriate to impose a planning condition in this respect, and in compliance with Part 11 of the NPPF.

Other Matters

63. The occupiers of an adjacent building raised concerns over the demolition of the existing building and how this would affect the boundaries with their property. The developer has submitted a plan which identifies that the boundary between the respective buildings would be maintained by way of the erection of a 2m high grey powder coated paladin fence. It is considered that such a boundary treatment is acceptable in this location, adjacent the service yard area, and would address the concerns raised by the adjacent occupier in terms of maintaining a boundary between the respective sites.

CONCLUSION

64. The proposed replacement foodstore would re-introduce a supermarket to Crook, ensuring greater consumer choice and added diversity to the town centre's retail offer and thus contributing to the centre's vitality generally. In addition, there would be the creation of 30 full-time equivalent jobs. Such identified public benefits are considered to outweigh any less than substantial harm that would arise from the appearance of the proposed building upon the setting of Crook Conservation Area. Given the established use of the site as a supermarket, the proposal would have no adverse highway implications. Whilst the site is in the town centre, there are a number of residential properties nearby, and it would be necessary to introduce appropriate safeguards to control the development during both the development and operational phases in order to ensure appropriate levels of residential amenity are maintained.

65. Accordingly, it is considered that the proposed development would comply with relevant development plan policies and the NPPF, and is therefore considered acceptable.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 92 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 only in accordance with the approved plans and specifications contained within following documents:

Drawing No. R/1666/1F – Landscape Detail

Drawing No. A(90)GAP002 Rev 21 – Proposed Site Layout

Drawing No. A(00)GAP002 Rev 3 – Proposed Ground and First Floor Plans

Drawing No. A(96)GAP001 Rev 1 – Boundary Treatment Plan

Drawing No. A(00)GAE001 Rev 3 – General Arrangement Elevations

Drawing No. A(00)GAP201 Rev 02 – Proposed Roof Plan

Reason: To secure an acceptable form of development that meets the objectives of Policy GD1 of the Wear Valley District Local Plan 1997.

3. No development shall take place until scheme to provide a suitable method of surface water drainage has been submitted to, and approved in writing by, the local planning authority. This scheme must take account of the drainage hierarchy of preference, including infiltration tests, and SUDS principles. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water and to ensure compliance with Policy GD1 of Wear Valley District Local Plan. This condition is pre-commencement as drainage works would be an early stage of development.

4. Before the development hereby approved is commenced, detailed drawings including sections showing the existing and proposed site levels and the finished floor levels shall be submitted to and approved in writing by the local planning authority and the works shall be completed entirely in accordance with any subsequently approved submission.

Reason: In order to minimise the risk of the approved building being adversely affected by surface water flows in accordance with Policy GD1 of Wear Valley District Local Plan.

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats.

Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and hedges.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of Wear Valley District Local Plan.

6. Prior to the commencement of construction of the replacement foodstore 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 Wear Valley District Local Plan.

7. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

- (a) A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.
- (b) If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (c) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11. This condition is pre-commencement so that the potential for contamination can be understood before disturbance and any remediation can take place.

8. No development shall take place until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority. Said management strategy shall include but not necessarily be restricted to the following;
 - i) A Dust Action Plan containing; the methods of suppressing dust; the methods to record wind direction and speed and the meteorological conditions at the site; methods of monitoring dust emanating at and blowing from the site.
 - ii) Details of methods and means of noise reduction
 - iii) Confirmation that the burning of combustible material on site shall be prohibited unless it has been first demonstrated that the material cannot be disposed of in any other suitable manner.
 - iv) Details of means of reducing the potential for mud on the roads in the vicinity of the site.

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

The development shall be undertaken in accordance with the agreed construction management strategy.

Reason: In the interests of residential amenity having regards to Policy GD1 of the Wear Valley District Local Plan and having regards to Part 11 of the NPPF. Required to be pre-commencement as construction activity mitigation must be agreed before works commence.

9. No construction/demolition activities, including the use of plant, equipment and deliveries, shall take place before 0700 hours or after 1900 hours Monday to Friday, or take place before 0800 hours or after 1700 hours on Saturday. No works shall be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity, in accordance with Policy GD1 of the Wear Valley District Local Plan.

10. No development shall take place until a scheme to minimise energy consumption has been submitted and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in accordance with the approved scheme and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance having regard to Part 10 of the NPPF. Required to be pre-commencement as the energy reduction scheme should seek to involve a fabric first approach designed and potentially implemented at an early stage.

11. No noise generating plant including mechanical ventilation or refrigeration/air conditioning, refuse compacting / baling plant shall be installed in any part of the development prior to a noise impact assessment being submitted to and approved in writing by the local planning authority. The approved scheme shall be constructed and installed in accordance with the approved assessment and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity, in accordance with Policy GD1 of the Wear Valley District Local Plan.

12. No movements of goods vehicles shall be permitted on the premises except between the hours of 8.00 am and 8.00 pm on Mondays to Saturdays inclusive and between 9.00 am and 16.00 pm on Sundays and public holidays. Engines to all delivery vehicles are to be turned off whilst the vehicle is parked at the store.

Reason: In the interests of residential amenity, in accordance with Policy GD1 of the Wear Valley District Local Plan.

13. No external lighting shall be installed to the delivery yard until full and precise details have been submitted to and approved by the Local Planning Authority to include the following:

- A statement setting out why a lighting scheme is required, and the frequency and length of use in terms of hours of illumination during the summer and winter.
- A site survey showing the area to be lit relative to the surrounding area, the existing landscape features together with proposed landscaping features to mitigate the impacts of the proposed lighting.
- Details of the make and catalogue number of any luminaires/floodlights.
- Size, type and number of lamps fitted within any luminaire or floodlight.
- The mounting height of the luminaires/floodlights specified.
- The location and orientation of the luminaires/floodlights.
- A technical report prepared by a qualified Lighting Engineer demonstrating the light spillage (vertical illumination level) at the site boundary and the windows of all nearby dwellings.

The approved scheme shall be constructed and installed in full accordance with the approved details and shall thereafter be maintained in full accordance with the approved details. To enable the scheme to be assessed the following information must be supplied to the LPA.

Reason: In the interests of residential amenity, in accordance with Policy GD1 of the Wear Valley District Local Plan.

14. Within 6 months of occupation a final Travel Plan, conforming to the National Specification for Workplace Travel Plans, PAS 500:2008, bronze level, shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Travel Plan must be implemented for the lifetime of the development.

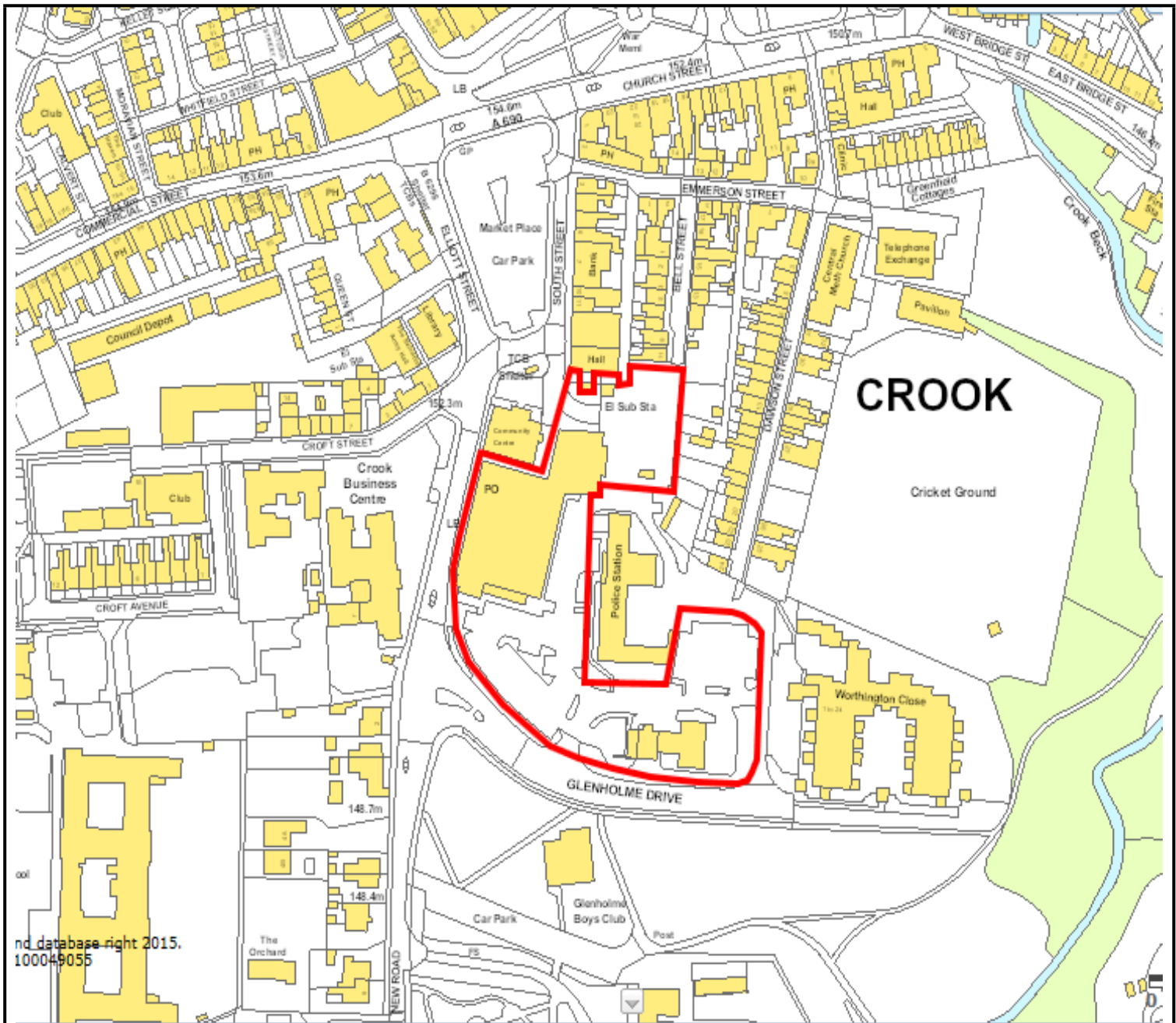
Reason: In the interests of protecting and exploiting opportunities for sustainable travel and in order to comply with Paragraphs 35 and 36 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its recommendation 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) (CC) 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
- National Planning Policy Framework
- National Planning Policy Guidance
- Wear Valley District Local Plan 1997
- The County Durham Plan (Submission Draft)
- Statutory, internal and public consultation responses



Planning Services

Demolition of existing food store and petrol station, and erection of a replacement food store (Class A1) and associated works at Former Co-Op, New Road, Crook (DM/15/01961/FPA)

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Comments

Date September 2015

Scale Not to scale