

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03433/FPA
FULL APPLICATION DESCRIPTION:	Erection of food retail store with associated vehicular, pedestrian and cycle access; car parking and landscaping.
NAME OF APPLICANT:	Aldi Stores Ltd
ADDRESS:	Site Of Former Council Depot Queen Street Crook DL15 8QQ
ELECTORAL DIVISION:	Crook
CASE OFFICER:	Graham Blakey. Senior Planning Officer, 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site

1. The application site measures 0.84ha in area and is located within Crook town centre, adjacent to the Market Place. The brownfield site comprises areas of concrete hardstanding, formerly a Council depot, and a grassed area to the eastern part of the site which was remediated following demolition of a small terrace of dwellings. Site access is currently provided via Elliot Street, with footpath links from the south and west. To the north lies the rear of properties on Commercial Street, some of which take access via the route from Elliot Street. Most of the demolition work has taken place in the recent past since 2015. Little level change is evident across the site; however, the Market Place to the east is around a metre higher than the main body of the site to the west.
2. The site is bounded by built development to all sides to some degree, of which residential properties make up around 50%. The remaining buildings are commercial or social in nature and are a cross section of public houses, social clubs, shops, business centre and Salvation Army hall. High walls form the boundaries of the site to the north and also to the properties of Croft Terrace to the south.
3. Crook Conservation Area encircles the application site to most sides and includes the easternmost part of the site (encompassing the Salvation Army Hall and former terraced dwellings). All properties to the north (Commercial Street) and to the south east (Croft Street) are within the conservation area. There are no statutory or locally designated landscapes or ecological sites that would be affected by the proposals. No recorded public rights of way are contained within or adjacent to the application site.

Proposal

4. Planning permission is sought for the erection of a retail food store that would provide 1,7291sqm of internal floor space. The building would measure a maximum of 58m in length by 31m in width and the flat roof would have a maximum height of 5.5m. The building would be rendered white with a glazed entrance feature on the corner of the eastern and southern elevations. High level windows would be located on the southern elevation, along with a projecting canopy feature which would also wrap around to the eastern elevation.
5. The proposed development would utilise the existing access from the B6298 Elliot Street to the east, which would allow two way vehicular flow and accessibility for HGV's and to serve 94 car parking spaces. A vehicle loading and servicing area would be provided to the north side of the building. Landscape planting is proposed around the perimeter of the site along with a new 2.4 metre high timber fence with acoustic boarding in places to the northern boundary (rear of Commercial Street).
6. This application is being reported to the South West Planning Committee as it is classed as a major development.

PLANNING HISTORY

RELEVANT PLANNING HISTORY

7. In 2015 planning permission was granted for the demolition of 1-5 Queen Street and former Baptist Church (DM/15/00544/FPA).
8. In 2014 planning permission was granted for the demolition of a former bank and library buildings facing on to Elliot Street (3/2013/0439).

PLANNING POLICY

NATIONAL POLICY

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead 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'.
10. 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 below. The following elements of the NPPF are considered relevant to this proposal;
11. *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 a low carbon future.

12. *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.
13. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
14. *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.
15. *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.
16. *Part 10 – Climate Change.* 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 and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
17. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
18. *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.

LOCAL PLAN POLICY:

Wear Valley District Local Plan (1997) (WVLP)

19. *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.
20. *Policy BE6 (New Development and Alterations in a Conservation Area)* – Development which does not preserve or enhance the Conservation Area in terms of scale, design, colour and materials will not be allowed.
21. *Policy S1 (Town Centres)* – Seeks to maintain and protect town centres, through the restriction of uses.
22. *Policy S6 (Retailing in Crook)* – States that within the shopping area of Crook, that retail and office uses will be approved.
23. *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 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>

RELEVANT EMERGING POLICY:

24. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

25. *Highway Authority* – Offer no objection, advising that the submitted Transport Assessment is considered sound, and that the development can be satisfactorily accommodated on the highway network. The site is well located to encourage sustainable travel modes and the pedestrian permeability to the south and west is welcomed. Visibility at the main access south along Elliot Street is just acceptable and would be required to be kept clear. Part of the proposed car park and internal road is currently adopted public highway and would be required to be ‘stopped up’ under S.247. Conditions in relation to the implementation of the travel plan, cycle parking and electric vehicle (EV) charging points are recommended.
26. *Drainage and Coastal Protection* – Offer no objection to the proposed methods of surface water attenuation set out in the submitted Flood Risk Assessment.

INTERNAL CONSULTEE RESPONSES:

27. *Spatial Policy* – Offer no objections advising that the site is within the Crook Town Centre boundary, as defined by Policy S1 of the WVDLP. Despite being adopted 20 years ago, the town centre boundaries still accurately depict Crook town centre and the approach of defining town centre boundaries. The frontage of the site is located within the defined shopping area (Policy S6 of the WVDLP). The principle of retail within this location is therefore wholly consistent with the existing Local Plan and more up to date policy within the NPPF. The sequential and impact tests identified in Paragraphs 24 to 26 of the NPPF are not applicable.
28. *Design and Conservation*– Raise no objection. It is highlighted that one third of the site is within the Crook Conservation Area. The position of the building has taken into account the significance of the heritage asset to the north and east and most especially the attention to detail in the landscaping and boundary treatment adjacent to the Market Place. Overall, in heritage terms the proposal is considered to offer positive benefits in improving the appearance of the conservation area and rejuvenating a prominent vacant site in an acceptable manner integrating it into the conservation area. At present the significance of the site is described by officers as neutral to detrimental but it is noted that the relationship to the wider conservation area would be improved as a result of the proposal as would the setting of non designated heritage assets. Materials should be controlled by condition.
29. *Environment, Health & Consumer Protection (Land Contamination)* – Advise that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations.
30. *Environment, Health & Consumer Protection (Noise Action Team)* – Raise no objections advising the submitted noise impact assessment is considered sound. While noise generated from the movement of cars would be within acceptable levels there would inherently be some disturbance due to the proposed late opening times. Concerns are raised regarding the proposed 24 hour delivery model given the lack of background noise levels of the site during the night. A condition limiting the delivery hours is recommended. In relation to light pollution a lighting assessment has been produced, however further clarification is sought in relation to the calculation of light spill, it is recommended to address this matter by condition. Further conditions in relation to the specification of plant to be installed, the implementation of a proposed acoustic fence and to control construction related impact are recommended.
31. *Landscape* – Advise that the proposed landscaping scheme requires refinement but is in principle acceptable. It is recommended that finer details of landscaping be agreed by way of condition.
32. *Travel Planning*– Offer comments on the submitted travel plan, advising these should be addressed through a conditional approach.
33. *Access and Rights of Way* – Advise that there are no recorded rights of way across or adjoining the application site.
34. *Climate Change and Sustainability* – Offer no objection and support the measures to reduce emissions demonstrated by the applicant.

NON STATUTORY EXTERNAL CONSULTEE RESPONSES:

35. *Northumbrian Water* – Raise no objections. Request the submitted Flood Risk Assessment form part of the approved documents.

PUBLIC RESPONSES:

36. The application has been advertised by means of individual notification letters, site notice and press notice. 100 representations have been received of which 97 were letters of full support and are summarised below.

Support

- The regeneration and economic benefits of the developments are highlighted.
 - Benefits of providing competition and range of goods,
 - Proximity to existing residential areas and accessibility.
 - Job opportunities in construction and operation phases.
37. The remaining 3 representations offered support in principle but raised queries over other aspects of the proposal. In summary their concerns were:
- The design of the store should be in keeping with the local vernacular and not a modern warehouse like other sites in the town.
 - The extra traffic generated by the proposal should be accommodated.

APPLICANTS STATEMENT:

38. The proposed store will create up to 30 new jobs for local residents as well as additional employment during the construction phase. The development brings new investment into the area with the redevelopment of a brownfield site which will enhance the overall image of the area.
39. The proposed food store is accessible by a choice of means of transport other than the car being in a town centre location and has good accessibility for pedestrians and cyclists. The Transport Assessment demonstrates the development is acceptable in highways terms and no road safety problems have been identified. In response to comments received, the access to the store from Elliot Street has been further improved with improved junction radii.
40. The design and layout of the proposed development has been carefully considered to ensure it sits comfortably within the surrounding conservation area and residential context. There is strong local support for a new Aldi Neighbourhood Foodstore which has been demonstrated through the public consultation exercise with 98% of respondents either supporting the proposals outright or with some minor comments.
41. In conclusion, the proposed development is a sustainable development, located within the town centre of Crook nearby residential areas, with overwhelming support for the scheme. The construction and operation of the food store will be undertaken in a sustainable manner and deliver jobs and investment in the local community. In line with Aldi's standard store development, the store will create 100% of its heating requirements through reuse of energy otherwise lost from refrigeration. The company also adopts LED lighting throughout the store as standard and provides photovoltaic panels on the roof to minimise electricity requirements.
42. Overall, it has been clearly demonstrated that the proposed new Aldi store is sustainable development and therefore should be granted planning permission, being in accordance with the local policies of the development plan and the NPPF.

PLANNING CONSIDERATIONS AND ASSESSMENT

43. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, design and impact upon heritage assets, residential amenity, access and highway safety issues, flooding and drainage and other issues.

Principle of Development

44. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Wear Valley District Local Plan (WVDLP) remains a statutory component of the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
45. WVDLP Policy S1 identifies the role of Bishop Auckland and Crook town centres as the main retailing centres within the former district of Wear Valley, where the majority of major retail developments should be located. New retail development within town centres are subject to the provisions of WVDLP Policy S6 in relation to Crook; whereby uses A1, A2 and in some circumstances A3 are considered appropriate where proposed in the main shopping areas as identified on the proposals map. This approach is more restrictive than that set out by Paragraph 23 of the NPPF and the supporting Annex 2, whereby a wider range of services and uses are deemed appropriate in a town centre location. Regardless, the general approach of Policies S1 and S6 to directing retail development into the town centres would still carry substantial weight in the decision making process for this proposal, in that this aspect is broadly consistent with the NPPF's 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.
46. As such, the principle of the proposed development is considered to be in accordance with the Wear Valley District Local Plan,

Design and Impact upon Heritage Assets

47. In terms of the context of the application site, it is partly within the Crook Conservation Area for the eastern third of the site and borders it to all other boundaries (except to the extreme south and west) and therefore has the potential to affect its significance as a designated heritage asset. In assessing the proposed development regard must be had to the statutory duty imposed on the Local Planning Authority under the

Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area. NPPF Paragraph 134 states that where a development proposal would lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

48. WVDLP Policy BE6 defines appropriate development within Conservation Areas, whereby scale, design, colour and materials should all preserve or enhance the Conservation Area. WVDLP Policy GD1 sets out that development should reflect the scale and character of the surrounding area and achieve a high standard of landscaping which relates well to the natural and built environments. These Policies are considered compliant with the NPPF which also requires that development contributes to and enhances the natural and local environment under Part 11, while Part 7 states that good design is a key aspect of sustainable development and is indivisible from good planning. Significant weight can therefore be afforded to these WVDLP Policies in this respect.
49. 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. The site also sits within the setting of buildings identified within the adopted conservation area character appraisal as being notable unlisted buildings (non-designated heritage assets), primarily the former Board School to Croft Street; however, such buildings would not be adversely affected by the proposals.
50. The site was previously occupied in part by a range of buildings, many of which were in the conservation area and of differing quality and age. The loss of these buildings has previously been accepted and a number have already been appropriately recorded and removed. The site is mostly closed off from public access with the remaining part utilised for informal parking for the Town Centre. In its present condition, the Design and Conservation Officer considers that the significance of the site would be described as 'neutral to detrimental'.
51. Demolition works have opened the eastern facing aspect of the application site on to Elliot Way, the Market Place and the Conservation Area, producing the main key aspect of the proposals from town centre and the Conservation Area. The application proposes a modern, purposeful building to the west, with car parking occupying the eastern part of the site. This would minimise the visual impact of the new building and detach it to some degree from the heritage asset and surrounding townscape. On this basis, the Design and Conservation Team consider the scale, massing and design to be acceptable subject to a review of specific building materials for the new building by way of condition.
52. The submission has acknowledged the interface between the application site and the wider town centre where the two meet at Elliot Street. An attempt to provide a sympathetic frontage with upgraded boundary treatments is welcomed by the Design and Conservation Team, with the dwarf wall and railings proposed screening parked cars and re-integrating the site back into the Market Place. A request for details of the proposed materials to be utilised in the boundary treatment by the Design and Conservation Team is considered appropriate by condition given the sensitivity of the boundary within the conservation area. Based upon the above, the Design and Conservation Team have no objections to the proposals in terms of impact upon the heritage asset and from the design of the new development.
53. Overall, the re-development of the site would address a key site within the town centre of Crook. The proposed building would be fit for purpose and the development overall

would be a positive addition to the town by regenerating the application site. The site would provide a better relationship to the wider conservation area and the setting of non-designated heritage assets nearby. Consideration has been given to the requirements of Paragraph 134 of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the impact of the proposed development on the conservation area. It is not considered that the proposal would cause harm to the conservation area rather it would bring positive benefits to its character and appearance.. The proposal would therefore be considered to accord with WVDLP Policies GD1 and BE6 and Parts 7 and 11 of the NPPF.

Residential Amenity

54. WVDLP Policy GD1 requires new development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. This Policy is considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Part 11 of the NPPF seeks to avoid noise from giving rise to significant new impacts. No objections have been raised by neighbouring properties to the proposed development.
55. The closest residential properties to the proposed store are those to Commercial Street to the north; however, residential properties are present to all four sides of the application site. As such, broad impacts from the store are likely to be felt by the residential occupiers amongst these buildings. Primarily, the general impacts associated with the store operation such as vehicle movements of customers, operation of machinery and plant and deliveries. The store proposes opening hours of 8am to 10pm Monday to Saturday, and between 10am and 6pm on Sundays and Bank Holidays. These times are comparable to similar uses in the vicinity, including a neighbouring supermarket, public houses and other commercial premises, and as such are deemed appropriate. Whilst it is advised that the noise generated from the movement of cars would be within acceptable levels there would inherently be some disturbance, particularly due to the proposed late opening times (10pm Monday – Saturday), this would not be considered to cause a significant adverse effect in accordance with WVDLP Policy GD1. A conditional approach to restrict opening times beyond those stated would be prudent to protect the amenity of nearby occupiers.
56. The design of the proposed retail store would see the delivery bay and plant compound along the north elevation of the building. Here the site becomes compact and there is around 25 metres between the delivery bay / plant and the rears of the properties of Commercial Street, which has a mixture of tenures from residential to commercial. The applicant has provided a Noise Impact Assessment in support of the proposals which has resulted in mitigation proposed in the form of acoustic fencing to segments of the northern boundary to protect the amenity of the residents beyond.
57. The Noise Impact Assessment has been reviewed by the Council's Environmental Health and Consumer Protection Officers and they are concerned that the assessment does not cover the overnight period and so have raised concerns in regard to potential 24 hour delivery times for the proposed store. Officers have propose that a condition be included that restricts delivery times to one hour either side of the opening hours of the store and so protect the amenity of the neighbouring properties, in keeping with WVDLP Policy GD1.
58. External lighting is proposed to the site, however, no detail has been provided with the application. Following discussions with the applicant and Environmental Health and

Consumer Protection officers it is considered appropriate to agree the detail by way of an appropriately worded condition to ensure that lighting levels and spillage are suitably controlled. Environmental Health and Consumer Protection officers are satisfied that an acceptable lighting scheme can be achieved on site.

59. While recognising that the Environment, Health and Consumer Protection officers have additional controls outside of planning that deal with noise nuisance and other construction related disturbances, given the proximity of neighbouring residential properties some form of control is considered necessary. A condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties would therefore be appropriate.
60. Overall, whilst it is recognised that there would be some reduction in the level of amenity experienced by surrounding residential properties in relation to the proximity of the development and its operation, it is considered that this can be controlled to an acceptable level through appropriate planning conditions. No objections are raised by Environment, Health and Consumer Protection officers subject to such conditions. The development is therefore considered to comply with WVDLP Policy GD1 and Parts 8 and 11 of the NPPF in this respect.

Access and highway safety issues

61. WVDLP Policy T1 requires that development proposals provide adequate means of access onto the wider highway network and seeks to protect highway safety in terms of vehicle movements and traffic generation. This Policy is considered compliant with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application (Part 4 of the NPPF). Concerns over local highway capacity of the road network to accommodate additional flows and the resultant impact on highway safety have been raised by a local resident.
62. The proposed development would utilise the pre-existing vehicular access from Elliot Street (B6298), which would allow two way vehicular flow and accessibility for HGV's. Parking would be laid out between the store and access, providing 94 spaces, including 2 electric vehicle charging points, 5 disabled spaces and 8 parent and child spaces.
63. A Transport Assessment has been submitted that considers the impact of the development on the surrounding road network. The Highway Authority advise that the assessment is considered sound, agreeing with the conclusion that the trips generated by the development can be accommodated by the immediate highway network. Site visibility for vehicles exiting the site would be just within acceptable levels when looking to the south along Elliot Street; however, the proposed landscaping to the front of the store would lie within the visibility splay. An appropriately worded condition to ensure the splay is preserved in the future would ensure visibility is maintained. Subject to this, the Highway Authority is satisfied that the development can be served by an appropriate means of access. The presence of adopted public highway that formed Queen Street and the surrounding area in the past would require removal from the adopted highway network and associated amendments to traffic orders. A conditional approach to ensure that necessary works and amendments are undertaken would be appropriate in this instance. It is also recommended that conditions are imposed to secure the provision of electric vehicle charging points and cycle parking, and the sealing of existing vehicular accesses to Croft Street to the south of the site.
64. Travel Planning officers have reviewed the submitted Framework Travel Plan, which is largely considered to be sound, subject to minor amendments. It is considered that

this matter can be dealt with by condition, along with securing the implementation of a travel plan coordinator to secure sustainable travel objectives.

65. Overall, based on the advice of the Highway Authority the proposal would be served by an appropriate means of access and traffic generated can be accommodated on the wider highway network. The internal layout is considered acceptable, while sufficient car parking is provided across the scheme. Subject to the recommended conditions the proposal is considered acceptable in highways terms and complies with WVDLP Policy T1 and Part 4 of the NPPF.

Flooding and Drainage

66. Part 10 of the NPPF, in reference to flooding, directs Local Planning Authorities to guard against flooding and the damage it causes. Part 11 of the NPPF takes account of the impact of any development upon the natural environment. WVDLP GD1 follows the requirements of the NPPF in regard to the above in ensuring new development does not increase flood risk. This policy is therefore consistent with the aims of the NPPF as a result. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. A mains sewer connection is proposed for both foul and surface water connections as the FRA has identified that the nearest watercourse, the Crook Burn, is not a viable means of connection due to distance from the site. In accordance with NPPF requirements, surface water runoff would be restricted to greenfield rates through the use of Sustainable Urban Drainage Systems (SUDs). In this instance underground storage tanks and permeable paving is proposed in light of the relatively small and compact size of the site (0.883Ha). The inclusion of the SUDs attenuation tank would cater for a 1 in 100 year flood event without flooding beyond the confines of the site. Foul water discharge would be considered domestic in nature and would be discharged unrestricted in to the existing network.
67. The Council's Drainage and Coastal Protection officers offer no objection to the proposed methods of surface water attenuation set out in the FRA. Northumbrian Water also offers no objections subject to the implementation of the proposed drainage scheme. As such, the proposed drainage scheme is considered to comply with WVDLP Policy GD1 and Parts 10 and 11 of the NPPF in this respect.

Other Issues

68. In relation to land contamination the applicant has submitted a phase 1 desk study report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report the Council's Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations.
69. Planning plays a key role in helping to reduce greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. The development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures. The applicant has submitted a sustainability statement setting out how this would be achieved, including reducing energy demand, the recovery of waste heat of chiller units and utilising sustainable building materials. The Council's Sustainability and Climate Change officers have reviewed this statement and offer no objections to the development. A condition to ensure this strategy is implemented is recommended.

CONCLUSION

70. The NPPF sets out that there are three dimensions to sustainable development, the economic, social and environmental roles and these roles should not be taken in isolation because they are mutually dependant. It also supports retail development in town centres as well as the protecting and enhancing conservation areas. Policies within the WVDLP are not considered out-of-date with regard to these requirements.
71. The proposed retail store is within Crook town centre, a location where retail development is directed by the development plan and so is considered acceptable in principle, in accordance with the development plan. The scheme would also create the equivalent of 30 full time employment positions once the store is operational. The development would therefore contribute significantly to the economic and social dimensions of sustainable development.
72. Given its location consideration has been given to the impact of the proposal on the Crook Conservation Area. It is considered that the retail store would result in a positive contribution to the conservation area and its setting through redevelopment of a key site in the town centre of Crook with no resultant harm.
73. Whilst it is recognised that there would be some reduction in the level of amenity experienced by surrounding residential properties in relation to the proximity of the development and its operation, this is not considered to be at a level sufficient to warrant refusal of the planning application on its own and is controlled by condition.
74. Subject to the attached conditions the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network. The scheme would not increase the risk of flooding elsewhere.
75. The proposal has generated some public interest, with the significant majority of responses in support of the development. Concerns expressed regarding the proposal have been fully taken into account, along with those in support, and carefully balanced against the scheme's wider social, economic and environmental benefits. However, they are not considered to raise issues that justify planning permission being withheld.
76. In summary, the scheme is considered to represent sustainable development when considering its three component dimensions as set out in the NPPF in accordance with relevant Wear Valley District Local Plan policies. Therefore, in accordance with the decision-taking requirements of Paragraph 14 of the NPPF, the development should be approved without delay.

RECOMMENDATION

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

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

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

27/10/2016 0258 – AL(0)01 Rev PL1 – Site Location Plan
25/11/2016 0258 – AL(0)03 Rev PL2 – Proposed Site Plan
27/10/2016 0258 – AL(0)04 Rev PL1 – Proposed Floor Plan
27/10/2016 0258 – AL(0)05 Rev PL1 – Proposed Roof Plan
27/10/2016 0258 – AL(0)06 Rev PL1 – Proposed Elevations
27/10/2016 0258 – AL(0)07 Rev PL1 – Proposed Streetscape Elevations
25/11/2016 0258 – AL(0)08 Rev PL2 – Proposed Landscaping Plan
27/10/2016 0258 – AL(0)09 Rev PL1 – Proposed Eastern Boundary
27/10/2016 14659-3E-00-XX-DR-C-0001 Rev P1 – Preliminary Drainage Layout

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GD1, BE1, BE6, S1, S6 and T1 of the Wear Valley District Local Plan and Parts 1, 2, 4, 7, 8, 10, 11 and 12 of the NPPF.

3. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. Overall strategy for managing environmental impacts which arise during construction;
2. Measures to control the emission of dust and dirt during construction;
3. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure;
4. Designation, layout and design of construction access and egress points;
5. Directional signage (on and off site);
6. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
7. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
8. Routing agreement for construction traffic.
9. Storage of plant and materials used in constructing the development;
10. The erection and maintenance of security hoarding/fencing including decorative displays and facilities for public viewing, where appropriate;

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: In order to protect the amenity of neighbouring residents from commencement of the development in accordance with Policies GD1 and T1 Wear Valley District Local Plan and Parts 4, 8 and 11 of the NPPF.

4. Prior to the commencement of any part of the development hereby permitted a scheme to deal with contamination shall be submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections (a), (b), (c) or (d) are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement

- (a) Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.
- (b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion

- (c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.
- (d) 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. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and for the Local Planning Authority 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 details are required in advance of work commencing on site in accordance with NPPF Part 11.

- 5. Within three months of the commencement of the development a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. 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 and Parts 7, 8, 11 and 12 of the NPPF.

6. Within one month of the commencement of the development, details of the materials to be used in the construction of the main store building and eastern boundary wall shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the works shall be carried out in accordance with the approved plans.

Reason: In the interests of the visual amenity of the area and to comply with Policy GD1 of Wear Valley District Local Plan and Parts 7, 8, 11 and 12 of the NPPF.

7. Within one month of 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 Wear Valley District Local Plan and Parts 7 and 12 of the NPPF.

8. Prior to the retail store hereby approved being brought into use, the site visibility splay to the Elliot Street access, as depicted on proposed site plan (ref: 0258 –AL(0)03 Rev PL2), shall be made available and all times thereafter with no obstruction to visibility greater than 1.05m in height above the Elliot Street carriageway.

Reason: In the interests of highway safety in accordance with Policy T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.

9. Prior to the retail store hereby approved being brought into use, the existing vehicular accesses to Croft Street shall be removed and reinstated as public footpath in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the works shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy T1 of the Wear Valley District Local Plan and Part 4 of the NPPF.

10. Prior to the retail store hereby approved being brought into use, the 2 no. electric vehicle charging point car parking spaces shall be created and be fully operational. The spaces thereafter shall only be solely for the use for the charging and parking of electric motor vehicles.

Reason: In the interests of promoting sustainable travel in accordance with Policy GD1 of the Wear Valley District Local Plan and Parts 4 and 8 of the NPPF.

11. Prior to the retail store hereby approved being brought into use the on-site cycle parking facilities depicted on the proposed site plan (ref: 0258 –AL(0)03 Rev PL2) shall be installed and all general car parking spaces shall be made available for use. The cycle parking facilities shall be retained in perpetuity.

Reason: In the interests of highway safety and the promotion of sustainable transport in accordance with Policy GD1 of the Wear Valley District Local Plan and Parts 4 and 8 of the NPPF.

12. Within 6 months of occupation of the retail store hereby approved, 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. The plan shall then be implemented and monitored in accordance with Local Authority Guidance.

Reason: In the interests of promoting sustainable travel in accordance with Policy GD1 of the Wear Valley District Local Plan and Parts 4 and 8 of the NPPF.

13. 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 and Parts 8 and 11 of the NPPF.

14. Prior to the store hereby approved being brought into use the acoustic fencing adjacent to the delivery bay detailed in the Noise Impact Report compiled by Environmental Noise Solutions Limited dated 21st October 2016 shall be installed. The fencing shall thereafter be retained for the life time of the use.

Reason: In the interests of residential amenity in accordance with Policy GD1 of the Wear Valley District Local Plan and Parts 8 and 11 of the NPPF.

15. The retail store hereby approved shall only be open to members of the public between the hours of 08:00 and 22:00 Monday to Saturday and 10:00 and 18.00 Sunday.

Reason: In the interests of residential amenity in accordance with Policy GD1 of the Wear Valley District Local Plan and parts 8 and 11 of the NPPF.

16. Deliveries to the store shall not be undertaken before 07:00 or after 23:00 Monday to Saturday or before 09:00 or after 19:00 Sundays.

Reason: In the interests of residential amenity in accordance with Policy GD1 of the Wear Valley District Local Plan and parts 8 and 11 of the NPPF.

17. No external lighting shall be installed 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.

Reason: In the interests of residential amenity in accordance with Policy GD1 of the Wear Valley District Local Plan and Parts 8 and 11 of the NPPF.

18. Both foul and surface water drainage shall be carried out in accordance with submitted 'Flood Risk Assessment and Drainage Statement' (ref: 14659-3E-00-XX-RP-C-9000) received 27th October 2016.

Reason: In the interests of flood prevention in accordance with Part 10 of the NPPF.

19. All energy production and consumption reduction measures shall be carried out in accordance with the 'Sustainability Statement' dated June 2015 and received 27th October 2016.

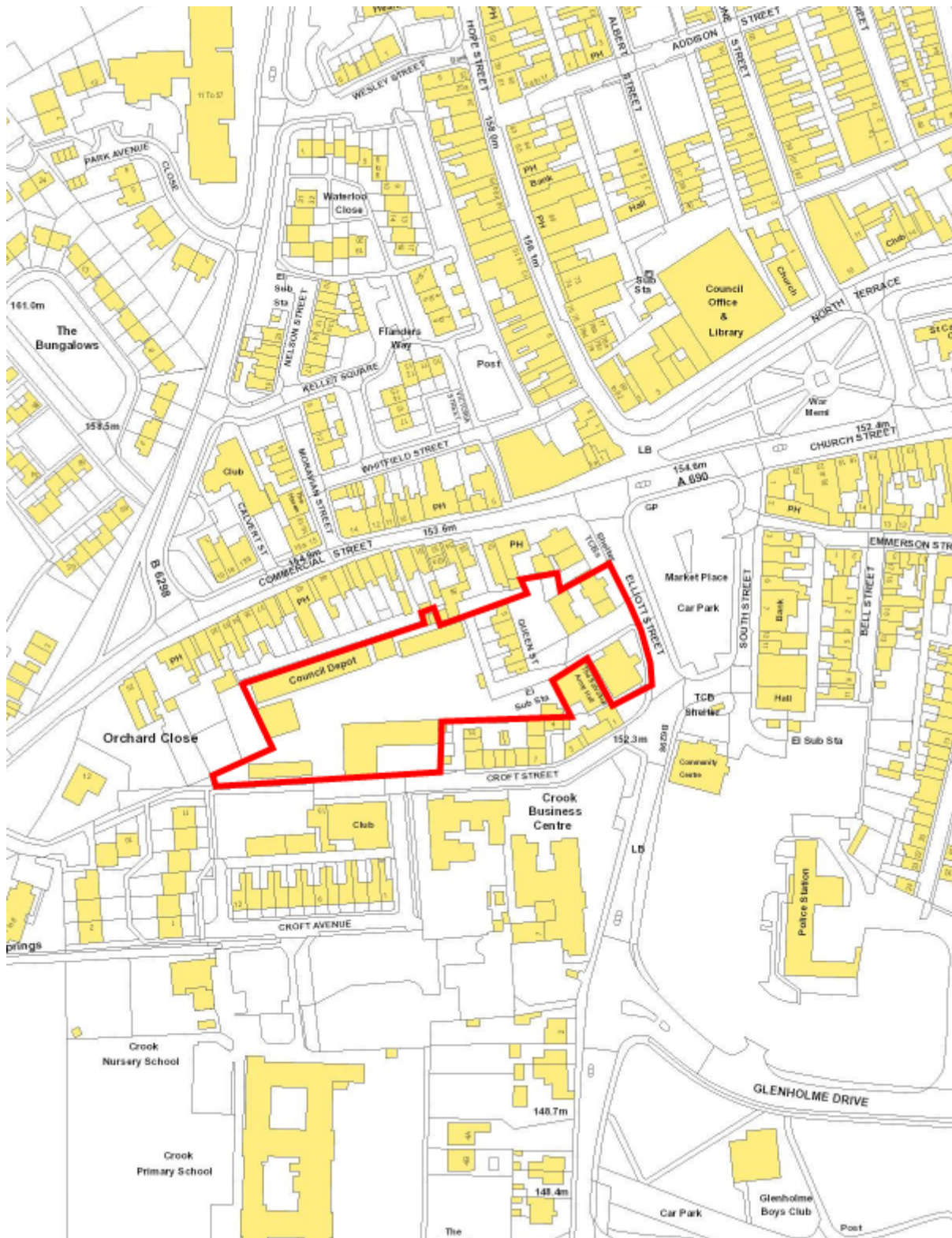
Reason: In the interests of sustainable development in accordance with Part 10 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this 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.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- District of Wear Valley Local Plan 1997.
- Statutory, internal and public consultation responses.



Planning Services

Erection of food retail store with associated vehicular, pedestrian and cycle access; car parking and landscaping. Site Of Former Council Depot, Queen Street, Crook, DL15 8QQ (DM/16/03433/FPA)

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Comments

Date 19th January 2017

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