

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/00040/FPA
FULL APPLICATION DESCRIPTION:	Demolition of existing public house and erection of 1no. retail unit (class A1) and 1no. hot food takeaway unit (class A5)
NAME OF APPLICANT:	Sanjeev Vadhera, Northeast Convenience Stores
ADDRESS:	The Aclet Hotel, Watling Road, Bishop Auckland, DL14 6PW
ELECTORAL DIVISION:	Woodhouse Close
CASE OFFICER:	Amy Williamson, Planning Officer, 03000 261391, amy.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to a former public house, which closed in 2017, situated on the western side of Watling Road within the Woodhouse Close estate in Bishop Auckland. Areas of hard standing lie to the north and south of the building and a former garden area lies to the west.
2. The former public house is a detached, two storey building, of brick construction with a slate roof. The building was damaged by a previous fire and is now boarded up. It is enclosed to the north and east sides with a low height brick wall and by metal palisade fencing to the south and west. The site has 2 no. points of vehicle access off Abbey Road and Brooklands to the north and south of the building respectively.
3. The site is surrounded by residential properties to all sides. It is set back around 27m from Watling Road and fronts on to Brooklands with a small community garden on intervening land. To the rear of the site a grassed strip and area of hard standing separate the application site from dwellings on Aclet Close to the west. A footpath, which is not a designated public right of way but forms part of the adopted highway, runs along the southern boundary of the site from Brooklands to Aclet Close.
4. Planning permission is sought for demolition of the former public house building and erection of a new convenience store and hot food takeaway on the site.
5. The convenience store would provide 280 square metres of retail floorspace. It would be positioned to the western part of the site, in a rectangular form on a north – south orientation. Externally the building would be finished in red brick and white composite cladding. The roof would have hips to the northern and southern ends and above the main entrance and would be finished in grey concrete tiles. The east side of the building would have a glazed shop front and ATM machine.
6. The detached hot food takeaway building would be positioned to the south of the convenience store beyond the service access and would have a floor space of 106

square meters. It would be constructed from the same palette of materials as the convenience store and would have an east – west orientation, with a glazed shop front to the east elevation and hip to either end of the roof.

7. The shop would be open from 7am – 10.30pm on all days and the hot food takeaway 11am – 10pm Sunday to Thursday and 11am – 11pm Fridays and Saturdays. Deliveries to both units would take place 7am – 6pm Monday to Saturday with no deliveries on Sundays and bank holidays other than newspapers.
8. Plant and bin storage would be to the rear of the buildings and enclosed by a 3m high weld mesh fence. A service access for deliveries would be positioned between the two buildings, with doors to the respective elevations of the buildings to facilitate deliveries. Existing boundary treatments around the site would be retained.
9. Vehicle access would be taken from the existing access off Brooklands to the southern part of the site which would be widened. 29 no. car parking spaces, including 3 no. disabled bays would be provided in front of the units and 4 no. cycle parking loops would be positioned adjacent to the shop frontage. A pedestrian link to the existing footpath along the eastern boundary of the site would be provided. A series of vehicle impact resistant bollards to PAS68 standard would be installed along the shop frontage. The area immediately in front of the units would be paved and areas of soft landscaping would be provided on the eastern side of the site. Litter bins would be provided outside both units.
10. A new pedestrian crossing on Watling Road would be provided in association with the development and contributions of £10,000 would be paid towards this by the applicant, secured via a S106 agreement.
11. A plot immediately to the north of the application site is within the applicant's ownership as outlined in blue on the site location plan but is not subject to the current application.
12. The application is being reported to the Planning Committee at the request of Cllr Tanya Tucker given the significant amount of local objection and Bishop Auckland Town Council who raise concerns about the impacts on health, deprivation and obesity, odour, noise, traffic generation, litter, antisocial behaviour, residential amenity and the need for the development.

PLANNING HISTORY

13. Previous planning permissions at the site relate to minor alterations to the former public house and its curtilage during the 1990's.

PLANNING POLICY

NATIONAL POLICY

14. 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 dependent.

15. 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'. The following elements of the NPPF are considered relevant to this proposal;
16. 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.
17. 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.
18. 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.
19. 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.
20. Part 8 - Promoting healthy communities. The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning.
21. Part 10 – Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Inappropriate development in areas at risk of flooding should be avoided.
22. Part 11 – Conserving and enhancing the natural environment. The planning system should contribute to and enhance the natural and local environment by 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.

LOCAL PLAN POLICY:

23. The development plan is the Wear Valley District Local Plan saved policies:
24. 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.
25. Policy H20 – Alternative Uses within Residential Areas – Within existing residential areas uses including shops, offices, light industry, leisure and recreation, residential

institutions and hotels, doctors surgeries and health centres may be appropriate. When considering uses in residential areas regard should be given to safeguarding the amenity of existing residents, the scale and character of the proposal, potential for expansion and intensification and potential traffic and parking generation.

26. Policy S1 - Town Centres - The District Council will seek to maintain and protect the town centres of Bishop Auckland and Crook as identified on the Proposals Map as the major retailing centres in the District.
27. Policy S11 – Hot Food Takeaways – Proposals for hot food takeaways will be allowed in existing shopping areas provided there are no adverse impacts to the amenity of neighbouring residents, unacceptable levels of traffic, undermine the vitality and main function of existing retail areas and conflict with other local plan policies.
28. Policy T1 – General Transport Policy - Sets out that 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/3403/Wear-Valley-local-plan-saved-policies/pdf/WearValleyLocalPlanSavedPolicies.pdf>

RELEVANT EMERGING POLICY:

29. The County Durham Plan
30. 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.

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

31. *Bishop Auckland Town Council* – Object to the application stating that the proposal would create a new shopping area in a residential area already served by shops and takeaways at Proudfoot Drive and Tindale Crescent. The amenity of neighbouring residents, including elderly people and users of Aclet Close Nursery School, would be adversely affected. Unacceptable levels of traffic, particularly within the Woodhouse Close estate, would be generated. A multi use games area a short distance from the site suffers from regular antisocial behaviour and there is concern

that individuals responsible for this would be attracted by the hot food takeaway. There are significant issues of poor health and deprivation in the local community which may be affected by the takeaway. Issues of odour, noise and litter would be generated and there is already an over concentration of similar uses in the area.

32. *Highways Authority* – No objections subject to a S106 agreement to secure contributions of £10,000 to provide a new pedestrian crossing over Watling Road in front of the site to facilitate access over the highly trafficked road from housing estates to the east on foot, as it is considered the development is likely to be a significant draw within the locality beyond the previous demand for the former public house.
33. *Police Architectural Liaison Officer* – Note there is an urgent need for the site to be redeveloped given previous episodes of fire and breaking in, but also express concerns about the proposed use of the site, loss of amenity to neighbouring residents and potential for migration of antisocial behaviour from other parts of Woodhouse Close estate. A number of measures were suggested to reduce potential for crime and nuisance including a closing time of no later than 11pm, regulation of delivery times, no recessed or overhanging canopies providing shelter, open aspect to the car park, no free wifi, CCTV outside the buildings, 3m high weldmesh fence around rear service areas and vehicle impact resistant bollards to front of buildings to prevent attempted theft of ATM. Following the submission of amended plans and additional information incorporating the above amendments, further comments were received advising that the amendments were a positive move and should help with the overall sustainability of the business. It was further advised the 3m high weldmesh fence should be to 358 anti climbing specification.

INTERNAL CONSULTEE RESPONSES:

34. *Contaminated Land* – No objections
35. *Ecology Section* – No objections
36. *Environmental Health (Nuisance)* – No objections subject to conditions restricting working hours during the construction phase and agree details of plant, ventilation/extraction equipment and external lighting.
37. *Spatial Policy* – The content of the submitted Retail Impact Note is acknowledged and the proposed retail unit is not considered to cause material harm to the town centre. In terms of the hot food takeaway, in order to comply with relevant planning policies it would need to be demonstrated that it would not have an unacceptable impact on the amenity of existing residents.
38. *Tree Officer* – No objections

PUBLIC RESPONSES:

39. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. At the time of preparing this report, a petition from 29 no. local residents opposed to the development and 10 no. letters of objection from neighbouring residents and Aclet Close Nursery School had been received raising the following points:

- There are already a large number of convenience shops and take aways in the local area, the proposals would result in a loss of trade to these businesses and are not needed or desired by local residents
- Out of town development, such as the current proposal, will contribute to the ongoing decline of Bishop Auckland town centre
- The proposal will generate odour, litter, vermin and antisocial behaviour
- Deliveries to the premises early in the morning and late at night, increased activity and noise from car doors and engines will generate adverse noise which will be detrimental to local residents and may lead to a statutory nuisance
- The area will be unpleasant to walk through due to litter and grease from the takeaway
- The proposal will have a significant adverse effect on the character and appearance of local residential areas
- Watling Road is a busy main road where road traffic accidents have occurred, the development will generate additional traffic and will be detrimental in terms of highway safety and to local amenity. The estate road is not suitable for additional traffic, especially for HGVs trying to negotiate through vehicles parked on the street.
- Additional traffic, in particular HGVs will be dangerous to local children walking to school.
- Police, fire and ambulance services are based in the vicinity of Watling Road, additional traffic could delay response times and the proposed crossing would be dangerous and cause a hazard to emergency response vehicles.
- Convenience stores sell goods at inflated prices and the site is situated in an area with high levels of deprivation and unemployment, the retail unit and takeaway will not be affordable to the majority of local residents. The Retail Impact Assessment states that there is an average weekly spend of £35.58 per person in convenience stores which is not considered accurate for this area and does not take in to consideration the low income population.
- The food sold at the takeaway and items such as tobacco, alcohol and high fat/high sugar foods, sold in the convenience store, together with their late opening hours would have adverse effects on health, particularly childrens health, obesity, stress and mental wellbeing, smoking and alcohol related illness. It would increase the temptation for local residents to buy fast food instead of more nutritious and affordable choices and does not promote a healthy lifestyle.
- The existing building is attractive and its demolition is disappointing, it could be used for alternative purposes such as a hotel accommodating visitors to Kynren, residential development or as a childrens play area.
- Only a small number of residents have been notified of the proposals.
- The development would devalue existing properties.
- Flats may be erected on part of the site which would create an eyesore and adversely affect the character of the area.
- Bill board advertising will affect the outlook from neighbouring dwellings.

40. *Cllr Tanya Tucker* – Objects to the application. Concerns are raised that local residents do not want or need the proposed development, existing supermarkets and takeaways are available in the vicinity, the proposal would not bring any benefits to the town or to local residents and would generate antisocial behaviour and litter. It is also noted there is a covenant on this site prohibiting this type of development and this should be considered as part of the application.

APPLICANTS STATEMENT:

41. The application seeks planning permission for the demolition of former Aclet public house, at Watling Road, in Bishop Auckland, and its replacement with a new development comprising a 280 sqm convenience store (to be occupied by Spar) and a hot food takeaway (106 sqm).
42. The application site is currently occupied by a disused former public house, with associated car parking and external areas. The building was recently subject to extensive damage, following a fire caused by vandals, and is in a dangerous condition. It is not listed and, notwithstanding the fire, is not of any local architectural or historic value. The development would therefore regenerate a currently vacant site, in a prominent location at the entrance to the adjoining residential estate and in close proximity to a main road.
43. The proposed new units would be single storey, with parking to the front and an enlarged vehicular access from Brooklands. They would use a mix of traditional brick with render, cladding panels and large curtain walling to the main entrances, and incorporate soft and hard landscaping across the site. They would be in keeping with the scale of existing properties in the surrounding area and would have a positive impact upon the visual amenity of the area.
44. The site is conveniently accessible from surrounding residential areas via a network of pedestrian footways. For those travelling by car, 29 car parking spaces will be provided, as well as motorcycle and bike stands, and dedicated areas for servicing, plant equipment and bins. These parking spaces would help to meet customer demand and minimise on-street car parking in the surrounding area. The proposals do not raise any issues in terms of impact upon highway safety, and there has been no objection from the Council's Highways and Transportation section.
45. The proposed development will perform a localised role and function, meeting the day to day needs of residents to the south of the B6282 St Andrews Road and either side of Watling Road – including parts of the Woodhouse Close estate and other adjoining residential areas. For this reason, and given that these centres lie outwith the catchment area of the proposed new uses, it would not be appropriate to direct the development to sites within or on the edge of either Bishop Auckland Town Centre or Cockton Hill Local Shopping Area. Given its small scale, the limited level of turnover it would generate and the fact that any trade diversion would be dispersed across a range of facilities in the town, there is no prospect that the development would have any material impact upon the vitality and viability of either of these defined centres.
46. In their comments on the application, Durham Constabulary have acknowledged that there is an urgent need for this site to be redeveloped. The proposed hours of opening of the new uses are as requested by Durham Constabulary, with a closing time no later than 11 pm. Also in response to their comments, the plans have been amended to show the rear service areas being enclosed with a 3m high fence and bollards to the front of the convenience store.
47. Whilst the potential impact upon healthy eating can be a material consideration for planning applications, there needs to be a measurable link between this and a proposed development. In this case, there are no secondary schools within 400m walking distance of the site and, whilst Aclet nursery school is situated approximately 140m to the south west of the site, this is attended by children aged between 2 and 4 years old. On this basis, it is unlikely that the new hot food takeaway would lead to any material increase in unhealthy eating amongst young people.

48. The proposed development would not result in any significant adverse impact upon residential amenity. In relation to the hot food takeaway, the applicant is happy to agree to an appropriately worded planning condition which requires the provision of mitigation in respect of any potential adverse impacts in terms of odours or fumes (e.g. extraction equipment) or noise. Refuse bins will be provided in the secure area to the rear of the units.
49. In summary, the proposed development would regenerate a currently vacant site to provide new uses which will help to enhance the accessibility of facilities available to local residents and create valuable new local employment opportunities. The development would be in keeping with the scale of existing properties in the surrounding area and would have a positive impact upon the visual appearance of the area.

PLANNING CONSIDERATIONS AND ASSESSMENT

50. 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 relate to the principle of development, impact the character and appearance of the surrounding area, highway safety, residential amenity and protected species.

The principle of the development:

51. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the statutory development plan for the area, unless other material considerations indicate otherwise. This requirement is reaffirmed in paragraphs 11 and 12 of NPPF. The statutory development plan currently comprises the saved elements of the Wear Valley District Local Plan. Paragraph 215 of NPPF confirms that the level of weight that should be attributed to each of these saved policies is affected by the degree of their consistency with NPPF.
52. In this instance as relevant policies from the Wear Valley District Local Plan are only partially consistent with the NPPF and considered to be out of date, the acceptability of the proposal will fall under the planning balance test of para. 14 of the NPPF where planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole: or Specific policies in this Framework indicate the development should be restricted.
53. NPPF paragraph 17 Core Planning Principle three states that planning should proactively support sustainable economic development. Core Planning Principle four seeks high quality design and amenity. Core Planning Principle encourages effective reuse of brownfield land. Core Planning Principle eleven states that planning should '...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.'
54. Paragraphs 18 to 22 of NPPF state that significant weight should be placed on the need to support economic growth, and that among other things investment in business should not be over-burdened by combined requirements of planning policy expectations.

55. Part 2 of the NPPF seeks to ensure the vitality of town centres is maintained. Paragraph 24 and Planning Practice Guidance requires a sequential test to be applied for planning applications for main town centre uses that are not in an existing centre. Saved Local Plan Policy S1 defines the boundary of Bishop Auckland town centre. The proposed retail use is considered to be a main town centre use in accordance with Annex 2 of the NPPF. However paragraph 11 of Planning Practice Guidance on Ensuring the Viability of Town Centres states that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements meaning they can only be accommodated in specific locations and requires robust justification to be provided in these instances. A Retail Impact Report has been submitted which concludes that the proposal would meet day to day and top up shopping needs, enhance the accessibility and availability of this type of provision for local residents and is appropriate in the proposed out of centre location. Turnover at the proposed units is expected to be to a relatively low level and any trade diversion is expected to be dispersed across a range of existing facilities in the area. The conclusions of this report are accepted by the Spatial Policy Team and it is not considered that the development would result in any new detrimental impacts to the vitality and viability of Bishop Auckland Town Centre, in accordance with the aims of part 2 of the NPPF.
56. Paragraph 111 of the NPPF encourages the effective reuse of brownfield land. Paragraph 120 seeks to prevent unacceptable risks from pollution in new developments and that the effects of pollution on health and general amenity should be taken in to account. Paragraph 123 requires planning decisions to avoid noise giving rise to significant adverse impacts on health and quality of life and mitigate against such impacts, including by use of conditions.
57. Saved Policy GD1 from the Wear Valley District Local Plan sets the general development criteria, and states that among other things new proposals should be in keeping with the character of the surrounding area, provide safe access and adequate car parking, not disturb or conflict with adjoining use, should not be detrimental to public health, should not significantly pollute the environment.
58. Saved Local Plan Policy S11 states that proposals for hot food takeaways, will be allowed within existing shopping areas provided they do not adversely affect local amenity, do not generate unacceptable levels of traffic which exceeds the capacity of the local road network, do not undermine the vitality and function of existing retail areas and do not conflict with other Local Plan policies. Whilst the site is not within an existing shopping area, it is within an established built up area of Bishop Auckland and close to other existing shopping areas. The NPPF is not as prescriptive as the Local Plan, offering a less restrictive approach to sustainable development, therefore this policy is only considered partially consistent with the aims of the NPPF and carries limited weight. However other than the locational criteria it is considered that the proposed takeaway would meet the other criteria of Saved Policy S11.
59. Saved Policy H20 sets out the uses likely to be acceptable within existing residential areas, which includes shops up to 100 square metres in floor area. It states that in considering other uses within residential areas regard should be given to safeguarding residential amenity, the scale and character of the proposed use, its potential for expansion or intensification, potential traffic generation and parking requirements and other local plan policies. This policy is only partially consistent with the NPPF and also carries limited weight.
60. Subject to the outcome of the planning balance test and an assessment of whether any adverse impacts of the development would significantly and demonstrably

outweigh the benefits, it is considered that the proposal is in broad accordance with the aims of the NPPF and relevant saved policies from the Wear Valley District Local Plan.

Impact the character and appearance of the surrounding area

61. Part 7 of the NPPF seeks to ensure good design in new developments and saved Local Plan policies GD1 and H20 seek to ensure good design standards, ensuring new developments are in keeping with their surroundings reflecting the density and character of the locality.
62. The former public house has been closed for around one year and in this time it has been broken in to, subject to fire and has been subsequently boarded up, with temporary heras fencing erected around the perimeter. The existing building dates to around the mid twentieth century when Woodhouse Close estate was developed and whilst it corresponds to the appearance of adjacent dwellings, is not of any historic or architectural merit. In its current condition the building does make a positive contribution to the visual amenity and general aesthetics of the surrounding area. However whilst acknowledging the views of local residents, it is not considered loss of the existing building would not have any significant adverse impacts to local visual amenity.
63. Both of the proposed buildings would be of single storey height, with the convenience store being the taller of the two at 7.1m in overall height and the hot food takeaway having a lower ridge height of 5.6m. The convenience store would have a rectangular form on an east-west orientation with a footprint of 32m x 14.2m. The hot food takeaway would have a smaller footprint of 15m x 8m and would sit broadly in line with the southern gable of the convenience store. Both units would have a glazed shop front to the front, east elevation. Externally the units would be finished in red facing brick work, timber cladding and white composite cladding, with a concrete tiled roof. The proposed units would relate acceptably in terms of scale, massing and appearance to the character and appearance of the surrounding area.
64. New tarmac areas would be created to the front of the buildings to form a car park and to the side and rear for a service and plant area. A new 3m high weldmesh fence would be erected around plant areas to the rear of the buildings, as recommended by the Police Architectural Liaison Officer, to provide optimum security at these points. There are already various hard standings around the site and it is currently enclosed by 2m high metal palisade fencing. It is therefore considered that the new hardstandings and weldmesh fencing would correspond to the current appearance of the site and would not have any significant detrimental visual impacts.
65. The proposal would involve new commercial use of the site for retail and hot food takeaway uses. The site has a long standing history of commercial use as a public house and could re-open for this purpose or be converted to a shop or restaurant without requiring planning permission, with potentially later opening hours. The wider area is characterised predominantly by residential properties but is interspersed with a number of commercial and civic premises. Whilst an assessment of the specific impacts of the development on local amenity are provided below, having regard to the nature of the development it is considered comparable to the current use of the site and to similar commercial uses in the vicinity which sit alongside residential properties. Therefore the proposal is considered to relate acceptably to the character of the surrounding area in this respect.

66. A small tree and some shrubs are situated to the rear of the public house building and would be removed to facilitate the development. The Tree Officer notes these are of no significance and raises no objections to the proposed development.
67. Having regard to all of the above it is considered that the proposed buildings and ancillary external areas would relate acceptably in visual terms and to the varied character of the surrounding area, in accordance with saved local plan policies GD1 and H20 of the Wear Valley District Local Plan and Part 7 of the NPPF.

Highway safety:

68. Para. 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. Saved Policy T1 from the Wear Valley District Local Plan states that all developments which generate additional traffic should accord with GD1 and provide adequate access, not exceed the capacity of the local road network and be capable of access by public transport networks.
69. The development would provide 29 no. parking spaces, including 3 no. disabled bays, which is considered to be an adequate amount of car parking to accommodate staff and customers of both premises, having regard to the requirements of the Council's Parking and Accessibility Guidelines.
70. Vehicle access would be off Brooklands to the south east and would utilize an existing vehicle access into the site, which would be widened and improved. This is considered to be suitable by the Highways Officer for both customers and larger vehicles making deliveries to the site.
71. It is noted that the proposed development is likely to generate some additional vehicle movements beyond the former public house which was ultimately proven to be unviable. Permitted development provisions would enable the building to be converted to a number of alternative uses including a retail unit, financial and professional services premises, restaurant/café, offices or light industrial premises without requiring planning permission. Conversion of the building to any of these alternative uses would generate a similar level of vehicle movements and requirements for deliveries as the proposal. Similarly redevelopment of the site for any other use is likely to generate additional vehicle movements.
72. Given the fairly limited floor space of the proposed shop and hot food takeaway and their nature as convenience facilities, it is anticipated that a relatively high proportion of customers would access the site on foot or whilst already on the highway network for other purposes. As such customer vehicle movements are not expected to be at an excessive level. An anticipated 12 no. employees would work at the premises and together with the limited storage space and commercial floor space of the units would not facilitate a substantial number of additional vehicle movements, including deliveries.
73. On street parking does not appear to be problematic on the access roads off Watling Road or on the estate road in front of the site. These roads are capable of facilitating access into the site by larger delivery vehicles, even in the event of occasional on street parking and the highways officer raises no concerns about the ability of the site to be accessed by larger delivery vehicles. It is further noted that vehicles of this nature would have previously accessed the site in association with the former public house.

74. The occurrence of a road traffic accident in February 2018 involving a police vehicle on Watling Road referred to in some of the objection letters and has been confirmed by Durham Constabulary. The Highways Officer and Police Architectural Liaison Officer have advised that traffic accident data in the past 3 years indicates that there are no records of any other accidents taking place on roads in close proximity to the site. Notwithstanding the incident in February, the roads around the site maintain a good record of safety. The Highways Officer considers the relatively small amount of additional traffic that would be generated by the development could be safely accommodated on roads surrounding the site without compromising highway safety and would not facilitate a refusal of the application on highway safety grounds having regard to the requirements of para. 32 of the NPPF.
75. The Highways Officer notes that the Council has previously received a number of representations from local residents requesting a pedestrian crossing on Watling Road in the vicinity of the site linking the Henknowle estate to the east with the Woodhouse Close area to the west. It is considered that the proposal would generate increased demand for residents from the Henknowle estate and other residential areas to the east to cross Watling Road on foot to access the new facilities. The Highways Officer therefore considers it would be appropriate to provide a pedestrian crossing over Watling Road in front of the site to mitigate this impact of the development and the applicant has agreed to provide £10,000 towards this to be secured via a S106 agreement. Whilst the concerns of local residents about potential safety implications of this feature are noted, the Highways Officer considers this necessary to enable safe pedestrian access to the site and that it would not be detrimental to highway safety.
76. The presence of existing emergency services premises, namely police, fire and ambulance stations, within this part of Bishop Auckland, as highlighted by local residents, are acknowledged. However given the design and capacity of existing local roads and the occurrence of only 1 no. accident in the last 3 years, the highways officer considers that the proposed development and pedestrian crossing would not obstruct or cause a hazard to emergency services vehicles or pose a risk to highway safety in this regard.
77. The Highways Officer raises no objections to the application subject to the above conditions. Having regard to the above it is considered that the proposed development would have no significant adverse impacts upon highway safety. The proposal does not therefore conflict with Wear Valley Local Plan Policies GD1 and T1 or Part 4 of the NPPF.

Privacy/Amenity:

78. Para. 17 of the NPPF states that new development should maintain a good standard of amenity for all existing and future occupants of land and buildings. Para. 123 specifies that planning decisions should avoid, mitigate and reduce noise and other adverse impacts on health and quality of life as a result of new development and that existing businesses should not have unreasonable restrictions put on them due to changes in nearby land uses. Saved policy GD1 from the Wear Valley District Local Plan advises that new development should not disturb or conflict with adjoining uses and saved policies S11 and H20 require the safeguarding of residential amenity.
79. The closest residential property to the site is no. 18 Brooklands to the south which would be approximately 15m away from the proposed hot food takeaway. Other residential properties on Aclet Close to the west are around 25m to the west of the proposed buildings at the closest point. The closest dwelling on Abbey Road to the north is approximately 27m away and no. 18 Watling Road would be situated 44m to

the north east of the convenience store. No. 1 Brooklands would lie 28m to the south east of the hot food takeaway building. Other dwellings on the eastern side of Watling Road facing the site would be around 82m away.

80. The northern, gable elevation of no. 18 Brooklands faces towards the proposed hot food takeaway and contains 2 no. windows at first floor level and other windows on the ground floor. Existing fencing and hedging along the boundaries of this property and the application site would provide screening of the site from windows to the ground floor and already restrict light to some extent. The applicant has amended the proposed site plan and set the southern elevation of the hot food takeaway further back by 2.5m, so it would now sit approximately 15m away from no. 18 Brooklands. Given the single storey nature of the proposed hot food takeaway building, which would be 5.6m at the tallest point and the separation distance, it is not considered the proposal would lead to a loss of light or any over bearing impacts to the existing dwelling. Other residential properties around the site are further away, and given the separation distances and scale, massing and height of the proposed buildings these properties would not experience any loss of light or over bearing impacts from the development.
81. Although the public house is now closed, this previously had later opening hours than the proposed units, with associated comings and goings late at night and the potential of amplified music, causing some noise and disturbance to neighbouring residents. Whilst it is anticipated the proposed shop and hot food takeaway would have a higher overall number of comings and goings, these would be spread more regularly throughout the day and would not continue as late into the evening as the public house. The applicant has advised that opening hours for the shop would be 7am – 10.30pm every day and 11am – 10pm Sunday to Thursday and 11am – 11pm Fridays and Saturdays for the hot food takeaway. A condition is appropriate to control the opening hours and therefore noise and disturbance to neighbouring residents from comings and goings are not considered to be significant, particularly having regard to current and permitted uses.
82. Deliveries to both premises would take place between 7am-6pm Monday to Saturday with no deliveries on Sundays or bank holidays, other than newspapers which would be delivered in smaller vehicles. A condition is appropriate to control delivery times and it is not considered that deliveries would generate significant noise and disturbance to neighbouring residents.
83. The Police Architectural Liaison Officer raised concern about the potential for the development to result in the congregation of youths outside the buildings, something which was also highlighted by local residents. In order to address these concerns and in line with advice provided by the Police Architectural Liaison Officer, the applicant has amended the proposed plans to remove all sheltered areas outside the buildings, including canopies above the entrance to the convenience store and over cycle parking. It has also been confirmed that free wifi would not be provided and that CCTV would be installed both internally and externally. Whilst it is acknowledged that there are current issues around the congregation of youths and associated antisocial behaviour within the Woodhouse Close area, the applicant has amended the proposals and taken a number of steps to help prevent the site attracting this type of activity. This is an existing problem in the area and the measures proposed are considered reasonable to ensure the proposed development does not concentrate or exacerbate existing problems. The Police Architectural Liaison Officer considers the amended proposals are a positive move. It is noted that separate legislation is in place to control issues of anti-social behaviour and criminality, in the event that it does occur, which would be enforced by the Police and other departments within the County Council. Having regard to all of the above, it is

not considered that the proposed development would worsen existing problems of antisocial behaviour or generate substantial levels of noise and disturbance from congregating youths, that would have significantly impact on the amenity of neighbouring residents.

84. In line with other comments provided by the Police Architectural Liaison Officer a 3m high weldmesh fence is now proposed around the perimeter of plant and service areas to the rear of the site to prevent breaking in and trespass in this area. It is advised that this should be 358 standard making it difficult to climb and a condition to secure this specification is appropriate. The Police Architectural Liaison Officer also raised concern about the potential for theft of the ATM at the front of the convenience store facing the parking area and highlights this is a recent trend by criminals. As part of the amended scheme, the proposed site plan now indicates high specification vehicle impact resistant bollards to PAS68 standard between the frontage of the convenience store and hot food takeaway and the car park to prevent this problem from occurring. Precise details of the proposed bollards would be agreed as part a condition to agree wider landscaping proposals for the site. These amendments to the scheme are considered suitable to secure the site and preclude any crime or damage occurring in its vicinity.
85. The existing empty building has previously been broken into and set fire to and is currently in an untidy and deteriorating condition. The Police Architectural Liaison Officer notes that the ongoing empty status of the building will continue to pose a risk in this regard. The proposed development would bring the site back into a meaningful use significantly improving the visual amenity of the surrounding area and reduce the risk of criminal activity associated with an empty building.
86. Concern has been raised from neighbouring residents about potential for smell and odours from the development, in particular from the proposed hot food takeaway. Ventilation and extraction equipment would be required to deal with heat and cooking odours within the hot food takeaway. As the proposal is at an early stage no contract has been let for lease or sale of the hot food takeaway and it is not known who would occupy the premises or the precise specification of equipment that would be used. As such a condition is appropriate to agree full details of ventilation and extraction equipment and any external plant associated with refrigeration or air conditioning in both of the proposed buildings prior to it being installed. The Environmental Health Officer has advised this is an adequate means of resolving this matter and would be consulted on details submitted to discharge the condition. This would ensure that all plant and ventilation and extraction equipment would be fit for purpose, adequate to deal with the type of cooking to be carried out and avoid any adverse noise or odours to the detriment of local amenity. It is therefore considered that the development could be adequately controlled and would not result in any issues of unpleasant smell or odours.
87. Similarly the Environmental Health Officer has recommended that details of external lighting around the site are agreed by condition, which is considered appropriate to ensure this is to an acceptable level and not unduly bright within the predominantly residential area.
88. The potential for problems of vermin and litter associated with the proposed buildings has also been raised by neighbouring residents. The applicant has advised that litter bins would be provided outside both buildings, which is considered to be a reasonable step to prevent problems of litter. Storage of food and other items would take place internally within the buildings in designated storage areas and environmental health legislation is in place to deal with vermin problems at

commercial premises. Therefore it is not considered that the development would result in issues of litter and vermin to the detriment of local amenity.

89. The proposed development site is situated within a predominantly residential area with some potential for neighbouring residents to experience noise and disturbance during construction works. The Environmental Health Officer has recommended a condition to restrict working hours during construction works and to remind the applicant to adhere to good working practices. This is considered appropriate and will ensure minimal disruption to local residents during the construction phase.

90. The comments of local residents, Aclet Close Nursery School, Cllr Tanya Tucker and Bishop Auckland Town Council are noted, however it is considered that the proposal could be accommodated without any significant detrimental impacts to the amenity of local residents and not to the extent that would warrant refusal of the application on these grounds. The proposal is therefore considered to be in accordance with the aims of saved policies GD1, S11 and H20 from the Wear Valley District Local Plan and paras. 17 and 123 of the NPPF.

Protected Species:

91. Section 11 of the NPPF seeks to ensure that proposals show regard to the protection and enhancement of internationally and nationally important sites and species; contributing and enhancing the natural and local environment by minimising impacts on biodiversity. Saved Local Plan Policy GD1 states that new development should not endanger or damage important national and local wildlife habitats.

92. A Bat Survey Report (Total Ecology, January 2018) has been submitted in support of the application which identifies the proposals as having a low risk to bats. Having considered the submitted report the Ecologist is satisfied that the likely risk of presence and hence impact on bats by the proposals is low and no objections are raised to the proposals.

93. Therefore it is considered that the proposal would not have any adverse impact upon protected species in accordance with the requirements of section 11 of the NPPF in relation to protected species.

94. Other Matters:

95. Local residents, Aclet Close Nursery School and Bishop Auckland Town Council raise concerns about the impacts the proposal would have upon health, stating food sold at the takeaway and items in the convenience store such as tobacco, alcohol and high fat/high sugar foods would have detrimental impacts in this regard.

96. Para. 7 of the NPPF explains the need for the planning system to perform a number of roles, including supporting strong, vibrant and healthy communities by, among other things, creating a high quality built environment that reflects the community's needs and supports its health, social and cultural well-being and para. 69 reiterates that the planning system can play an important role in creating healthy, inclusive communities. Other than these broad policies promoting healthy communities there are no specific policies in the NPPF directly relating to specific impacts of new development upon health. Similarly there are no policies of this nature within the Wear Valley District Local Plan.

97. Notwithstanding this, it is not considered that the surrounding area has a proliferation of hot food takeaways, with the closest being a single takeaway at Proudfoot Drive around 250m to the west and others further afield at Cockton Hill Road around 800m

to the north and at Tindale Crescent around 1km away to the south west. Existing convenience stores in the locality are situated in similar locations, with none in immediate proximity to the site. Aclet Close Nursery School is situated approximately 140m to the south west of the site, it serves pupils age 2-4 years old, who would not be allowed out unsupervised at lunchtimes and would be accompanied walking to and from school. Other local schools catering for older pupils are some distance away to the north west and not in proximity to site. Having regard to the above, although some unhealthy foods and products may be sold in the convenience store and hot food takeaway, it is not considered there is an excessive concentration of these uses in the surrounding area and they would not be directly accessible to pupils of Aclet Close Nursery School. Having regard to above and noting that there are no specific planning policies to restrict uses that may be considered unhealthy, it is considered the proposal would add to the current mix of uses in the wider surroundings and would not conflict with the aims of the NPPF to promote healthy, inclusive communities. It is further noted that the lifestyle choices of individuals such as unhealthy diet, smoking and drinking alcohol cannot be controlled by planning and as such are not material planning considerations.

98. Cllr Tanya Tucker has advised there is a restrictive covenant on the land prohibiting this type of development. Land ownership and covenants are private legal matters and not material planning considerations, therefore this matter is not relevant to the determination of the application.

Planning Obligations:

99. Saved Policies GD1 and T1 of the Wear Valley District Local Plan states that all new development should provide safe access to the site and good links to local footpath networks. Para. 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. The highways officer considers that provision of pedestrian refuge crossing over Watling Road is necessary improve sustainable accessibility to and from the site and mitigate severance caused by Watling Road in accessing the development on foot from the east. The applicant has agreed to be provide £10,000 towards provision of a pedestrian crossing and this would be secured by a S106 agreement.

Planning Balance:

100. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF and therefore in order to justify the refusal of planning permission any adverse impacts of a proposed development need to significantly and demonstrably outweigh any benefits.

101. Weight should be afforded to the benefits of the development in terms of reuse of a vacant brownfield site for commercial purposes, creating the equivalent of 12 no. full time jobs in a sustainable location, which could be easily accessed on foot within the locality. The new pedestrian crossing over Watling Road would also provide improved pedestrian linkages around the surrounding area to the benefit of the local community. The appearance of the site and currently boarded up building which has been subject to breaking in and fires, would be significantly improved and opportunities for criminal activity associated with the empty building would be reduced.

102. The development would not be detrimental in terms of impacts on the character and appearance of the surrounding, highway safety, local amenity and protected species. A contribution covering the majority of the cost of a new

pedestrian crossing would be secured via a S106 agreement. The relevant internal and external consultees raise no objections to the application.

103. No adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.

CONCLUSION

104. The acceptability of the application falls to be considered under the planning balance test contained within Paragraph 14 of the NPPF.

105. In this instance the development would provide a number of benefits, the most significant of which would be reuse of a brownfield site for positive economic use creating the equivalent of 12 no. full time jobs in a sustainable location.

106. On balance, it is considered that the benefits of the development significantly and demonstrably outweigh any potential adverse impacts. It is not considered that there are material planning considerations which indicate otherwise therefore the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the completion of a Section 106 Obligation to secure the agreed financial contribution of £10,000 for a new pedestrian crossing and 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 approved plans listed in Part 3 - Approved Plans.

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

3. The convenience store shall not be open for retail sales outside of the hours 7am – 10.30pm on all days and the hot food takeaway shall not be open for the sale of food outside the hours 11am – 10pm Sunday to Thursdays and 11am – 11pm on Fridays and Saturdays.

Reason: In the interest of minimising noise and disturbance to local residents and to preserve a good standard of local amenity, to comply with saved policy GD1 of the Wear Valley Local Plan and paras. 17 and 123 of the NPPF.

4. No deliveries to the convenience store and hot food takeaway shall take place outside the hours 7am-6pm Monday to Saturday with no deliveries other than newspapers on Sundays or bank holidays.

Reason: In the interest of minimising noise and disturbance to local residents and to preserve a good standard of local amenity, to comply with saved policy GD1 of the Wear Valley Local Plan and paras. 17 and 123 of the NPPF.

5. Notwithstanding any description of materials in the application, no development shall commence until samples or precise specification details of all external walling and roofing materials of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development in the interest of the visual amenity of the surrounding area and to comply with saved policy GD1 of the Wear Valley Local Plan and Part 7 of the NPPF.

6. Prior to commencement of the development hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The landscape scheme shall include accurate plan based details of the following:

- Details of planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Seeded or turf areas, habitat creation areas and details etc.
- The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.
- Samples or precise specification details of all hard landscaping materials
- Details of the locations and specification of all boundary treatments and means of enclosure. 3m high weldmesh fencing around the rear service areas shall be to 358 specification.
- Details of locations, number and precise specification of bollards, bollards to the front of the buildings shall be to PAS68 specification.

The approved landscaping scheme shall be carried out in the first planting season following the substantial completion of the development. Trees, hedges and shrubs part of the approved scheme shall not be removed without agreement within five years, and replaced if they fail within 5 years of initial planting, not later than the following planting season.

Reason: In order to ensure the satisfactory appearance of the development in the interest of the visual amenity of the surrounding area and to comply with saved policy GD1 of the Wear Valley Local Plan and Part 7 of the NPPF.

7. Details of the height, type, position and angle of external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The lighting shall be erected and maintained in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development in the interest of the visual amenity of the surrounding area and to comply with saved policy GD1 of the Wear Valley Local Plan and Part 7 of the NPPF.

8. Prior to its installation full details of all external plant, ventilation and extraction equipment, including any flues associated with the hot food takeaway, at both premises shall be submitted to and approved in writing by the Local planning authority. The measures approved shall be installed in accordance with the approved details prior to first use of the respective buildings.

Reason: Reason: In the interest of preserving a good standard of amenity to neighbouring residents, to comply with saved policy GD1 of the Wear Valley Local Plan and paras. 17 and 123 of the NPPF.

9. No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the amenity of neighbouring residents during the construction phase in accordance with saved policy GD1 of the Wear Valley Local Plan and the NPPF.

10. The car park shown on drawing no. NEC-INA-00-XX-DR-A 110-0 Rev P06 hereby approved shall be constructed and marked out and made available for use prior to the development hereby approved being brought into operation. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private vehicles.

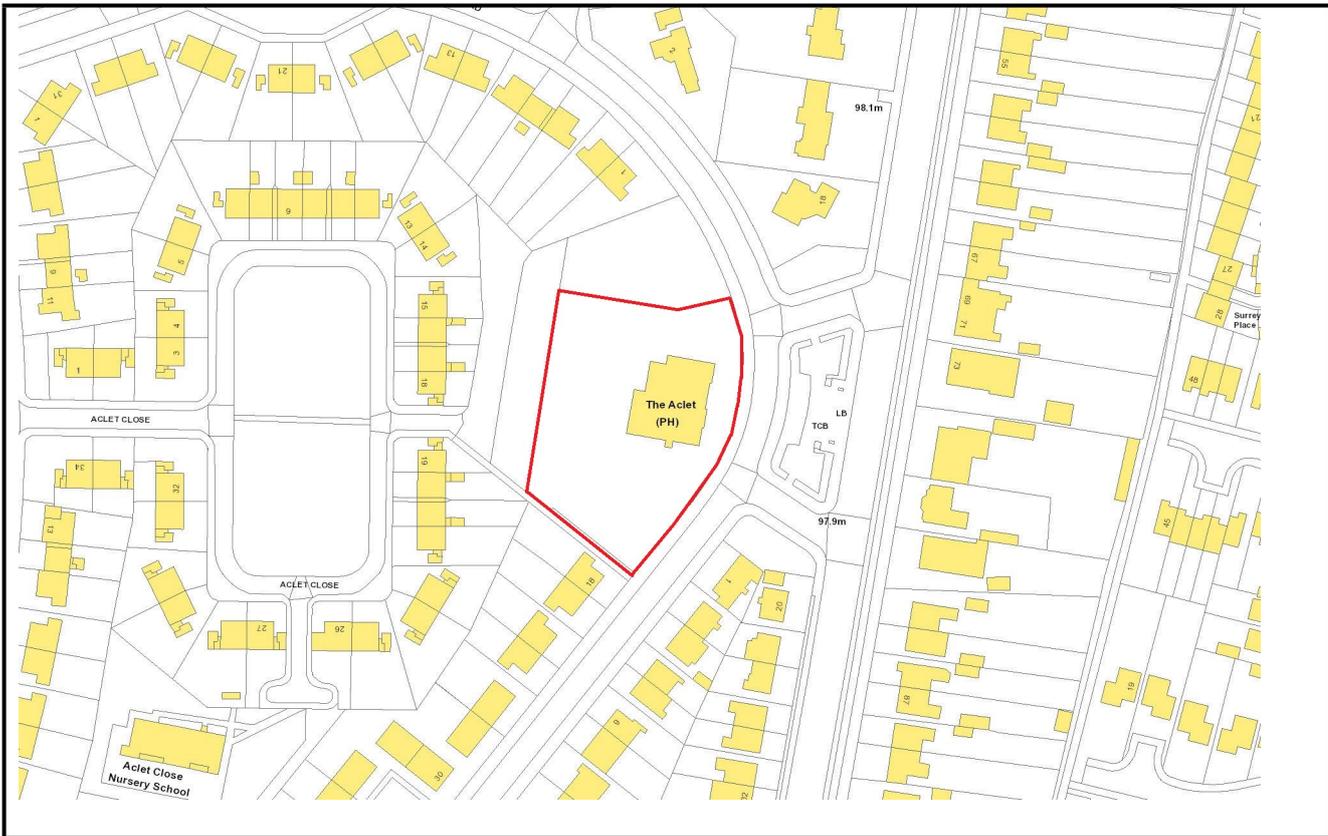
Reason: In the interest of highway safety and to comply with saved policies GD1 and T1 of the Wear Valley Local Plan and Part 4 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, 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. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Wear Valley District Local Plan
Statutory consultations responses
Internal consultations responses
External consultations responses



Planning Services

Demolition of existing public house and erection of 1no. retail unit (class A1) and 1no. hot food takeaway unit (class A5)

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Comments

Date 19 April 2018