

Our Ref: ER
Ask for: Elaine Renton
Date: 19th September 2007
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Councillors:

J.I. Agnew (Chair)	G.C. Glass	E. Turner
R. Alderson	P.D. Hughes	A. Watson
A. Atkinson	D. Hume	T. Westgarth
M. Campbell	D. Lavin	J. Williams
H. Christer	O. Milburn	R. Young
T. Clark (Vice Chair)	T. Pattinson	
G. Coulson	S. Rothwell	
R. Ellis	A. Shield	

Dear Councillor,

Your attendance is invited at a Special meeting of the **DEVELOPMENT CONTROL COMMITTEE** to be held in the Council Chamber, Civic Centre, Consett on 27th September 2007 at 2.00 p.m. for consideration of the undernoted agenda.

Yours faithfully,

M. CLARK
Chief Executive Officer

A G E N D A

1. TO RECEIVE ANY DECLARATIONS OF INTEREST FROM MEMBERS

To receive any disclosure by Members of personal interests in matters on the agenda, identify the item on the agenda, the nature of any interest and whether the Member regards the interest as prejudicial under the terms of the Code of Conduct.

2. PLANNING APPLICATIONS AND ASSOCIATED MATTERS

To consider the report of the Director of Environmental Services (Herewith 'A')

RECOMMENDATION FOR APPROVAL

07/0133

07.03.07

Morley Fund Management

Hermiston Retail Park,
Consett

Redevelopment of Retail Park
to provide replacement
foodstore, non retail units and
relocated fast food unit
(outline)

Consett East Ward

1. The Application

1.1 Outline Planning Permission is sought for the redevelopment of the Hermiston Retail Park, Consett. The application includes details of the layout, scale and means of access. The development would comprise-

- Demolition of the existing Morrisons, Focus, Storey Carpets and KFC Units.
- Erection of a replacement Morrisons store (floor area 7245 square metres) located to the south side of the site adjacent to the petrol filling station.
- A replacement Focus DIY store to the south eastern side of the site (floor area 2045 square metres plus garden centre of 929 square metres)
- A terrace of five non-food retail units with a total floorspace of 7943 square metres. Three of the units would measure 1765 square metres (929 square metres at ground floor and a mezzanine of 836 square metres). The remaining two units in this terrace would be 1324 square metres (697 at ground floor and 627 mezzanine). These would be located on the north eastern side of the site adjacent to the existing Matalan unit.
- A terrace of three non-food retail units of 441 square metres (232 square metres at ground floor and 209 square metres at mezzanine floor level. These would be positioned opposite the other terrace of units adjacent to Front Street.
- A new KFC unit on the north western side of the site between the main entrance to the site and Front Street.
- The existing petrol filling station and Matalan store would remain.
- Access to the site would be taken via the existing access to the site from the roundabout at the western end of Front Street.
- Service access for the Morrisons supermarket and Focus DIY store would be from the roundabout on the A692 near to Hownsgill.
- Service access to Matalan and the terrace of five retail units at the north eastern side of the site would be taken from Knitsley Lane.

2. History

- 2.1 Planning Permission was granted in 1986 for the erection of a supermarket (reference 1/1986/0090/DM).
- 2.2 Planning Permission was granted in 1992 for a non-food store with a garden centre (reference 1/1992/0301/DM).
- 2.3 Planning Permission was granted in 1994 for a non-food retail store with car parking and servicing (reference 1/1994/0121/DM).
- 2.4 Planning Permission was granted in 2000 for an extension to an existing retail unit and erection of six new retail units, erection of restaurant and leisure unit (reference 1/2000/0156/DM). An amendment to the permission was approved to allow three of the smaller units to be combined to create one larger unit. This is now occupied by Matalan. The following parts of this permission were not implemented and the permission remains extant-
- Unit 7- 98 square metres
 - Unit 8- 98 square metres
 - Unit 9- Extension of Focus- 732 square metres

This means that there is extant Planning Permission for 928 square metres of Class A1 non-food retail floorspace.

- 2.5 Planning Permission was granted in 2000 for the erection of a drive through fast food outlet (reference 1/2000/0282/DM).

3. Policy

- 3.1 The following policies of the adopted Local Plan are relevant in determining this application-

General Development Principles (GDP1)
Supporting Existing Town Centres within the District (CO1)
Controlling out of Town Centre Retail Developments (CO3)
Development and Highway Safety (TR2)
Development within the Commercial Centre (CI1)

- 3.2. The following policies of the Durham County Structure Plan are relevant in determining this application-

New Development within main towns (Policy 3)
Maintaining and enhancing the attractiveness of Town Centres (Policy 48)
Principal locations for new shopping development (Policy 48a)
Siting of new shopping development (Policy 49)

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3.3 The following policies of Regional Planning Guidance for the North East (RPG1) are relevant in determining this application-

The Sequential Approach to Development (Policy DP1)
Water Quality (Policy ENV3)
Flooding (Policy ENV4)
Town Centres (Policy TC1)
Function of Centres (Policy TC3)
Retail Development (Policy RD1)
Location of Development (Policy T1)
Demand Management (Policy T11)
Energy (Policy EN1)
Energy Efficiency in Buildings (Policy EN7)

3.4 Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Development' promotes high quality design in the new developments and individual buildings and encourages sustainability.

3.5 Planning Policy Statement 6 (PPS6) 'Planning for Town Centres' was published in March 2005 and sets out the Government's objective of promoting the vitality and viability of town centres. The advice contained in PPS6 is relevant to all proposals relating to town centre uses including new development and the redevelopment of existing facilities.

3.6 Planning Policy Guidance Note 13 (PPG13) 'Transport' aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

Consultations

4. County Highways Development Control Officer

4.1 This application is in 'outline' however layout, scale, and means of access are not reserved matters. The TA accompanying this application has taken account of estimated traffic arising from the earlier application (2006/0838, Retail (outline), off Genesis Way). I have been in dialogue with the author of the TA. This application (07/133) has proposed reducing the public vehicular entrances into the site from two to one whilst enlarging the GFA by approximately 100%. Inevitably this creates additional traffic movements at the A692/Front St/Genesis Way roundabout. While the proposed kerblines adjustments to the latter roundabout are acceptable in traffic capacity terms, issues remain regarding the resultant roundabout geometry. This matter has been raised directly with the applicant's consultants but at the time of writing a formal response is still awaited. In the event that this is not satisfactorily concluded prior to the application being heard at Committee then this matter must be conditioned in any approval. In any case, if this application is approved before application 2006/0838 there will be a need to revise the junction analysis within the TA.

4.2 Internal road layout - there is currently a relatively short link (20m-25m) between the Front Street r/bt entrance and the first junction on the right towards the PFS. I am concerned regarding (a) the increased vehicle arrival rate at this entry point to the site, (B), the increased retail destinations served by turning right at this point, and (c) the fact there is no ghost PRT island proposed at the junction. It is clear that there is potential for right turning vehicles to cause blocking back to the circulatory carriageway of the nearby roundabout. The internal site road layout must be amended to clearly indicate there is no means for a vehicle to turn right, after entering the site, until after at least the first double aisle of parking bays. This can be achieved by condition.

4.3 DCC records show that the proposed Morrisons' service yard area is recorded as partly upon County Council owned 'dedicated highway' land. This raises the issue of the need to maintain adequate forward sight visibility for A692 south bound vehicles, and whether the applicant has legal title to construct their development upon this part of the site, irrespective of any planning consent. I have raised the issue with the consultant in order that this be raised with the applicant and ideally resolved prior to determination. If not then this too must be conditioned.

4.4 Part of the development (new KFC loop road) impinges upon public highway land slightly however I have no objection to the principle of it being formally stopped up under S.247 of the T&CP Act 1990. This would naturally have to be undertaken prior to any approved development taking place upon it.

4.5 Required conditions:

1. Revised site layout to be submitted for approval prior to commencement on-site.
2. Revised Transport Assessment to be submitted for approval prior to commencement on-site.
3. Agreed highway improvements to be completed prior to development being brought into use.
4. Affected adopted highway extent formally stopped up prior to development taking place.
5. Cycle parking provision.

5. Durham County Council (Structure Plan Team)

5.1 The application site is partly allocated for commercial and community uses in the adopted Derwentside District Local Plan. The site is on the edge of the commercial centre. Policy 3 of the structure plan gives priority to the County's main towns, including Consett, as a location for major new development, so they can continue to be the focus for readily accessible local employment opportunities for their own residents and those in the surrounding areas. The site is at the edge of the town centre. Derwentside District Council has to be satisfied that the proposal

meets the sequential test as set out in PPS6 and the need and scale of the proposal is justified sufficiently.

5.2 Policy 43 of the Structure Plan requires that proposals for new development incorporate appropriate traffic calming, pedestrian, cycle and public transport, accessibility measures as an integral part of the design and layout. Design and layout should be of high quality to promote pedestrian, cycle and public transport. Currently the layout is dominated by the vast parking space. The scheme would profit from incorporating public realm and high quality landscaping in order to aid the regeneration of Consett. The scheme should also include measures to improve the connectivity to the commercial centre by pedestrians and cyclists.

5.3 The car parking provision of 648 spaces is in line with the Durham County Council's Accessibility and Parking Guidelines and will be a reduction from 693 parking spaces. The guidelines set maximum parking standards for non-residential land uses in line with national planning policy, seeking to reduce provision below these levels in locations with good public transport access. Additionally, cycle parking has to be provided with some of it covered in accordance with the Accessibility and Parking Guidelines.

5.4 The proposal is in general conformity with Structure Plan Policy 3 and Policy 43 if adequate cycle parking is provided for. However, the scheme would benefit from improved connectivity to the commercial centre, creating some continuity and the improvement of the public realm to create a sense of place.

6. One North East

6.1 As you are aware the Regional Economic Strategy promotes the need for quality of place within existing and proposed development. With this in mind, the Agency would request the Local Planning Authority to encourage the developer to pursue the highest standards of quality in the development of this site, e.g. BRE EcoHomes, Building for Life and Secured by Design.

6.2 In line with Government objectives to generate 10% of electricity from renewable energy sources by 2010 the application should also provide details regarding the provision of renewable energy measures within the scheme.

7. North East Assembly

7.1 The purpose of this report is to assess the general conformity of this proposal with RPG1 and the submission draft Regional Spatial Strategy (RSS).

7.2 The planning application proposes the redevelopment of the retail park to

provide new and improved accommodation for existing tenant, and 9 new non-food retail units. The existing tenants include the food retailer Morrisons, garden centre Focus and KFC. These will be relocated on the site. The net additional retail floorspace as a result of the redevelopment proposals is 10,772sqm. The proposal also includes landscaping and a revised car parking layout, reducing the overall number of parking spaces by 45.

- 7.3 **The site-** Part of the proposal site is allocated for commerce and community uses in the Derwentside Local Plan. This forms part of the Berry Edge site (previously Consett Steel Works) adjacent to the town centre. In the Local Plan it is recognised that not all commercial activities can be contained within the existing Consett town centre, and that development on the eastern part of Berry Edge would strengthen and enlarge the town centre by allowing it to diversify.
- 7.4 The site is a 'previously developed site within an urban area' and is therefore deemed appropriate for development in the context of the RPG1 policy DP1 and submission draft RSS policy 3.
- 7.5 In the context of RPG1, Consett lies within the regeneration area of North West Durham's former coalfield, where a priority is to provide job opportunities and support communities. RPG1 sets out how these priorities are to be achieved, by introducing new locally based jobs in such areas, reducing unemployment, under-employment and the need for commuting. Consett is identified in submission draft RSS policy 6 as a regeneration centre. The submission draft RSS recognises that in North and West Durham, Consett provides a principle centre for employment, retailing and other services. Due to the green belt, outward expansion is limited, and the regeneration of Consett is supported, primarily for sustainable indigenous growth to meet local needs and aspirations.
- 7.6 The principle of development on a previously developed site within a regeneration centre is supported, and conforms with the objectives for the regeneration areas as outlined in RPG1 and submission draft RSS policies 5 and 6.
- 7.7 **Retailing-** The application site is partially allocated for commerce and community uses in the adopted Derwentside Local Plan. The site is on the edge of the commercial centre. RPG1 policy RD1 seeks to ensure that the preferred location for new retail development is the town centres. Paragraph 3.54 of the submission draft RSS states that edge of centre sites should only be developed where there are no sequentially preferable alternatives.
- 7.8 Whilst the proposal involves the demolition and replacement of existing floorspace, it also proposes a significant amount of new retail floorspace. The applicant has therefore submitted a sequential search in support of the application, which concludes that the site is the most sequentially

preferable site for the proposed development. Subject to the local authority satisfaction that this is the case, the nature of the proposed development is deemed suitable in this location, and is in general conformity with RPG1 policy RD1 and submission draft RSS policies 25 and 27.

- 7.9 **Accessibility-** The proposal involves the redevelopment of an existing site within one of County Durham's regeneration centres. It is located within one of the County's main towns and should enable access by a range of travel options in line with RPG policy TC1 and also with RSS submission draft policy 11, which seeks to reduce the need to travel by focusing development in urban areas that have good access to public transport, cycling and pedestrians and to manage travel demand particularly by the promoting public transport, travel plans, and cycling and walking.
- 7.10 Car parking is provided at a level of 1 space per 31sqm. This falls within the maximum parking standards established in PPG13 (maximum 1 space per 14sqm food retailing/20sqm non food retailing) and reflected in policy T12 of RPG1. Submission draft RSS policy 54 seeks to minimise parking provision for non-residential developments, linked to coordinated proposals for public transport and accessibility improvements and demand management. It is advised in RPG1 policy T12 and submission draft RSS policy 54 that maximum parking levels should be set in local transport plans and other strategies. The number of car parking spaces in the proposed development is lower than the maximum standards contained within the Durham County Council's Accessibility and Parking Guidelines, and therefore the proposal reflects the objectives of submission draft RSS policy 54.
- 7.11 Policy T11 of RPG1 seeks to secure the implementation of travel plans that reduce, or better manage, workplace parking in support of demand management policies. This is reflected in submission draft RSS, which emphasises the need for the promotion of travel plans as a demand management tool and to support the delivery of improved public transport. Submission draft RSS policy 54 also seeks to ensure that travel plans are prepared for all major development proposals that will generate significant additional journeys. A travel plan should be submitted in order to reflect the objectives of policy T11 of RPG1 and the submission draft RSS policy 54.
- 7.12 **Energy-** The proposal does not incorporate any embedded renewable energy generation, or demonstrate how it intends to reduce energy consumption. This does not reflect the objectives of RPG1 policies EN1 and EN7, which encourage renewable energy and energy efficiency. Submission draft policy 39 requires the inclusion of measures in new developments to achieve high energy efficiency. Submission draft RSS policy 40 requires the incorporation of embedded renewable energy in new development. This proposal would better meet the objectives of regional planning policy by the incorporation of energy efficiency

measures and embedded renewable energy generation.

7.13 **Sustainable drainage systems (SUDS)-** There is no mention of the provision of sustainable drainage systems (SUDS) which can contribute to minimising the risk of flooding, particularly flash flooding, and also contribute to a reduction in water based pollution. The inclusion of such provision would therefore be consistent with RPG1 policies ENV3, ENV4 and the emerging RSS. The NEA would support the local planning authority in requiring the incorporation of SUDS.

7.14 **Conclusion-** In principle, retail development in this location is in general conformity with RPG1 and the submission draft RSS. However, the proposal should be supported by a travel plan, in order to comply with RPG1 policy T11 and submission draft RSS policy 54.

The inclusion of sustainable drainage systems (SUDS), renewable energy and energy efficiency within the proposed development would better meet the objectives of regional planning policy, and are identified as matters for the local authority to consider.

8. Environment Agency

8.1 Initially objected to the application due to lack of information regarding surface water drainage. This objection was subsequently withdrawn and the agency advised that if Planning Permission is granted the following conditions should be imposed-

- No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
- Reason- to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- Maximum surface water discharge rate arising from the new development to be no higher than the existing surface water discharge rates from the site.
- Reason- to ensure flooding is not increased by the development.

9. Northumbrian Water

9.1 No comments received.

10. Police Architectural Liaison Officer

10.1 Telephone lines- should enter the building under ground in order to protect the integrity of any security system.

10.2 Landscaping- all shrubs and hedges should have a maximum growth height of 1 metre and all trees pruned to a minimum height of 2.2 metres,

thereby maintaining a clear field of vision around the site. Mature trees should not mask lighting columns nor become climbing aids. All hard landscaping and street furniture should be securely fixed to prevent removal, vandalism and use as ammunition.

- 10.3 Unit Lighting- Perimeter lighting should illuminate all elevations and recesses of the building. A series of vandal resistant, high pressure sodium lamps operated by photoelectric sensors are recommended, which should be mounted at the highest inaccessible points.
- 10.4 Car Parks- should be well lit after dark and be subject to good natural surveillance. I would recommend that some form of lockable barrier be placed across the entrance to the site in order to prevent it being used by joy riders and others.
- 10.5 Drainpipes- rainwater pipes must be either flush fitting or concealed. Cast iron pipes may be coated with anti-climb paint above 2250 mm over ground level. A sign indicating the use of this paint must be erected.
- 10.6 Footpath- where a segregated footpath is deemed to be essential designers should carefully consider the impact on crime. Such routes have in the past proven to facilitate crime hence they shall be straight, wide, well lit with no potential hiding places. It is important that the pedestrian has good visibility along the route of the footpath. The footpath should be as much 'designed' as the buildings.
- 10.7 Where necessary and where space permits, segregated footpaths should be at least 3 metres wide (to allow people to pass without infringing each others personal space) with at least a two metre verge on either side. The need for lighting will be determined by local circumstances. The lighting of a footpath is generally only effective in reducing crime levels (or preventing them rising) if it is matched with a degree of natural surveillance from surrounding buildings. The lighting of an underused footpath may give the user a false sense of security and it might make more sense to close the path at night at the end of trading.

11. Commission for Architecture and the Built Environment (CABE)

- 11.1 We are consulted about more schemes than we have the capacity to deal with and unfortunately we will not be able to comment on this scheme. Please note that this literally means 'no comment' and should not be interpreted as a tacit endorsement of the scheme.

12. Environmental Health Officer

- 12.1 Units 3a-c – there is no dedicated service vehicle access to the rear of these units. All deliveries and pick ups will be across the pedestrian walkway at the front of the units. There is no provision to the rear of the units for external refuse storage and collection.

- 12.2 Units 2a-c – there is restricted service access to the rear of these units which could lead to particular hazards to employees in this area from reversing vehicles.
- 12.3 Hours of operation of demolition and construction should be limited to at least 07.30 hrs-18.00 hrs Monday to Friday, 08.00 hrs – 13.00 hrs Saturdays and no works should be carried out on Sundays or Bank Holidays. The reason for these restrictions would be to limit the impact of noise on nearby residents. This section has dealt with complaints in the past relating to construction noise from this site before, also noise from generators etc is becoming prevalent from construction operations right across the District so some thought should be given to conditions relating to the operation of such equipment outside of the restricted hours mentioned. Residential properties off Albert Road, Berry Edge Road and Knitsley Lane are most likely to be affected by operations on site.
- 12.4 When the development has been completed the service access to the rear of Unit 2a to e may lead to disturbance to local residents by way of reversing vehicles and general noise associated with goods deliveries, no mention has been made of expected times of deliveries, also as there does not appear to be any form of turning circle indicated on the plans the likelihood is that there will be an increase in reversing alarms.
- 12.5 No mention has been made of the position of lighting, security, access or display. Due to a change in legislation artificial lighting can now cause a statutory nuisance, the aim of any development should be to prevent the possibility of any proposed lighting measures from causing nuisance to nearby receptors, bearing in mind that we have also dealt with complaints concerning lighting from this site in the past.
- 12.6 Consideration should also be given at the Planning stage to limiting any potential problems which may arise from airborne dust generated by the working operations during demolition and construction which again could cause problems to nearby residents and passers by.
- 12.7 Consideration may be required regarding the potential increase in traffic volume and any possible effects on air quality, although in fairness I do not consider that there will be a much greater increase than already exists.
13. Development Plans Team
- 13.1 Policy 6 of the draft RSS identifies Consett as an area that should be supported for regeneration, primarily for sustainable indigenous growth to meet local needs and aspirations that maintain and enhance the vitality and viability of the town centre. Policy 25 of the draft RSS reiterates this point and adds that retail-led regeneration should not compromise the vitality and viability of existing town centres nearby.
- 13.2 The main national planning policy guidance dealing with such proposals

is PPS6 (Planning Policy Statement 6): Planning for Town Centres. The main thrust of PPS6 seeks to concentrate growth more centrally in accessible urban centres. PPS6 also aims to create centres that are vital and viable - attractive, safe and successful places that cater for the varying needs of shoppers and operators.

- 13.3 PPS6 is quite prescriptive, and states that Local Authorities should actively promote growth that is appropriate to the role and status of the centre. Where this growth may significantly change the role and function of a centre, this should 'come through the development plan process, rather than through planning applications' (para 2.10). In respect to this, it is arguable that although the retail floor area will be significantly increased as a result of the proposal the role of the town centre will be largely unchanged.
- 13.4 PPS6 also promotes a sequential approach to developing Town Centres; existing centres are considered the most sustainable location for appropriate development followed by edge-of-centre locations*, while out-of-centre and out-of-town locations are generally deemed inappropriate unless there is strategic justification (* Broadly speaking, for retail purposes, a location that is well connected to and within easy walking distance (ie. up to 300 metres) of the primary shopping area).
- 13.5 When assessing schemes, paragraph 3.4 in PPS6 states local planning authorities should require applicants to demonstrate:
- 13.6 a) the need for development
- Proposals ought to be assessed for their quantitative and qualitative need, or whether there is a need for the additional floorspace being proposed and how this will impact on the catchment area.
- 13.7 The proposed scheme includes a Planning and Retail Assessment prepared by Savills consultants on behalf of the applicant. The study suggests the market share currently being captured by the retail offer of Consett town centre leaves considerable room for the additional floorspace proposed at the redeveloped Hermiston Retail Park. The assessment suggests that the convenience and comparison leakage out of the catchment will be stemmed by around 9% and 8% respectively by 2012.
- 13.8 These rises appear to be quite modest figures that would allow for around 81% of convenience and 43% of comparison expenditure to occur within the catchment area by 2012, assuming the proposed development is permitted. According to the assessment, expenditure would actually 'leak' outside of the catchment area up to 2012 if the proposed development is not committed.
- 13.9 PPS6 states that in assessing the qualitative need for additional development when preparing its development plan documents, a key

consideration for a local planning authority will be to provide for consumer choice, by ensuring that an appropriate distribution of locations is achieved in sustainable locations that are accessible and provide choice for the needs of the whole community (para 2.35).

- 13.10 Paragraph 2.37 asserts that benefits in respect of regeneration and employment do not constitute indicators of need for additional floorspace, though they may be material considerations in the site selection process.

b) that the development is of an appropriate scale

- 13.11 PPS6 aims to match scale of development to the appropriate scale of the centre in terms of its role and function in an area. Where a need has been identified, paragraph 2.43 states local planning authorities should seek to identify sites in the centre, or failing that on the edge of the centre that are capable of accommodating larger format developments.

- 13.12 The Planning and Retail Assessment suggests that Consett is currently 'punching below its weight' in terms of meeting the needs of the local communities that it serves. They suggest there is a large amount of 'leakage' in terms of expenditure, particularly for comparison goods, which will be partially arrested by the development without negatively impacting on the vitality of neighbouring retail centres.

c) that there are no more central sites for the development

- 13.13 PPS6 promotes development in town centre locations ahead of edge of centre sites to try to achieve sustainable centres. Paragraph 3.15 states 'in applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centres they have been flexible about their proposed business model in terms of the following planning considerations:

- the scale of their development;
- the format of their development;
- car parking provision; and
- the scope for disaggregation.'

- 13.14 While the scope for alternative sites in more central locations should be explored, local planning authorities should be realistic in considering whether sites are suitable, viable and available. Where it is argued that otherwise sequentially-preferable sites are not appropriate for the particular development proposed, applicants should provide clear evidence to demonstrate why such sites are not practicable in terms of their availability, suitability and viability.

- 13.15 The Planning and Retail Assessment suggests there are no alternative sites in Consett that are more sequentially-preferable and are big enough to accommodate any of the proposed retail areas in the Hermiston

scheme.

13.6 While sites exist in Stanley, the assessment infers that of the four potential sites, just one would perform better sequentially, whilst generally any disaggregation of the proposed scheme would render the development economically unviable.

13.17 Paragraph 3.16 recommends developers consider, in terms of scale, reducing the floorspace of the development; in terms of format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints; and, in terms of car parking: reduced or reconfigured car parking areas. The guidance also urges realism, whereby local planning authorities should take into account any genuine difficulties, which the applicant can demonstrate are likely to occur in operating the applicant's business model from the sequentially preferable site, in terms of scale, format, car parking provision and the scope for disaggregation.

d) that there are no unacceptable impacts on existing centres

13.18 Paragraph 3.20 states 'impact assessments should be undertaken for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy. Where a significant development in a centre, not in accordance with the development plan strategy, would substantially increase the attraction of the centre and could have an impact on other centres, the impact on other centres will also need to be assessed.'

13.19 The Planning and Retail Assessment shows that the proposed scheme would draw some trade from smaller centres and Stanley, though it argues that this impact will be negligible. Tables 9a) & b) in the assessment show the downturn in trade at 2012 for convenience goods is predicted to be -4.56%, for comparison goods this would be -6.12%.

13.20 The assessment argues that the proposed scheme will help the catchment/study area 'claw back' large amounts of convenience and comparison retailing shopping expenditure that is presently lost.

13.21 Paragraph 8.8 in the Planning and Retail Assessment suggests the proposed scheme 'displays extremely good links with the town centre. The spin off benefits through linked trips and spending could be substantial. Indeed enhanced shopping facilities in Consett is likely [to] increase the attractiveness of the town as a place to live and stimulate further residential investment and other commercial development in the town.'

e) that locations are accessible

PPS6 requires proposals to be genuinely accessible by a choice of

13.22 means of transport, including public transport, walking, cycling and the private car. Account should also be taken of the frequency and capacity of services, and whether access is easy, safe and convenient for pedestrians, cyclists and disabled people.

13.23 Paragraph 3.26 states that local planning authorities should assess the extent to which retail developers have tailored their approach to meet the Government's objectives as set out in Planning Policy Guidance Note 13: Transport (PPG13). For example through the preparation of accessibility analyses, transport assessments, travel plans and the promotion of opportunities to reduce car journeys through home delivery services, and contributions to improve access, traffic management and parking.

13.24 The (outline) proposal shows no plans for improving the pedestrian link from the town centre down Front Street as it crosses Knitsley Lane and the front of the new Aldi store. The crossing point at Knitsley Lane and the footway to the front of Aldi is particularly car-orientated and represents something of a physical and psychological barrier as you travel down to the Retail Park. It is felt that significant improvements are needed here to improve the ease, safety and attractiveness of this route for pedestrians, improving the link between the development and the town centre.

13.25 For pedestrians, the main entrance point onto the proposed site is approximately 175 metres from the nearest edge of the commercial centre boundary at Knitsley Lane. Similarly, the entrance point of the proposed Morrisons store would be approximately 330+ metres from the same edge of the commercial boundary.

- The Durham County Council Accessibility & Parking Guidelines document gives guidance in relation to parking for new developments. Given the floorspace of the proposed units parking provision would work out as follows: Car parking: 1002 (maximum)
- Cycling: 101 approx. (to include 36 covered spaces)
- 950+ m² servicing area
- Public Transport services to be accessible within 100m of the main entrance of Morrisons & the non-food retailing units with a secure and well lit waiting shelter
- Bus access facilities must be designed into the site layout for the Morrisons unit
- Travel Plan

13.26 The submitted Design & Access Statement gives some explanation of how units will be accessible for shoppers. Some welcome points include the pedestrian access point off Knitsley Lane near to the Matalan store, while lining some walkways with trees will break-up the expanse of the car parking area and improve enclosure and legibility. Generally, however, the document is quite 'thin' and it is hoped that a more thorough statement would be produced for the scheme should it progress to reserved matters stage.

13.27 Paragraph 3.27 of PPS6 states that 'in assessing new developments, local planning authorities should consider; whether the proposal would have an impact on the overall distance travelled by car; and the effect on local traffic levels and congestion, after public transport and traffic management measures have been secured.'

13.28 Paragraph 3.28 states the following material considerations may be taken into account in assessing planning applications:

- physical regeneration;
- employment;
- economic growth; and
- social inclusion.

13.29 In respect to these points there are obvious benefits proposal can achieve in terms of improving the layout of the scheme and the shopping offer for Consett. Furthermore, paragraph 1.7 in PPS6 states 'it is not the role of planning system to restrict competition, preserve existing commercial interests or to prevent innovation.'

13.30 Design and Layout- PPS1 states: 'Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.'

13.31 Overall the proposed scheme is an improvement on the current layout and design, though it is felt there are several areas that could be improved upon further.

13.32 The proposed entrance to the park from Front Street should be inviting and accessible to all; the indicative drawings variously show a wall and trees to the gap between the blocks of retail units 2 & 3. There is a good opportunity to better integrate the access onto the site with the surrounding area (The College, Front Street). Extending the active frontage of Units 2a and 3a round to face onto Front Street will ensure better integration between the scheme and the surrounding area, while it is imperative that the merging onto Front Street is fluid and free from walls or 'hard' boundaries.

13.33 Trees are used to soften the built elements of the scheme, though the indicative positioning of these in the scheme seems to fail to provide acceptable enclosure and 'height'. Urban design principles show the height of buildings in relation to the width of spaces in between them is critical when creating attractive urban places; this is difficult to achieve if space is not satisfactorily enclosed.

13.34 In practice, a height to width ratio of 1.4. will create good enclosure in settings such as retail parks. Better enclosure could be achieved between the unit blocks 2 & 3, and for the area that would incorporate

Morrisons, Matalan and Focus.

13.35 Energy efficiency- Trees, streetlights, street furniture and public artworks can aid enclosure and legibility elsewhere in the scheme if carefully designed, particularly to the western edge where the change in levels renders this aspect quite open. Careful planting at this edge will also help to reduce the visual impact of the scheme when viewed from afar.

13.36 Energy efficiency measures that could be reasonably incorporated into the development should be sought. The increased importance of climate change is reflected in national, regional and local planning guidance (Planning Policy Statement 22, Policy 39 & 40 from the draft RSS, & policy GDP1 Local Plan), encouraging developments to have embedded in them energy supply from renewable sources and to be more resource-efficient.

14. Durham City Council

14.1 Given the range of existing uses at the application site, we would offer no objections to the proposal.

15. Neighbours have been consulted and a site notice posted. The following comments have been received on behalf of Morrisons-

15.1 Wm Morrison Supermarkets plc are the operators of the Morrisons store located at the Hermiston Retail Park, Consett. The company is very keen to maintain and improve its representation in Consett. They are very keen to support proposals which allow them to improve their store, which is currently poorly configured and constrained in operational terms as it was one of the stores acquired from Safeway and thus not purpose built to accommodate the Company's usual trading layout and range of facilities.

15.2 My clients support the proposals for the redevelopment of Hermiston Retail Park which proposes the redevelopment of the site to provide, amongst other facilities, a large modern food superstore for Morrisons on the edge of Consett Town Centre.

16. Officer Assessment

16.1 The applicant submitted a Planning and Retail Statement in support of the application. Due to the technical nature of some of the supporting information the Council has sought specialist retail planning advice from White Young Green (WYG) and their advice has been taken into account in the preparation of this report. A glossary of terms is appended to the report to assist members due to technical nature of this application.

16.2. The main guidance for determining retail applications is contained within Planning Policy Statement 6 (PPS6) this document states that in determining retail applications the Local Planning authority should require

the applicant to demonstrate the following-

- a) the need for development;
- b) that the development is of an appropriate scale;
- c) that there are no more central sites for the development;
- d) that there are no unacceptable impacts on existing centres; and
- e) that locations are accessible.

16.3. Paragraph 3.5 of PPS6 states that 'local planning authorities should assess planning applications on the basis of the above key considerations and the evidence presented. As a general rule, the development should satisfy all these considerations. In making their decision, local planning authorities should also consider relevant local issues and other material considerations.'

16.4. Each of the above issues is addressed below, together with highways issues, design, renewable energy and other material planning considerations.

17. The Need for the Development

17.1 PPS6 requires the applicant to demonstrate that there is a need for any new development which would be in an edge-of-centre or out-of-centre location which is not in accordance with an up to date development plan strategy. The Derwentside District Local Plan was adopted in 1997 and is currently under review as part of the Local Development Framework (LDF) process. In terms of retail planning policy the plan is no longer fully up to date, although the broad principle of seeking to maintain a strong hierarchy of main shopping centres remains in accord with central Government Policy. The site to which this application relates is located outside of the identified Commercial Centre of Consett, which lies to the east of the application site. The site can therefore be regarded as being in an edge-of-centre location.

17.2 PPS6 identifies that there are two considerations in assessing 'need', that is quantitative and qualitative.

17.3 In considering quantitative need the applicant has examined the likely catchment area of the proposed development. This differs from the catchment area identified by the consultants that have submitted the application for the proposed retail park at Genesis Way. WYG have pointed out that due to the lack of any studies regarding shopping patterns it is difficult to accurately assess the likely catchment area.

17.4 Retail need should be based on a five year period. WYG consider that the expenditure of the catchment area will increase from £112.2 million (m) in 2007 to £116.8 m in 2012 which is less than the expenditure figures provided by the applicant. The applicant's agent has estimated that the existing convenience goods floorspace turnover within the study area represent approximately 73% of the total convenience goods

expenditure generated. They consider that the potential uplift in turnover of the Morrisons store would result in the market share increasing to 82%. They have used this to demonstrate the quantitative need for the development. WYG feel that this figure would represent a high level of retention given the extent of the study area and the competing provision.

17.5 WYG have advised that based on the evidence available, it is questionable whether there is a clear quantitative need for the proposed uplift in convenience goods floorspace as proposed. However, although the new development would not introduce a new convenience retailer to the catchment it would provide a much improved main food shopping destination capable of competing with large facilities located outside of the catchment. In addition the significant improvement proposed in the comparison goods sector and the overall attractiveness of Consett would improve and attract more shoppers than at present.

17.5 The applicant has indicated that the present turnover of existing and proposed floorspace accounts for only 35% of all comparison goods expenditure in the study area. They have identified that 65% of comparison goods expenditure generated in the study area is lost to facilities/centres located outside of the study area. Without the provision of the new floorspace the market share would reduce to 30% in 2012. If the proposed development at Hermiston Retail Park and the extant retail planning permissions are implemented market share would increase to 43%. This demonstrates that there is quantitative need for the development. WYG have checked these figures and feel that a retention level of 50% would be more realistic by 2012, however they are satisfied that there is quantitative need for the development.

17.7 PPS6 states that in assessing the qualitative need a key consideration for a local planning authority will be to provide for consumer choice, by ensuring that an appropriate distribution of locations is achieved in sustainable locations that are accessible and provide choice for the needs of the whole community. The applicant's agent has pointed out that the current performance of the existing Morrisons store hinders commercial performance. They have indicated that the proposed development would allow Morrisons to offer a broader range of products and depth of choice than offered at present.

17.8 In their assessment WYG acknowledge that the store is somewhat dated and is unable to compete with larger supermarkets outside of the catchment area. They therefore conclude that there is a qualitative need for convenience goods floorspace in Consett.

17.9 With regard to the qualitative need for the proposed comparison goods the applicant has suggested that Consett and Stanley have failed to attract national multiple retailers due to the lack of suitable large retail units. The WYG report acknowledges that this is the case and considers that the proposed development would be attractive to a range of comparison goods retailers. WYG conclude that there is a qualitative

need for improved retail provision in Consett both for convenience and comparison goods, in order to improve the retail offer and to reduce the need to travel to competing centres elsewhere.

18. Appropriateness of Scale

18.1 PPS6 states that new retail development should be appropriate to the centre that it would serve, complementing its role and function. The applicant has highlighted that Consett and Stanley are the main towns within the District where new retail development should be directed. Local plan policies seek to protect and improve existing town centres and Structure Plan Policy 3 states that new development should take place within main towns such as Consett. In addition the Regional Spatial Strategy (RSS) identifies Consett as a principal centre for employment, retailing and other services.

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18.2 The applicant's assessment suggests that Consett town centre is not currently meeting the needs of the local communities that it serves. It is suggested that there is a large amount of 'leakage' in terms of expenditure, particularly for comparison goods, which would be partially arrested by the development.

18.3 WYG considers that the proposed development is appropriate in terms of its scale however they have indicated that they would have concerns about developing more than 20,000 square metres gross of additional retail floorspace in an edge-of-centre or out-of-centre location in Consett. It should be noted that this is more than currently proposed by the two retail applications under consideration at Hermiston Retail Park and Genesis Way.

19. Sequential Approach

19.1 PPS6 and Regional Planning Guidance state that the sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document. In selecting sites, all options in the centre should be thoroughly assessed before less central sites are considered. Firstly consideration should be given to locations in appropriate existing centres where suitable sites and likely to become available for new buildings or conversions. If there are no such sites consideration can be given to-

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- edge-of-centre locations, with preference given to sites that are or will be well-connected to the centre; and then
- out-of-centre sites, with preference given to sites which are or will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.

19.2 The commercial centre boundary of Consett lies to the east of the application site and is formed by Albert Road and Knitsley Lane. The

existing Hermiston Retail Park and the existing Aldi store lie outside of this area to the west of the commercial centre. However, as the site is directly adjacent to the town centre and within easy walking distance of the primary shopping area in a location where customers will make linked trips to the town centre and the retail park, the site is considered to be edge-of-centre.

- 19.3 PPS6 (paragraph 3.15) goes on to state that in applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centres they have been flexible about their proposed business model in terms of the following planning considerations:
- the scale of their development;
 - the format of their development;
 - car parking provision; and
 - the scope for disaggregation
- 19.4 The purpose of the above is to try to fit new developments onto more centrally located sites by reducing the overall footprint of the development. Developers are encouraged to reduce the floorspace of the development in terms of format and consider more innovative site layouts and store configurations with smaller footprints and reducing car parking areas.
- 19.5 The applicant's agent has identified 16 vacant premises within the Commercial Centre of Consett. These are much smaller than even the smallest unit being proposed as part of this development. WYG recognise that the existing vacancies within Consett are small scale and are unlikely to meet the needs of modern retailers. The re-occupation of these units would not significantly improve the retail offer in Consett and meet the quantitative and qualitative need for additional retail floorspace in Consett. WYG go on to state that they are not aware of any potential sites within Consett town centre that are available, suitable or viable to improve the retail offer of Consett and to address the issue of clawback expenditure which is being lost to competing centres.
- 19.6 The applicant's agent has identified four potential units at the edge of Stanley Town Centre that could possibly accommodate parts of the proposed scheme. Three of these units occupy edge-of-centre locations and therefore offer no sequential advantage over the application site. In assessing this WYG have commented that there is a specific need to improve the retail offer of Consett, which would not be achieved by locating the proposed development in Stanley.
- 19.7 The applicant has also considered the land to the south west of Derwentside College, Front Street which has Planning Permission for two retail units. This is an edge-of-centre site which offers no sequential advantage to the application site. In addition they have looked at the Genesis Way site and consider this to be out-of-centre and therefore

sequentially less preferable than the application site.

19.8 WYG conclude that there are no sequentially preferable sites to the redevelopment of Hermiston Retail Park within Consett or Stanley town centres capable of meeting the identified quantitative and qualitative need for the proposed development.

20. Impacts on Existing Centres

20.1 PPS6 (paragraph 3.21) states that 'the identification of need does not necessarily mean that there will be no negative impact.' Even when 'need' and the 'sequential test' have been satisfied proposed developments can be refused if there are reasonable grounds to suggest that it would materially harm the vitality and viability of any defined centre nearby. Local Authorities are asked to consider the impact of a development on the centre or centres likely to be affected taking into account the following-

- the extent to which the development would put at risk the spatial planning strategy for the area and the strategy for a particular centre or network of centres, or alter its role in the hierarchy of centres;
- the likely effect on future public or private sector investment needed to safeguard the vitality and viability of the centre or centres;
- the likely impact of the proposed development on trade/turnover and on the vitality and viability of existing centres within the catchment area of the proposed development and,
- where applicable, on the rural economy (an example of a positive impact might be if development results in clawback expenditure from the surrounding area);
- changes to the range of services provided by centres that could be affected;
- likely impact on the number of vacant properties in the primary shopping area;
- potential changes to the quality, attractiveness, physical condition and character of the centre or centres and to its role in the economic and social life of the community; and
- the implications of proposed leisure and entertainment uses for the evening and night time economy of the centre

20.2 WYG have concluded that the proposed development could have a potential impact on the convenience goods turnover of Consett of approximately 6%. This is marginally higher than identified by the applicants who suggest that there would be a less than 5% impact on Consett Town Centre. WYG considers that the greatest impact of the development on convenience goods turnover would be on the Tesco's store at Delves Lane (8%). However, given that this store is located on an out-of-centre site, it is afforded no protection under retail planning policy.

- 20.3 The WYG report identifies a potential impact of almost 6% on the convenience goods turnover of Consett Town Centre and 4% on the convenience goods turnover of Stanley. They state that the level of trade draw identified is unlikely to have a detrimental impact on the town centre. With regard to other centres in the District such as Leadgate, Annfield Plain and Langley Park, WYG consider that these generally serve to 'top-up' convenience shopping and they will continue to serve an important role in meeting the day-to-day needs of local residents.
- 20.4 In terms of comparison goods WYG have suggested that there would be a potential impact of almost 8% on the town centre.
- 20.5 WYG have advised that rather than considering the separate impact on convenience and comparison goods the impact on the turnover of the defined centres as a whole should be considered. They feel that this is particularly important given that the proposed development would contain both types of shopping provision. WYG conclude that the proposed development could have a potential impact of approximately 7% on Consett and 5% on Stanley with an impact of between 2 and 9% on other centres within the catchment area.
- 20.6 As well as having negative impacts the proposed development would result in some positive benefits such as the 'clawback' of expenditure that is currently lost to facilities outside of the catchment area and by providing more sustainable development through reducing the need to travel to facilities elsewhere. WYG point out that the application site's close proximity to the town centre would have a positive benefit by increasing footfall and the overall attraction of the centre. In addition WYG have pointed out that their assessment identifies that the proposed development would draw some £13m of retail expenditure from existing and proposed facilities within the catchment, it is considered that almost £28m of retail expenditure could be 'clawed back' from facilities outside of the catchment. PPS6 acknowledges that the clawback of expenditure from the surrounding area is considered to be a positive impact.
- 20.7 WYG have also looked at the cumulative impact of both the proposed development at Hermiston Retail Park and Genesis Way. The cumulative impact of both proposals could result in a potential impact on Consett Town Centre of 9% which is compared to an impact of 7% and 2% based on the schemes in isolation. The impact on Stanley town centre would be 6% and other local centres 7%.
- 20.8 It has been pointed out by WYG that if both schemes were to go ahead the likelihood would be that both schemes would compete with each other rather than with existing retailers within the defined centres.
- 20.9 In concluding this section of their report WYG have said that the Council will need to carefully consider any impact on the town centre due to the fact that the centre is showing signs of being in a fragile state. They suggest that any cumulative impact of more than 9% could have an

impact on the vitality of the town centre. However, they have suggested that if permission is granted for the Genesis site consideration should be given to restricting the consent to the sale of bulky goods only which would significantly lessen the impact upon established centres.

20.10 Finally WYG have suggested that a condition be placed on the approval, if Members are minded to grant consent, to restrict the minimum unit size and to prevent any sub-division. Such a condition would prevent smaller units from being provided which would compete with the retailers that occupy smaller units within the town centre.

20.11 While the approval of the proposed redevelopment of the Hermiston site would have an impact of potentially 7% on Consett town and 5% on Stanley town centre, this would not be at such a significant level to adversely affect the vitality and viability of either centre or any of the local centres within the catchment area. The scheme would have the added benefits of 'clawing back' a considerable amount of expenditure which currently goes out of the catchment area and increasing the footfall and overall attractiveness of Consett.

21. Accessibility

21.1 PPS6 advises that in considering new development Local Planning Authorities should ensure that developments are genuinely accessible by a choice of means of transport and whether the proposal would have an effect on local transport levels. Paragraph 3.26 of PPS6 states that Local Planning Authorities should assess the extent to which retail developers have tailored their approach to meet the government's objectives contained within PPG13 (Transport). For example through the preparation of accessibility analyses, transport assessments, travel plans and the promotion of opportunities to reduce car journeys through home delivery services and contributions to improve access, traffic management and parking.

21.2 The applicant has indicated that the existing retail park is widely accessible by a variety of modes of transport, including public transport, on foot and by car. For pedestrians the main access to the proposed site is approximately 175 metres from the nearest edge of the commercial centre boundary at Knitsley Lane. The entrance to Morrisons would be more than 300 metres from the edge of the commercial centre boundary.

21.3 It is proposed to increase accessibility by the provision of a new footpath link to Knitsley Lane which would make it easier for pedestrians to approach the site for the Templetown area. This would address an existing problem with accessibility to the site.

21.4 The application site is an established retail destination and given the site's close proximity to the town centre there is evidence that linked trips to the town centre occur presently and these are likely to increase as a result of the proposed development.

21.5. The site is not currently well served by provision for cycle storage and this application presents an opportunity to improve such facilities. The County Council's Highways Development Control Officer has requested a condition that details of cycle parking provision are provided.

22. Highway Safety

22.1 The County Council's Highways Development Control Officer has raised no objections to the Planning application. However he has stated that as the scheme would increase traffic movements at the A692/Front Street/Genesis Way roundabout alterations will need to be made to the roundabout. Alterations to the geometry of the roundabout are required and the Highways Officer is in negotiations with the consultants for the current application to incorporate such changes into this application. He has suggested that this matter could be covered by a planning condition and it is recommended that members impose such a condition should you be minded to approve the application.

22.2 The Highways Officer has also suggested a number of minor alterations to the internal road layout which again can be covered by conditions. He has mentioned that an area of land on which Morrisons service yard would be located is 'dedicated highway' and has asked for a condition that this is formally 'stopped up' before the development takes place. While the applicant can be advised of this it is not possible for a Planning condition to be imposed with regard to this matter as it relates to matters covered by other legislation, however the applicant will be reminded that this matter will need to be resolved before work begins.

22.3 The scheme would incorporate 648 car parking spaces which is in line with the Durham County Council's Accessibility and Parking Guidelines and will be a reduction from 693 parking spaces that there are currently on site. The guidelines set maximum parking standards for non-residential land uses in line with national planning policy, seeking to reduce provision below these levels in locations with good public transport access. The level of car parking should be sufficient to accommodate the development and it should be borne in mind that the site is accessible by other means of transport.

23. Design Issues

23.1 PPS1 promotes high quality design in new developments. This relates not only to the appearance of the buildings themselves but also to the layout of the site. The existing retail park is located at the western end of Front Street on the edge of the town centre. Morrisons supermarket is situated some distance from the site boundary and due to its siting and appearance it does not relate well to the town centre. The other units are further away from the town centre and there is little visual linkage. Some of the units are positioned within the centre of the retail park leading to an unusual layout of buildings. Footpaths to the retail park are poor and this

lack of accessibility together with the positioning of the units on the site mean that the retail park as a whole relates poorly to the town centre. The existing Morrisons and Focus units are not of an attractive design or appearance although some of the more modern units at the retail park are of a better appearance. Overall, the retail park does not presently contribute to the appearance of Consett.

- 23.2 The applicant has indicated that a number of draft schemes were considered before the current layout was selected. The submitted scheme shows the relocation of the Morrisons store to the south eastern corner of the site. A terrace of retail units would connect Matalan to Front Street with a smaller terrace of units opposite. Focus and Storey Carpets would be relocated from their current positions in the middle of the retail park. The applicants state that this would provide a more sensible and efficient site layout. Consent is sought for the layout of the development but not for the design of the buildings (although it should be noted that some indicative floor plans and elevations have been submitted).
- 23.3 The relocation of the Morrisons store has enabled the floorspace of the superstore to be increased from 3344 square metres to 7245 square metres. The applicant has advised that it would not be practical to simply extend the current store in its current position as the site is constrained and the scale of the possible extension limited. In addition they have advised that a replacement store in its current location would not be practical as Morrisons would have to cease trading while the construction took place and Morrisons would not be prepared to accept this.
- 23.4 During pre-application discussions with the applicant it was suggested that it would be preferable if Morrisons could be located in the north eastern corner of the site directly adjacent to Front Street. It was felt that the siting of the building in this location would mean that it would be better related to Front Street and the town centre and it would help to integrate the retail park into the town centre rather than being viewed as a separate entity.
- 24.4 The applicant has advised that this would not be possible as this would mean that part of the building would be erected on the site of the existing store. In order to achieve this it would be necessary for the store to close for the duration of the construction period or for Morrisons to relocate elsewhere while to construction takes place. The applicant's agent has advised that this would not be feasible due to the fact that Morrisons would need to be compensated for the loss of trade during the construction period, the impact on customer trading and the fact that staff may need to be made redundant during this period (although some may be offered temporary employment at other stores). In addition they have advised that the current store could not be extended to the rear as this would restrict the size of the servicing area. Extending to the side would produce a long thin store which would not be popular with customers or be efficient in trading terms, and a front extension would reduce

accessibility and visibility to the existing retail units to the south and would result in an unsatisfactory parking layout.

24.5 While it is acknowledged that in Planning terms it would be preferable for the superstore to be located adjacent to Front Street it is noted that there are valid practical reasons why this would not be possible. Overall Officers feel that the proposed scheme would be a significant improvement on the current layout and design.

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24.6 During the course of the application negotiations have taken place with the applicant regarding improvements to the scheme in terms of its relationship to Front Street. It was suggested that in order to help integrate the retail park into the town centre consideration should be given to turning Units 3a-c round so that they would face directly onto Front Street. The applicant has considered this however they have advised that this would result in them turning their backs on the retail park which would discourage links between the units. They feel that this would create a poor sense of arrival and would be unsatisfactory in design terms.

24.7 It is recognised that turning the units round would mean that they would back onto the retail park and although they would be more attractive from Front Street this would be at the expense of the design of the retail park. By siting the units at right angles to Front Street the frontages of these units would be visible to pedestrians walking down front street towards the retail park and may have the effect of drawing shoppers in to the development.

24.8 At the request of your officers the applicant has considered the area of the site between Units 2a and 3a adjacent to Front Street to ensure that the scheme is well related to Front Street and encourages pedestrian links to the site. Two options have been submitted to address these matters. Option A proposes a paved area to the front of unit 3a with signage to the retail park. Option B enlarges this area by extending over four of the parking bays along the edge of Front Street, new seating and a public art feature would be provided. Both options would incorporate pedestrian links to Front Street.

24.9 Option B would include a larger paved area providing a pleasant place at the entrance to the development from the town centre where there would be seating and an art feature. In addition a further entrance to the retail park would be provided adjacent to Unit 2a which would be the closest link from the site to the town centre. A seating area would be provided where this would join Front Street with planting beds provided. These links would allow the scheme to integrate well with Front Street.

24.10 Also to help integrate the scheme into Front Street glazing and canopies would be provided to the gable ends of units 2a and 3a to add visual interest to the Front Street elevations of these units.

- 24.11 Since the application was originally submitted improvements have been made to the pedestrian routes through the site. The main pedestrian route would be four metres in width providing an accessible route for customers with trolleys, wheelchairs, prams etc. The scheme incorporates landscaping and a mixture of paving types would add visual interest.
- 24.12 The scheme would incorporate a link to the site from Knitsley Lane allowing pedestrians to access the site from the Templetown area. The link would be provided to the south of the existing Matalan unit and would provide an important footpath to the site addressing a current need in this location.
- 24.13 The plans also show that enhanced boundary treatment would be provided adjacent to Knitsley Lane. At present the new properties erected adjacent to Knitsley Lane look directly onto the service yard of Matalan and Morrisons. This is unsightly and is not currently well screened. Although no details have been provided with this outline application of how the boundary treatments would be improved a condition could ensure that these details are required as part of the reserved matters approval. In addition careful consideration needs to be given to the boundary treatment of the site adjacent to the A692 as the servicing areas for Morrisons and Focus would be adjacent to this major road. It is important to ensure that this element of the scheme is visually acceptable.
- 24.14 As stated above the application is in outline only and details of the design of the units has not been applied for. Indicative elevations have been submitted which show that the units would have a modern design and appearance. Further consideration will be given to this issue at the Reserved Matters stage.

25. Renewable Energy

25.1 National and regional planning policy is placing greater emphasis on encouraging new developments to have embedded within them energy supplies from renewable sources and be designed to be more resource efficient. Regional Planning guidance requires consideration to be given to renewable energy and energy efficiency. The applicant has commented that the Regional Spatial Strategy's objective is to provide at least 10% of the regions consumption of electricity from renewable sources by 2010 and this is not a blanket target to be applied to all sites. They have asked for the following points to be taken into consideration-

- The development would recycle brownfield land, maximising the use of existing resources in accordance with planning objectives at national, regional and local level.
- The site occupies a sustainable location within Consett Town Centre.
- The development will replace old, unappealing and inefficient buildings with modern, attractive energy efficient premises. The redevelopment will completely revamp the Park to provide modern, high quality retail units in order to attract major brand names which are presently lacking in the area.
- The proposals will provide spin off benefits for the town as a whole. By attracting top retailers that are well known national branded names, the shoppers at Consett will benefit by having their needs met without having to travel to more distant shopping locations such as the MetroCentre. This will have sustainability benefits by reducing the need to travel outside of the area for shopping purposes.
- The development will help to retain more spending within the local area and will be a significant boost to the local economy. It is estimated that the redeveloped Retail Park will provide over 500 jobs.

25.2 The applicant states that they would wish to avoid 'environmental tokenism', such as highly visible schemes, such as providing wind turbines on site, which would only make a small contribution to the site's energy requirements. They feel that it would not be appropriate to impose a requirement to provide renewable energy as part of this proposal as they feel that a wind turbine would jar with a well balanced design and layout. They have also stated that the additional costs of a wind turbine or photovoltaics would adversely affect the economic viability of the scheme. They have advised that they would be prepared to incorporate the following-

- Provision for the conservation of fuel and power in buildings by limiting heat gains and losses through thermal elements and other parts of the building fabric; and from pipes, ducts and vessels used for space heating, space cooling and hot water services. This can include the use of high specification external walls and glazing to achieve high levels of insulation.
- Providing and commissioning energy efficient fixed building services and effective controls, including modern energy efficient plant, lighting

and low water usage toilets for instance.

- Providing to the tenants sufficient information about the building, the fixed building service and their maintenance requirements so that the building can be operated in such a manner as to use no more fuel and power than is reasonable.
- Use of glazing to take advantage of solar heating potential.
- Adoption of environmental purchasing policies for construction, including, for instance, responsible sourcing of materials and use of recycled aggregates.

They suggest that such measures could easily outstrip the amount of energy that could be produced by a wind turbine or solar panels. However they have said that they would be willing to accept a condition requiring details of environmental measures to be submitted and approved at the reserved matters stage.

- 25.3 It is disappointing that the applicant is not prepared to take a more positive approach to incorporating renewable energy within the scheme. This would be an opportunity to provide a scheme incorporating renewable energy to be used on site which would have a positive impact on the development as a whole. It is recommended that a condition is imposed as suggested by the applicant in order to ensure that energy efficiency measures are incorporated into the development.

26. Other Material Considerations

- 26.1 Although Northumbrian Water Ltd were consulted on the application a response has not been received from them. Members will be aware that they have previously expressed concerns about the capacity of the sewerage treatment works and its abilities to accept any additional flows. It is not anticipated that the proposed redevelopment of the retail park would significantly increase sewerage flows however it is suggested that if members are minded to grant permission a condition is placed on the permission to ensure that these details are agreed.

- 26.2 The Council's Environmental Health Officer has requested that a condition is imposed should members be minded to grant consent to limit the hours of construction. Due to the proximity of the site to houses such a condition is included in the list of conditions at the end of your report. In addition he has expressed concern about the noise from reversing vehicles within the service area to the rear of Units 2a to 2e. At present there are no restrictions on the times that deliveries are made. A condition could be placed on the consent restricting the times during which deliveries could be made in the event that Members are concerned about the impact of deliveries on local residents. However, it should be noted that such a condition would only prevent delivery vehicles from entering the site and would not prevent delivery vehicles from arriving at the site outside of these hours and waiting, with their refrigeration units running, before being able to enter the site.

27. Conclusions

- 27.1 The applicant has demonstrated that in retail planning terms there is a need for this type of development to improve Consett and the District's market share in comparison goods floorspace. In addition a large new modern supermarket would increase consumer choice and improve the attractiveness of Consett as a shopping destination. The proposed development would address a lack of recent investment in retailing in Consett which is a town in which new retail development should be focussed.
- 27.2 The proposal would provide a natural extension to Consett town centre and is located in an area where linked trips would occur with the town centre supporting local businesses and services, therefore benefiting the town centre in general.
- 27.3 In terms of its impact the proposal is unlikely to have an adverse impact on Consett town centre or established centres in the District. This is a very positive development which would represent a considerable investment in Consett which is to be welcomed.

28. Recommendation

28.1 Conditional Permission

- Outline Time Limit (OTL)
- Reserved Matters (RM)
- Reserved Matters Time Limit (RMTL)
- Amended Plans (GO4- Option B) The plans submitted to discharge conditions two and three shall include details of how the scheme would incorporate energy efficiency measures and renewable energy sources.
- Reason- In accordance with PPS22 and Regional Planning Guidance.
- Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, details of refuse storage for Units 3a, 3b and 3c shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be provided in accordance with the approved details prior to the use of these units commencing and shall not be removed without the prior written permission of the Local Planning Authority.
- Reason- In order to ensure that adequate refuse storage is available in accordance with Policy GDP1 of the Local Plan.
- No demolition and construction shall take place outside of the hours 07.30 hrs-18.00 hrs Monday to Friday, 08.00 hrs – 13.00 hrs Saturdays and no works should be carried out on Sundays or Bank Holidays.
- Reason- In the interests of the amenity of the occupiers of nearby residential properties, in accordance with Policy GDP1 of the Local Plan.

- Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, details of the position and type of all lighting to be installed (security, access or display) shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided in accordance with the approved details.
- Reason- In order to ensure that the lighting to be installed would not harm the amenity of the occupiers of adjacent residential properties in accordance with Policy GDP1 of the Local Plan.
- No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
- Reason- To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- Maximum surface water discharge rate arising from the new development to be no higher than the existing surface water discharge rates from the site.
- Reason- To ensure flooding is not increased by the development.
- Development shall not commence until a detailed scheme for the treatment of foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The use of the units hereby approved shall not commence until the scheme to deal with the foul flows has been completed in accordance with the approved details.
- Reason- To ensure the satisfactory disposal of sewerage.
- Prior to the use of the supermarket hereby approved commencing, or other such time period as may be agreed in writing with the Local Planning Authority, the footpath link to Knitsley Lane shall be provided in accordance with the approved details and shall be available for use.
- Reason- In the interests of pedestrian safety and to comply with Policy TR2 of the Local Plan.
- Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, full details of the boundary treatment of the site with Knitsley Lane and the A692 shall be submitted to and approved in writing by the Local Planning Authority. The boundary enclosures shall be provided in accordance with the approved details prior to the use of any of the units hereby approved commencing, or any other such time period as may be agreed in writing with the Local Planning Authority.
- Reason- In the interests of the visual amenity of the area and to comply with Policy GDP1 of the Local Plan.
- Prior to the commencement of the development a revised site layout plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show that there is no right turn, after entering the site, until at least after the first double aisle of

parking bays. The site shall be constructed in accordance with the approved details.

- Reason- In order to prevent right hand turning vehicles from blocking the circulatory carriageway of the nearby roundabout which would be detrimental to highway safety and contrary to policy TR2 of the Local Plan.
- Prior to the use of the supermarket hereby approved commencing, the highways improvements shall be carried out in accordance with the approved details.
- Reason- In the interests of highway safety and to comply with Policy TR2 of the Local Plan.
- Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, full details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details before the use of any of the units hereby approved commences, or any other such time period as may be agreed in writing by the Local Planning Authority.
- Reason- To encourage sustainable means of travel in accordance with PPG13 (Transport).
- The minimum gross floor space of any of the units hereby approved shall be 441 square metres, no unit shall be sub-divided without the prior written consent of the Local Planning Authority.
- Reason- in order to ensure that no smaller units are provided which could affect the vitality and viability of the town centre contrary to PPS6 (Planning for Town Centres).
- Notwithstanding the provisions of class A1 of the Town and Country Planning (Use Classes Order 2005) the convenience goods retailing hereby approved shall not exceed 7250 square metres gross floor area.
- Reason- In the interests of the vitality and viability of town centres within the catchment area in accordance with PPS6.
- Landscaping (LO1)
- Prior to the commencement of development a dust management scheme shall be submitted to and agreed in writing by the local planning authority. The scheme shall identify the best practicable means for minimising dust generated by the demolition and construction operations hereby permitted. The development shall take place in accordance with the approved dust management scheme.
- Reason- In the interests of the amenity of the occupiers of nearby residential properties and to comply with Policy GDP1 of the Local Plan.

29. Reason for Approval

- 29.1 The decision to grant planning permission has been taken having regard to policies GDP1, CO1, CO3, TR2, CI1 of the Derwentside District Plan, Structure Plan policies 3, 48, 48a and 49, and RPG1 and relevant

supplementary planning guidance and material considerations, as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority no other material considerations outweigh the decision to grant permission.

- 29.2 The applicant has demonstrated that there is a need for this type of development to improve Consett and the Districts market share in comparison goods floorspace. In the opinion of the Local Planning Authority a large new modern supermarket would increase consumer choice and increase the attractiveness of Consett as a shopping destination.
- 29.3 The proposal would provide a natural extension to the town centre and is located in an area where linked trips would occur with the town centre. The Local Planning Authority consider that in terms of its impact the proposal is unlikely to have an adverse impact on Consett town centre or established centres in the District.

Report Prepared by Fiona Clarke, Principal Planning Officer

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RECOMMENDATION FOR APPROVAL

06/0838

02.10.06

Project Genesis Ltd

Land to the south west of
Ponds Court Business Park,
Genesis Way, Consett

Retail Park (Outline)

Consett South Ward

1. The Application

1.1 Outline Planning Permission is sought for a retail park on a 5.45 hectare site to the south west of Ponds Court Business Park, Genesis Way, Consett. The site is part of the former steel works site and is currently vacant. Details of means of access are provided with the outline application. Vehicular and pedestrian access would be taken directly from Genesis Way.

1.2 The retail park would comprise 9289 square metres gross retail floor space. An indicative layout has also been submitted which shows that eight retail units would be provided arranged around a central area of customer parking. Associated servicing would be provided. Initially the scheme included a unit to be used for convenience (food and drink) retailing. However the application has been amended and consent is now sought only for comparison (non-food) retail.

2. History

2.1 A screening opinion for retail development was submitted in 2006 (reference 1/2006/0818/DM) to assess whether an Environmental Impact Assessment would need to be submitted with the application. It was resolved that such an assessment would not be required.

2.2 An application for Industrial and Warehousing Development (Use Classes B1, B2 & B8) on 300 acres (Outline) was submitted in 1992 but was withdrawn prior to determination (reference 1/1992/0687/DM).

3. Policy

3.1 The following policies of the adopted Local Plan are relevant in determining this application

The following policies of the adopted Local Plan are relevant in determining this application-

General Development Principles (GDP1)

Development on or close to Landfill or Contaminated Sites (EN27)

Supporting Existing Town Centres within the District (CO1)
Controlling out of Town Centre Retail Developments (CO3)
Location of New Industrial Development (IN1)
Development within Business Parks (IN2)
Development within Landscaped Areas (IN6)
Development and Highway Safety (TR2)
Development within Berry Edge (CI4)

3.2 The following policies of the Durham County Structure Plan are relevant in determining this application-

New Development within main towns (Policy 3)
Maintaining and enhancing the attractiveness of Town Centres (Policy 48)
Principle locations for new shopping development (Policy 48a)
Siting of new shopping development (Policy 49)

3.3 The following policies of Regional Planning Guidance for the North East (RPG1) are relevant in determining this application-

The Sequential Approach to Development (Policy DP1)
Water Quality (Policy ENV3)
Flooding (Policy ENV4)
Town Centres (Policy TC1)
Function of Centres (Policy TC3)
Retail Development (Policy RD1)
Location of Development (Policy T1)
Demand Management (Policy T11)
Energy (Policy EN1)
Energy Efficiency in Buildings (Policy EN7)

3.4 Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Development' promotes high quality design in the new developments and individual buildings and encourages sustainability.

3.5 Planning Policy Statement 6 (PPS6) 'Planning for Town Centres' was published in March 2005 and sets out the Government's objective of promoting the vitality and viability of town centres. The advice contained in PPS6 is relevant to all proposals relating to town centre uses including new development and the redevelopment of existing facilities.

3.6 Planning Policy Guidance Note 13 (PPG13) 'Transport' aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

Consultations

4. County Highways Development Control Officer

4.1 This application is in 'outline' however with all matters being reserved other than 'means of access'. This application was submitted prior to application reference 07/133 (Hermiston Retail Park), by some 6 months approximately.

4.2 The TA originally proposed a mini-roundabout at the priority B6322/A691 junction however the eastbound A691 approach alignment (junction on a crest, restricted forward visibility) raises highway safety concerns such that this is not acceptable. A flaring of the B6322 entry radius is an adequate compromise. The TA analysis has proposed kerblines adjustments at the A692 Consett by-pass/C16a Delves Lane roundabout however issues remain regarding the resultant roundabout geometry. This matter has been raised directly with the applicant's consultants but at the time of writing a formal response is still awaited. In the event that this is not satisfactorily concluded prior to the application being heard at Committee then this matter must be conditioned in any approval.

4.3 I note that this application is 'outline' and have therefore not commented on the indicative internal layout given it may alter. However, means of access to the site is not a reserved matter and therefore I would advise that I consider cycle and walking penetration into the site should be improved. There are a large number of dwellings at The Grove and Moorside. The proposed Retail Park layout does not include any direct penetration into the site from the A692 which, in its absence, will force pedestrians and cyclists from the south west to travel around the perimeter of the site, lengthening their walk/cycle by a not insignificant 500m. This of course doubles for a return trip. There are now many dwellings in the Templetown area, the residents of which would approach the site from the south east and where a direct link into the site, at its south east corner, would encourage sustainable trips.

4.4 I would require the following to be conditioned in any approval:

1. Revised Transport Assessment to be submitted for approval prior to commencement on-site.
2. Agreed highway improvements to be completed prior to development being brought into use.
3. Pedestrian and cyclist access directly into the site from (a) the A692 and (b) Genesis Way (at south east of site).
4. Conversion of existing A692 footway to shared use (3.0m minimum width) from its junction with Taylor's Terrace to A692/Front Street roundabout.
5. As with the approved Sports Centre site adjacent, a minimum 3.5m width cycle way/footway should be carried forward into the site (i.e., not terminated at the junction with Genesis Way, as is shown).

5. Durham County Council (Structure Plan Team)

5.1 The application site is located to the west of Consett Town Centre. The policies of the adopted County Durham Structure Plan seek to maintain

and improve the vitality and viability of the main town centres, including Consett. To this end, policies 48a and 49 of the Structure Plan describe the sequential search process for identifying suitable sites for major new retail development, the first preference should be for a town centre location, followed by edge of centre sites and local centres identified in local plans.

- 5.2 These policies reflect national guidance. PPS6 requires the sequential approach to site selection to be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan. All town centre options should be thoroughly assessed before less central sites are considered. The application also needs to demonstrate how it relates to the sequential test whereby priority should be given to retail development in the town centre or edge of centre and should be clear that no alternative sites are available in a town centre or edge of centre location.
- 5.3 The District Council will need to be satisfied that there is a need for the development, that no alternative sites are available in a city centre or edge of centre location and that the proposal will not have a damaging impact on other centres in the catchment area which could lead to unsustainable travel patterns, in accordance with Structure Plan Policy 49.
- 5.4 The adopted Structure Plan sets out a land use planning framework to develop the economy for the County, including setting out the requirements for employment land. The key thrust of the Structure Plan's economy policies is to provide a suitable land use planning framework in order to allow for a range and choice of employment land and buildings to meet the different requirements of firms. Land has subsequently been allocated for business parks, prestige industrial estates and smaller local employment allocations in all District Local Plans. It is important to maintain a range and choice of employment land and buildings to meet different requirements.
- 5.5 The importance to the economy of the County prestige employment sites in key strategic locations is identified in Policy 19 of the Structure Plan. The sites listed in the supporting text include a science park, business parks and prestige industrial estates, all of which either have planning permission or are now allocated in District Local Plans. Berry Edge is included in the list of high quality Prestige Employment Sites of strategic importance for industrial and office uses set out in the Structure Plan. The current proposal would further reduce the amount of land allocated for employment uses at Berry Edge. This is in addition to significant areas of previously available employment land having recently been lost as a result of planning permissions being granted for alternative uses, including housing, a hotel and a sports complex.
- 5.6 The most recent comprehensive assessment of employment sites and premises in the County, carried out by Donaldsons on behalf of the

County Council, recognised the significance of Berry Edge as representing an opportunity to encourage high quality development if approached in a structured and targeted way. Consideration of the current planning application should take place within the context of a rigorous assessment of the overall need and supply of employment land.

5.7 The adopted Durham County Structure Plan also seeks to maximise the potential of proposals to improve access by a choice of modes of transport and to reduce the reliance on the private car, and requires that development proposals provide for accessibility by public transport users, pedestrians and cyclists. This should be achieved by the incorporation of measures into the design to encourage the use of alternative modes of transport. It is important that a development of this scale is developed in such a way that it encourages sustainable travel and that opportunities to provide travel choices are designed into the development at the outset.

5.8 Policy 44A also states that car parking provision should be limited to that necessary to ensure the safe and efficient operation of the development in order to reduce over dependence on the private car. The level of car parking provision should correspond with the Council's Accessibility and Parking Guidelines, and accord with Policies 44 and 44A of the Structure Plan. Detailed comments on the level of provision and other detailed traffic management issues will be set out separately by the County Council's Highways Development Control Section.

6. North East Assembly

6.1 RPG1 recognises the importance of town centres continuing to be the focus for the majority of new retail development (Policies TC1 and TC3) in order to protect their vitality and viability.

6.2 Submission Draft RSS is consistent with this, emphasising that, in order to support an urban renaissance it is crucial that centres are the focus for retail and leisure development and out-of-centre locations are avoided. Policy 6 recognises that in North West Durham, Consett is one of the principal centres for retailing and continues to be the focus for regeneration to meet local needs and aspirations within the Tyne and Wear City Region. Submission Draft RSS also seeks to deliver sustainable communities, with the provision of locally available services and facilities, strengthening the role of existing identified centres in the city regions, including Consett, as the focus for jobs; commerce; entertainment; leisure; culture and recreation. More specifically, Submission Draft RSS seeks to focus all types of retail development, particularly high trip generating uses, within town centres. Policy 25 seeks to ensure that the development of retail facilities are focused within defined urban centres commensurate with their scale, function, environmental capacity and ability to be served by transport modes other than the car. Edge-of-centre sites should only be developed where there are no sequentially preferable alternative sites, and should be well integrated with the existing town centre to complement it rather than

compete with it and ensure easy accessibility by foot, cycle and public transport. The application site falls outside the town centre boundary as currently identified in the adopted Derwentside Local Plan and the applicant would need to demonstrate that no sequentially preferable alternative sites are available.

6.3 The application site is allocated in the adopted Local Plan for a proposed Business Park. Although the proposal is on a prestige employment site as identified in the County Durham Structure Plan, it does not fall within the list of Prestige Employment sites of regional significance set out in Policy 19 of Submission Draft RSS. Nevertheless, consideration of the current planning application needs to take place within the context of the overall need and supply of employment land and the approach set out in RPG1, particularly Policy EL2 This requires local authorities to undertake a rigorous assessment of the amount of employment land available to make provision for good quality employment land which is sufficient to provide flexibility and choice for potential investors and recognising changing business requirements and allow a range and variety of sites.

6.4 Policy 18 of Submission Draft RSS also states that planning authorities should undertake employment land assessments taking into account the:

- a) need to protect employment land and premises from redevelopment to alternative uses, where they are an essential part of the long-term employment land and premises portfolio; and
- b) potential of existing employment allocations no longer required for employment purposes for reallocation to alternative uses or de-allocation.

6.5 The proposal involves the redevelopment of a site within one of County Durham's main towns and should enable access by a range of travel options in line with RPG 1 Policy TC1 and also with Submission draft RSS Policy 11, which seeks to reduce the need to travel by focusing development in urban areas that have good access to public transport, cycling and pedestrians and to manage travel demand particularly by the promoting public transport, travel plans, and cycling and walking.

6.6 Submission Draft RSS Policy 54 seeks to minimise parking provision for non-residential developments, linked to coordinated proposals for public transport and accessibility improvements and demand management. Provision should be in accordance with Durham County Council's Accessibility and Parking Guidelines. The Guidelines set maximum parking standards for non-residential land uses in line with national planning policy, seeking to reduce provision below these levels in locations with good public transport access.

6.7 Policy T11 of RPG1 also seeks to secure the implementation of Travel Plans that reduce, or better manage, workplace parking in support of demand management policies. This is carried forward in Submission draft RSS which emphasises the need for the promotion of travel plans as a demand management tool and to support the delivery of improved public

transport. Submission Draft Policy 54 also seeks to ensure that Travel Plans are prepared for all major development proposals that will generate significant additional journeys and should seek to maximise travel by public transport, cycling and walking. The preparation and implementation of a Travel Plan should be agreed between the developer and planning and highways authorities at the detailed planning application stage and should set out a package of measures designed to reduce the reliance on car travel and to encourage more sustainable forms of travel and travel habits.

6.8 RSS also seeks to minimise energy use in new developments in line with its wider sustainable development objectives. Building Research Establishment's Environmental Assessment Method (BREEAM) is a measure of best practice in environmental design and management of buildings. It assesses the performance of buildings across a range of areas. Legal requirements from the European Directive on Energy Performance of Buildings require new buildings of over 1000 square metres floor area to have a feasibility assessment for sustainable energy solutions before construction commences. In addition to this, the Government is preparing a Code for Sustainable Buildings which aims to become the single national standard for sustainable building for all sectors of the building industry. RSS Policy 39 seeks to ensure that new developments are located and designed to minimise energy consumption; require the inclusion of measures to achieve high energy efficiency and minimise consumption, in line with the BREEAM best practice, the Energy Efficiency Best Practice Standard and the Code for Sustainable Buildings. The detailed planning application will need to address these issues more closely in order to accord with Policy 39.

6.9 Conclusion- The provision of improved retail facilities within one of County Durham's main towns has broad support in terms of its location within an area identified as a Regeneration Centre within the Tyne and Wear City Region in Submission Draft RSS. However, the application site lies outside the town centre and in order to be in general conformity with RPG 1 and Submission Draft RSS, it would need to be demonstrated that there are no sequentially preferable alternative sites, and that the application site is well integrated with the existing town centre and easily accessible by foot, cycle and public transport.

6.10 Furthermore, the submission should be accompanied by an assessment of the overall need and supply of employment land to ensure that there is sufficient flexibility and choice for potential investors and allow a range and variety of sites.

6.11 The proposal should also seek to provide parking in line with Accessibility Guidelines and should be linked to coordinated proposals for public transport and accessibility improvements and demand management, through the preparation and implementation of a Travel Plan.

The proposal will need to address the energy performance of the

6.12. proposed new building in order to be in conformity with Submission Draft Policy 39.

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7. One North East

7.1 The supporting information which accompanies the application indicates that the proposed development will provide a retail park containing a mix of convenience and comparison goods with a total retail gross floorspace of 9289 square metres. The applicant recognises that the site is in an edge of centre location. However, the argument is made in the Retail Assessment that there are no sites within the town centres of Consett or Stanley which could accommodate the scale of retail development proposed on the application site.

7.2 The site is allocated for new business and industrial development within the Council's adopted Local Plan (Policies IN1 and IN2). There is no inclusion of retail use within the policies.

7.3 I confirm that although One North East has no direct involvement in the application site, the agency has previously part funded business park space in the locality as part of the drive to secure a pipeline of business sites and premises.

7.4 I understand that, as part of your consideration of the application, you intend to assess the impact that this proposed development of employment land for retail use is likely to have on the supply of land for business park/industrial park land in the area. In view of the agency's involvement in previous business park funding I should be pleased if you would inform me of the result of your assessment and whether you consider that the proposed development will have an adverse impact on the locality's ability to attract commercial and/or industrial users.

7.5 I look forward to receiving this additional information to enable One North East to make further formal comments before the Council reaches a decision.

8. Environment Agency

8.1 The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning condition be imposed:

8.2 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor. Reason- To prevent pollution of the water environment.

- 8.3 The applicant states that surface water will be directed to "mains", this being the case we have no comments to make in this respect.
- 8.4 An acceptable method of foul drainage disposal would be connection to the foul sewer.
- 8.5 The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

9. Northumbrian Water

- 9.1 There is a water main within the site. The main must be protected at all times. New buildings, structures, tree planting or landscaping will not be allowed within a distance of at least 7 metres from the main. The main may be diverted at the applicant's cost. Northumbrian Water will object to the development until the applicant complies with Northumbrian Water's requirements.
- 9.2 New discharges of foul and surface water must be on separate systems.
- 9.3 Surface water discharges must be prevented from entering the public surface water or combined sewers.
- 9.4 Surface water flows must be discharged to soakaways, suitable infiltration systems, streams, watercourses, the sea and at a last resort the public sewer. If the surface water or combined sewer is the only possible means of discharge, Northumbrian Water must be consulted. Surface water will not be permitted to enter foul sewers.
- 9.5 All connections to public sewers must be carried out by Northumbrian Water.
- 9.6 If any sewers are to be offered for adoption they must be constructed in highways or public open spaces to which vehicular access is possible.
- 9.7 There is a public sewer within the development site. New buildings, structures, tree planting or alteration of the land will not be permitted within at least 3 metres of the sewer. Diversion may be possible at full cost to the applicant.
- 9.8 Northumbrian Water will object to the development. The sewerage system to which the development will discharge has reached its design capacity and cannot accept the anticipated flows. The implications of this should be discussed with Northumbrian Water. Surface water will not be permitted to discharge to the treatment works, an alternative means of disposal must be investigated.

9.10 Large car parks (i.e. over 60 spaces) and areas subject to oil or petrol spillages must be drained through an oil interceptor of suitable capacity to treat the wet weather run off from the drainage area, before discharging to the public sewer, river or watercourse. Such discharges may also require the approval of the local Fire Authority's Petroleum Regulations Officer.

10. Police Architectural Liaison Officer

10.1 Telephone lines should enter the building below ground level in order to protect the integrity of any alarm system installed. Telephone junction points should be positioned so that they are covered by natural surveillance.

10.2 Lockable gates should protect the vehicular entrance to the retail park in order to restrict the access by boy racers or cruisers.

10.3 All shrubs and hedges should have a maximum growth height of one metre and all trees pruned up to a minimum height of 2.3 metres, thereby maintaining a clear field of vision around the site. Mature trees shouldn't mask lighting columns nor become climbing aids. All hard landscaping and street furniture should be securely fixed to prevent removal, vandalism and use as ammunition.

10.4 Well designed public lighting increases the opportunity for surveillance at night and sends out positive messages about the management of an area.

10.5 Car parks should be well lit after dark and be subject to good natural surveillance. Consider 'park mark' safer parking scheme and also motorcycle parking.

10.6 Place waste disposal areas and oil tanks away from buildings as they can be a target for arson and provide access to roofs and windows.

10.7 Intruder alarm systems must comply with PD6662.

10.8 A CCVT system should be considered linked to the town centre system.

11. Natural England

11.1 Initially requested that a Protected Species Survey be undertaken. However, following discussions between the applicant and Natural England it was agreed that the site does not provide a suitable habitat for protected species and a survey is not required.

12. Development Plans Team

12.1 The site is the former location of the old steel works and would be classed as a Brownfield site on the edge of the Consett town centre. Due

to the former use of the site any development should have regard to policy EN27 of the Local Plan.

- 12.2 The site is allocated in the Local Plan as a proposed business park (Policy CI4) and would have regard to policies IN1, IN2 and IN6. The District is currently in the process of reviewing its employment land and any potential development on the site should be aware of the Districts employment land availability.
- 12.3 The Local Plan commercial boundary is over 300m from the site boundary and the site would be classed as an out of centre site (Annex A PPS6). Local Plan policy CO3 covers a set of criteria for out of town centre retail developments. The site is not out of town as it still relates to the urban area but the development should still have regard to this policy.
- 12.4 Policy 27 of the Submission draft Regional Spatial Strategy (RSS) states that no out-of-centre development should take place that is of a regional or sub-regional significance. Policy 6 of the draft RSS identifies Consett as an area that should be supported for regeneration, primarily for sustainable indigenous growth to meet local needs and aspirations that maintain and enhance the vitality and viability of the town centre. Policy 25 of the draft RSS reiterates this point and adds that retail-led regeneration should not compromise the vitality and viability of existing other town centres.
- 12.5 The application submits a retail assessment that is required by PPS6 (Para. 3.20). This provides extra detail because of the lack of an up to date Local Plan or retail assessment by which a proposal can be tested. However, the assessment is based upon national data rather than locally-based information, which would provide a more accurate assessment of the local retail situation. The assessment also excludes a householder survey and there is a lack of evidence to clarify how the catchment area for Consett has been selected. This lack of local data makes it particularly difficult to determine the possible impact on the vitality and viability to Consett, Stanley and other local centres. The assessment is weak on providing evidence showing the cumulative effect of recent permissions, any developments under construction and recently completed developments. There could also be further work providing information on the impact to neighbouring settlements that share the catchment area, which would be affected (or not) outside of the District.
- 12.6 Providing two discount convenience stores would compete with the existing facilities and it is not considered that the development would be required to meet the qualitative need, considering the number of discount convenience stores already available in the town centre. Calculations for the quantitative need of additional floorspace should be assessed no more than five years ahead, as sites in the centre may become available in that period (Para. 3.10, PPS6). The assessment shows the need for one convenience store but the need for a second store would only be proven after 2015.

12.7 The need for comparison goods is considered more appropriate to the site but it would be preferable that development be accommodated in the commercial centre or in more centrally located sites. Three sites identified in Figure 5 of the Retail Assessment (the site on Front Street between Derwentside College and McDonalds, the vacant site in Hermiston Retail Park to the south of Storey's Carpets and the vacant site in Hermiston Retail Park next to Focus DIY) would all be preferable for development due to them being more centrally located and in relation to existing developments.

12.8 The assessment makes the case that the site is 300m from the town centre (incorporating the former Kwik Save site), but the current Local Plan Commercial boundary doesn't include the former Kwik Save site and as such it is not 300m from the commercial centre. According to Annex A, PPS6, the site is classed as out of centre site and not an edge of centre site.

12.9 The site is adjacent to a bus stop and regular public transport provision but it is not considered accessible to the town centre by foot or bicycle due to the barrier of the A692 and lack of appropriate connections to the town centre and bus interchange. The current layout of the application only has one access point that is located away from the town centre. It would be more appropriate to provide access closer to Front Street and therefore create a better link with the town centre. It appears that this proposal would also offer opportunities to provide access to the recent hotel and restaurant development, adjacent to the site. At present the two developments appear separate with no access linking them, the proposal has potential to improve this. The overall layout of the site lacks imagination and there is scope for a more innovative design considering improvements to accessibility. The application could also provide greater detail in regard to the preparation of accessibility analysis, transport assessments, travel plans, traffic management and parking (Para 3.26 PPS6).

12.10 Determining the number of vehicles visiting the site during a day would be difficult, but it has good existing access and conforms with policy TR2 of the Local Plan. More detailed advice would be required from the County Highways department to provide a more accurate assessment. However, considering its location to the C2C cycle route and in regard of policy TR3, Policy 2, 11, 13 and 24 of the RSS, cycle facilities should be provided on site and provide better cycle accessibility.

12.11 The increased importance of climate change is reflected in national, regional and local planning guidance (Planning Policy Statement 22, Policies 39 & 40 RSS, policy GDP1 Local Plan), which highlights the importance of developments to have embedded in them energy supply from renewable sources. On site micro-generation of renewable energy and energy efficient design and construction should be promoted at this early stage of development. Energy Efficiency Best Practice Standards

and the Code for Sustainable Buildings are outlined in Policy 39 (RSS) and it is hoped these policies could encourage more evidence of energy efficiency on the site at a later date.

13. General Services

13.1 This area of land was part of the former steel works and during reclamation works in the early 1980s was subject to considerable filling activities with blast furnace slag. As with any development on land that had a former industrial use, I would recommend a comprehensive chemical and geotechnical site investigation, risk assessment and remediation strategy.

14. Economic Development Division

14.1 I would broadly agree with the issues raised by Robert Muckle Solicitors. Whilst they refer to the 46 hectares of employment land on the Genesis site, the District wide figure is closer to 80 hectares. Given the 5.45 hectares required from this development the overall percentage to be lost is minimal.

14.2 A key determining factor in supporting for the proposal is the demonstrable lack of interest by the private sector to invest in employment land without the public sector acting as a lead/anchor developer. The Genesis site has been put forward as potential land for office development for some time, but the prohibitive remediation costs (approx £500k per acre) are too high a risk in private sector value for money assessments (VFM).

14.3 By moving ahead with the proposed development (clearly generating higher returns for the private sector to offset the risk) some of the VFM concerns would be reduced, (i.e. development of infrastructure/remediation) acting as a catalyst for office developments/visitors/expenditure to occur; thereby greatly improving the economic infrastructure of the District, which is important for attracting and retaining other employment creating activity.

14.4 In concluding a recent Countywide employment land report, Donaldsons stated "There are significant levels of supply (employment land) in the Consett and Stanley area, not least the vast quantity of land available at Berry Edge, in Consett; progressive innovative incremental investment should be the way forward in these areas". I would suggest the proposed development allows for this.

15. Durham City Council

15.1 I am satisfied that there would be no or minimal impact on Durham City centre or any other centres in the Durham City District and on behalf of the City Council offer no objections to the application.

16. Chester-Le-Street District Council

16.1 No objections. It is felt that retail provision at this location will not have any impact on retailing within our district.

17. Neighbours have been consulted and a site notice posted. One letter of objection has been received on the following grounds-

- Wm Morrison Supermarkets plc object to the application. In particular they are concerned that the application and the application for the redevelopment of the Hermiston Retail Park site both include elements of new convenience and comparison goods floorspace.
- It is noted that the retail assessments that accompany both applications indicate a certain level of capacity for new convenience and comparison goods floorspace. It is considered that the level of capacity for and commercial interest from retailers to operate stores in Consett is finite. In these circumstances, it is suggested that the proposals for both sites should be carefully considered. It may be more appropriate to concentrate the provision of new facilities on the Hermiston Retail Park site, which is situated in a sequentially preferable location immediately adjoining the existing Commercial Centre boundary, to strengthen the town's role and function, rather than spread retail development over a wider area.
- On this basis Wm Morrison Supermarkets plc request that both the Project Genesis application and the application for the redevelopment of the Hermiston Retail Park should be considered together in order to fully assess the need and capacity for new convenience and comparison floorspace and to ensure that preference is given to providing, in particular, the convenience goods floorspace on a site that allows the provision of a large modern superstore to serve Consett as a whole, rather than providing for additional convenience floorspace in an out of centre location in the form of smaller retail units, such as the discount retailers proposed at the Project Genesis site. This is particularly important as discount retailers are already well represented in the town, and the town currently lacks a large modern food superstore.

18. Officer Assessment

18.1 The applicant submitted a Planning and Retail Statement in support of the application. Due to the technical nature of some of the supporting information the Council has sought specialist retail planning advice from White Young Green (WYG) and Bournemouth University, their advice has been taken into account in the preparation of this report. A glossary of terms is appended to the report to assist members due to technical nature of this application.

18.2 The main guidance for determining retail applications is contained within Planning Policy Statement 6 (PPS6) this document states that in determining retail applications the Local Planning authority should require

the applicant to demonstrate the following-

- a) the need for development;
- b) that the development is of an appropriate scale;
- c) that there are no more central sites for the development;
- d) that there are no unacceptable impacts on existing centres; and
- e) that locations are accessible.

Paragraph 3.5 of PPS6 states that 'local planning authorities should assess planning applications on the basis of the above key considerations and the evidence presented. As a general rule, the development should satisfy all these considerations. In making their decision, local planning authorities should also consider relevant local issues and other material considerations.'

Each of the above issues is addressed below, together with highways issues, loss of employment land, departure from Local Plan Policy, renewable energy and other material planning considerations.

18.3 The application site is brownfield and was formerly occupied by the Consett Steelworks. The buildings and structures that previously occupied the site have been removed however some substantial structures remain underground and the land is contaminated and therefore remediation would be required. The site is allocated in the adopted local plan for a proposed Business Park.

19. The Need for the Development

19.1 PPS6 requires the applicant to demonstrate that there is a need for any new development which would be in an edge-of-centre or out-of-centre location which is not in accordance with an up to date development plan strategy. The Derwentside District Local Plan was adopted in 1997 and is currently under review as part of the Local Development Framework (LDF) process. In terms of retail planning policy the plan is no longer up to date, although the broad thrust of policy to maintain a strong hierarchy of shopping centres remains relevant and in accord with Central Government advice. The site to which this application relates is located outside of the identified Commercial Centre of Consett, which lies some distance of the east of the site. The applicants feel that the site is edge-of-centre however Officers are of the view that the site is out-of-centre. This issue is explored further below however regardless of whether the site is edge-of-centre or out-of-centre the applicant has to demonstrate need for the development.

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19.2 PPS6 identifies that there are two considerations in assessing 'need', that is quantitative and qualitative.

19.3 In considering quantitative need the applicant has examined the likely catchment area of the proposed development. This differs from the catchment area identified by the consultants that have submitted the

application for the proposed retail park at Genesis Way. WYG have pointed out that due to the lack of any studies regarding shopping patterns it is difficult to accurately assess the likely catchment area.

- 19.4 Retail need should be based on a five year period. The applicant's report states that they have identified a need for new retail development in Consett during the next ten years. They have forecasted a growth in comparison goods expenditure in the period 2005 to 2015 of 49%. A significant degree of leakage has been identified and the applicants suggest that only 30% of expenditure is retained however they argue that this would increase to 35% if permission is granted and the development goes ahead. They therefore argue that the development would result in shoppers that currently travel out of the District to Newcastle, the Metrocentre, Team Valley etc staying within the catchment area. They have identified a lower than average number of comparison goods shops within Consett and Stanley town centres.
- 19.5 The applicant has carried out an assessment to see what would happen if both this scheme and the Hermiston development were to proceed. WYG have examined this and have concluded that market share would need to increase to 55% to support both schemes. They state that while it is difficult to accurately assess the potential increase in market share given the uncertainty of the type of retailers that would occupy the proposed development, there appears to be scope to retain 58% of expenditure generated in the catchment.
- 19.6 WYG are satisfied that there is sufficient quantitative need to support both the comparative goods retailing that is proposed as part of this scheme and that which is proposed at Hermiston Retail Park.
- 19.7 Planning Guidance states that in assessing qualitative need a key consideration for the Local Planning Authority will be to provide for consumer choice, by ensuring that an appropriate distribution of locations is achieved in sustainable locations that are accessible and provide choice for the needs of the whole community. The applicant has identified a deficiency in comparison goods shopping in the catchment area and they have pointed out that a high level of leakage is an indicator of such a deficiency. It seems that many residents are going outside of Consett to buy comparison goods because of this deficiency. They feel that this demonstrates that there is qualitative need for new non-food retailing to attract shoppers that currently go elsewhere.
- 19.8 With regard to the qualitative need for the proposed comparison goods the applicant has suggested that Consett and Stanley have failed to attract national multiple retailers due to the lack of suitable large retail units. The WYG report acknowledges that this is the case and considers that the proposed development would be attractive to a range of comparison goods retailers. WYG conclude that there is a qualitative need for improved retail provision in Consett both for convenience and comparison goods, in order to improve the retail offer and to reduce the

need to travel to competing centres elsewhere.

20. Appropriateness of Scale

20.1 PPS6 states that new retail development should be appropriate to the centre that it would serve, complementing its role and function. The applicant has highlighted that Consett and Stanley are the main towns within the District where new retail development should be directed. Local plan policies seek to protect and improve existing town centres and Structure Plan Policy 3 states that new development should take place within main towns such as Consett. In addition the Regional Spatial Strategy (RSS) identifies Consett as a principle centre for employment, retailing and other services.

20.2 The applicant has pointed out that there is a quantitative and qualitative need for the development and that the scheme would reduce the extent to which shoppers go outside of the District for their comparison shopping. They feel that the scale of the development would be appropriate to the existing and future role of Consett within the retail hierarchy.

20.3 WYG considers that the proposed development is appropriate in terms of its scale however they have indicated that they would have concerns about developing more than 20,000 square metres gross of additional retail floorspace in an edge-of-centre or out-of-centre location in Consett. It should be noted that this is more than currently proposed by the two retail applications under consideration at Hermiston Retail Park and Genesis Way.

21. The Sequential Approach

21.1 PPS6 and Regional Planning Guidance states that the sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document. In selecting sites, all options in the centre should be thoroughly assessed before less central sites are considered. Firstly consideration should be given to locations in appropriate existing centres where suitable sites and likely to become available for new buildings or conversions. If there are no such sites consideration can be given to-

- edge-of-centre locations, with preference given to sites that are or will be well-connected to the centre; and then
- out-of-centre sites, with preference given to sites which are or will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.

21.2 The commercial centre of Consett lies to the east of the application site more than 400 metres from the edge of the application site. The applicant indicates that the commercial centre of Consett is actually

different from that shown in the Local Plan as the boundary has changed since the plan was adopted as such they contend that Aldi on Front Street lies within the commercial centre boundary. The applicant's consultants state that the nearest point of the application site is within 300 metres from their assessment of the town centre boundary. On this basis they argue that the site is edge-of-centre in retail planning terms. However, WYG have questioned this assumption. They point out that PPS6 (Table 2, Annex A) advises that:

'In determining whether a site falls within the definition of edge-of-centre, account should be taken of local circumstances. For example, local topography will affect pedestrians' perceptions of easy walking distance from the centre. Other considerations include barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre'

- 21.3 Given that the application site is separated from the town centre by the A692 (Genesis Way) and is more than 300 metres from the commercial centre boundary as defined in the adopted local plan, it is considered that the local circumstances do not militate in favour of a more relaxed view being taken, and the application site is out-of-centre in retail planning terms.
- 21.4 PPS6 (paragraph 3.15) states that in applying the sequential approach, and considering alternative sites, developers and operators should be able to demonstrate that in seeking to find a site in or on the edge of existing centres they have been flexible about their proposed business model in terms of the following planning considerations:
- the scale of their development;
 - the format of their development;
 - car parking provision; and
 - the scope for disaggregation
- 21.5 The purpose of the above is to try to fit new developments onto more centrally located sites by reducing the overall footprint of the development. Developers are encouraged to reduce the floorspace of the development in terms of format and consider more innovative site layouts and store configurations with smaller footprints and reducing car parking areas.
- 21.6 The applicant indicates that they have looked at the site allocations in the adopted Local Plan and they have found that there are no allocated sites that remain undeveloped within Consett or Stanley. They indicated that their assessment showed that there are no sites in Consett town centre that could accommodate a large scale retail development.
- 21.7 In applying the sequential test the applicants were asked to look at the land to the south west of Derwentside College which lies immediately opposite Hermiston Retail Park. This is an edge-of-centre site which has

Planning Permission and is therefore sequentially preferable to the Genesis site which is out-of-centre. The applicants argue that this site cannot be considered as negotiations with an occupier of the proposed unit are at an advanced stage and a lease will be entered into shortly.

- 21.8 In terms of the sequential test the Hermiston Retail Park is also sequentially preferable due to the fact that it is classed as an edge-of-centre site unlike the Genesis site.
- 21.9 The applicants have also looked at sites in Stanley and they have not revealed any sites within the town centre which could be considered suitable or available for the type of development proposed at Genesis Way. They indicate that Stanley only has potential for small scale development within the town centre. The applicant's consultant notes the availability of the former bus station site and that it has Planning Permission for a new medical centre. They note that the medical centre may not be built on this site (as the PCT are now proposing an alternative site to the rear of Thorneyholme Terrace) but feel that this site would not serve substantially the same catchment as Consett. They suggest that the redevelopment of the land next to the bus station represents an opportunity for further development and regeneration to meet the needs of Stanley and town centre users.
- 21.10 The sequential test shows that there are sequentially preferable sites in Consett to Genesis Way. However, WYG point out that their assessment identifies that there is sufficient capacity to support the proposed development at Genesis Way together with all other sequentially preferable sites.

22. Impact on existing Centres

- 22.1 PPS6 (paragraph 3.21) states that 'the identification of need does not necessarily mean that there will be no negative impact.' Even when 'need' and the 'sequential test' have been satisfied proposed developments can be refused if there are reasonable grounds to suggest that it would materially harm the vitality and viability of any defined centre nearby. Local Authorities are asked to consider the impact of a development on the centre or centres likely to be affected taking into account the following-

- the extent to which the development would put at risk the spatial planning strategy for the area and the strategy for a particular centre or network of centres, or alter its role in the hierarchy of centres;
- the likely effect on future public or private sector investment needed to safeguard the vitality and viability of the centre or centres;
- the likely impact of the proposed development on trade/turnover and on the vitality and viability of existing centres within the catchment area of the proposed development and,
- where applicable, on the rural economy (an example of a positive

impact might be if development results in clawback expenditure from the surrounding area);

- changes to the range of services provided by centres that could be affected;
- likely impact on the number of vacant properties in the primary shopping area;
- potential changes to the quality, attractiveness, physical condition and character of the centre or centres and to its role in the economic and social life of the community; and
- the implications of proposed leisure and entertainment uses for the evening and night time economy of the centre

22.2 The applicant's consultants point out that any new retail development will result in a change in shopping patterns and therefore there will be some trade diversion from existing centres and stores. They point out that the 'impact test' in PPS6 is concerned with whether there are likely to be any unacceptable impacts on the vitality and viability of existing centres.

22.3 Consideration has been given to the level of vitality and viability of Consett town centre which has been assessed by means of a health check appraisal which the applicants have found to be just above average. Their assessment shows that the overall vitality and viability of Stanley is also slightly above average but marginally lower than Consett. Both centres have been found to be trading well, are relatively attractive to shoppers, have a high level of accessibility and fairly good amenities.

22.4 The applicant's assessment indicates a trade diversion of 5.5% for comparison goods and they state that inevitably some shops in the town centre will lose trade, the trade diversion would not have a significant effect on the vitality and viability of these businesses. They feel that Consett town centre is sufficiently healthy to withstand the small amount of trade diversion predicted without any harm to trading performance.

22.5 With regard to the impact on Stanley town centre the effect on comparison goods is predicted to be 3.4%. Again it is anticipated that this would not have a significant effect on the viability of these businesses. In terms of the effect on local centres their role would continue to be complementary to that of the larger towns and is unlikely to be significant.

22.6 The applicant has pointed out that the proposed development would increase the overall shopping offer available to the residents of the catchment area. They have predicted an increase in turnover in the catchment area of 4% in comparison goods by 2010 if the proposed development were to proceed as a result of clawback of leakage.

22.7 The applicant's consultant has considered the cumulative impact in the event that both this scheme and the Hermiston Retail Park redevelopment proceed. WYG have considered this approach and have concluded that the cumulative impact of both proposals could result in a

potential impact on Consett town centre of 9%, which is compared to 7% if the Hermiston site were to go ahead in isolation and 2% if the Genesis Way scheme were to go ahead without the Hermiston proposal.

- 22.8 WGY conclude that there would be an impact of 6% on Stanley town centre and an impact of less than 7% on other local centres in the study area. The applicant's consultants acknowledge that if both schemes were to be permitted and implemented they are likely to compete primarily with each other rather than with existing retailers within the defined centres.
- 22.9 In concluding this section of their report WYG have said that the Council will need to carefully consider any impact on the town centre due to the fact that the centre is showing signs of being in a fragile state. They suggest that any cumulative impact of more than 9% could have an impact on the vitality of the town centre. They suggest that while the Hermiston site is well located to enhance the town centre, the Genesis Way site being out-of-centre is not as well positioned for spin-off benefits associated with increased footfall and 'clawback' of expenditure.
- 22.10 WYG have suggested that if permission is granted for the Genesis site consideration should be given to restricting the consent to the sale of bulky goods only which would significantly lessen the impact upon established centres.
- 22.11 Finally WYG have also suggested that a condition be placed on the approval if members are minded to grant consent to restrict the minimum unit size and to prevent any sub-division. Such a condition would prevent smaller units from being provided which would compete with the retailers that occupy smaller units within the town centre.
23. Accessibility
- 23.1 PPS6 advises that in considering new development Local Planning Authorities should ensure that developments are genuinely accessible by a choice of means of transport and whether the proposal would have an effect on local transport levels. Paragraph 3.26 of PPS6 states that Local Planning Authorities should assess the extent to which retail developers have tailored their approach to meet the government's objectives contained within PPG13 (Transport). For example through the preparation of accessibility analyses, transport assessments, travel plans and the promotion of opportunities to reduce car journeys through home delivery services and contributions to improve access, traffic management and parking.
- 23.2 The applicant's traffic assessment indicates that the site is accessible by a variety of modes of transport. The site is adjacent to a bus stop and has regular public transport provision. In addition the site is well located in terms of cycle routes. However, the site is not easily accessible from the town centre on foot due to the barrier of the A692 road and the lack

of good connections with the town centre.

- 23.3 During the course of the application the proposed site plan has been amended to include a 3.5 metre wide pedestrian and cycle path from Genesis Way to the site at the southern end of the application site. This would provide a convenient access for pedestrians and cyclists approaching the site from the town centre. It is important to ensure that this is carefully designed to make sure that it is an attractive and safe link. A planning condition is suggested that requires full details of this pedestrian/cycle route are approved which would improve accessibility from the town centre.
- 24.4 The County Council's Highways Officer has requested a condition requiring a pedestrian and cycle access to be constructed from the A692. This link would provide a convenient access to the site for pedestrians and cyclists approaching the site from the west and would reduce the distance that they would need to travel to the site. The link would be outside of the application site.

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25. Highway Safety

- 25.1 The County Council's Highways Development Control Officer has raised no objections to the scheme. He indicates that the Transport Assessment has proposed kerb line adjustments on the A692 Consett bypass/Delves Lane roundabout however issues remain regarding the resultant roundabout geometry. A response is awaited from the applicant's consultant with regard to this matter. He has requested that detail of this are conditioned if they are not resolved prior to the application being determined.
- 25.2 As the application is in outline the Highways Officer has not commented on the internal layout of the scheme. However, he has indicated that as means of access is not a reserved matter cycling and walking penetration into the site should be improved. He points out that the footpath and cycle route links mentioned above should be provided to encourage sustainability.
- 25.3 The County Highways Officer has suggested a range of conditions which are outlined at the end of the report.

26. Loss of Employment Land

- 26.1 The application site is allocated in the Local Plan as being suitable for a Business Park and consideration needs to be given to whether the approval of this application would lead to a shortfall in the supply of land for employment generating uses in the area. The North East Assembly (and other consultees) have pointed out that an assessment needs to be made of the overall need and supply of employment land in order to ensure that there is sufficient flexibility and choice for potential investors and allow a range and variety of sites.

- 26.2 The applicant has pointed out that the site is not included within the list of Regional Prestige Employment Sites as set out in the Regional Spatial Strategy. They state that the Council's Annual Monitoring Report states that 48.16 hectares of employment land is available, 19.36 in the short term (within less than 12 months) and 28.8 hectares available in the longer term. From the total of 48.16 hectares of land they have identified employment sites in and around Consett that amount to 27.28 hectares of brownfield land available for development. They point out that the application site amounts to 5.45 hectares gross and as a result they do not feel that a shortfall in employment land would result.
- 26.3 In terms of the need for additional employment land they suggest that the site has been allocated as a business park for many years and there has been little interest shown in developing the land for such purposes. In addition they feel that given the historical use of the site it is highly likely that significant remediation would be required which would represent a major constraint to such development.
- 26.4 The applicants have also said that the proposed development would bring significant regeneration benefits not only to the site but to the area in general. It would help to improve the appearance of the area and the perception of the District attracting business and investment. They feel that the development would reduce leakage, would result in spin-off benefits for Consett and would provide job opportunities.
- 26.5 The Council's Economic Development Team have advised that they broadly agree with the comments of the applicants. However they have pointed out that the 46 hectares referred to by the applicant's is more like 80 hectares when considering the District as a whole and therefore the loss of 5.45 hectares would be minimal in percentage terms.
- 26.6 They have also pointed out that the high remediation costs have prevented development from coming forward on this site. Also they feel that the development could act as a catalyst for further development thereby improving the economy of the District.
- 26.7 Although the scheme would lead to a loss of employment land this is not significant in terms of the total amount of land that is available for such purposes. Approval of the scheme would not result in a shortfall of such land.

27. Departure from Local Plan Policy

- 27.1 The site to which this application relates is identified in the adopted Local Plan as being suitable for a proposed Business Park. As a retail park would fall within a different use class the application has been advertised as a departure from the Local Plan. In the event that Members are minded to grant Planning Permission for the scheme the application

would need to be referred to the Government Office for the North East before consent could be granted.

28. Renewable Energy

28.1 National and regional planning policy is placing greater emphasis on encouraging new developments to have embedded within them energy supplies from renewable sources and be designed to be more resource efficient. Regional Planning guidance requires consideration to be given to renewable energy and energy efficiency. The application is in outline and no details have been submitted to indicate how the development would perform in terms of energy efficiency and incorporating renewable energy. This matter will need to be fully examined as part of the reserved matters. However the applicant will need to ensure that the scheme incorporates details of energy efficiency and renewable energy measures.

29. Other Material Considerations

29.1 Northumbrian Water have indicated that the sewerage works to which the development would discharge has met its design capacity and cannot accept any additional flows. In accordance with other developments recently improved in the area it is recommended that a condition be imposed to require details of the connections to be submitted and approved prior to development commencing.

29.2 The objection received on behalf of Morrisons supermarket relates mainly to concerns about convenience retailing taking place from the proposed site. During the course of the application this element of the scheme has been removed and the application relates solely to comparison goods. The applicants have said that they would accept a condition restricting sales to comparison goods.

30. Conclusions

30.1 The proposal would lead contribute to the further redevelopment of the former Consett Steelworks site by providing a modern retail park which would increase the attractiveness of Consett as a shopping destination. The scheme would address a recent lack of investment in the retail sector in Consett which is a town in which new retail development should be focussed.

30.2 The applicant has demonstrated that there is a need for this type of development. While the site is located in out-of-centre location the scheme should not result in a significant impact on the vitality and viability of Consett or Stanley town centres or other local centres in the catchment area. However, in order to prevent the development from having an adverse impact it is recommended that a condition is imposed restricting sales to bulky goods only.

30.3 The site occupies a location which is accessible by a range of means of transport. Although the scheme would lead to a loss of land which is allocated for employment generating purposes the amount of land that would be lost is not significant in terms of the general availability of such land.

30.4 The proposed development would result in considerable investment on the Genesis site which would contribute to the continued redevelopment of the town and the District as a whole.

31. Recommendation

31.1 Conditional Permission

- Outline Time Limit (OTL)
- Reserved Matters (RM)
- Reserved Matters Time Limit (RMTL)
- Amended Plans (GO4 C520-101 revision B)
- The plans submitted in relation to conditions two and three shall include full details of the pedestrian/cycle link between the southern end of the application site and Genesis Way and between the application site and the A692. The plans shall provide details of any walls or fences to be erected adjacent to the link and include surfacing, lighting. The link shall be constructed in accordance with the approved details prior to the use of any of the units hereby approved commencing.
- Reason- In the interests of the safety of pedestrians and cyclists and to make the site more accessible in accordance with Policy TR2 and PPG13 (Transport).
- The plans submitted to discharge conditions two and three shall include details of how the scheme would incorporate energy efficiency measures and renewable energy sources.
- Reason- In accordance with PPS22 and Regional Planning Guidance.
- Prior to the commencement of the development a revised Transport Assessment must be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the recommendations made in the assessment and these shall be completed prior to the occupation of any of the units hereby approved or any other time period as may be agreed in writing with the Local Planning Authority.
- Reason- in the interests of highway safety and to comply with Policy TR2 of the Local Plan.
- Prior to the commencement of the development details of a shared footway (minimum 3.0 metre width) adjacent to the A692 between the junction with Taylor's Terrace and the A692 Front Street roundabout shall be submitted to and approved in writing. The shared footway shall be available for use prior to the occupation of any of the units hereby approved.
- Reason- in the interests of highway safety and to comply with Policy TR2 of the Local Plan.

- Prior to the commencement of the development details of a shared footway (minimum 3.5 metre width) between Genesis Way and the application site shall be submitted to and approved in writing by the Local Planning Authority. The shared footway shall be available for use prior to the occupation of any of the units hereby approved.
- Reason- in the interests of highway safety and to comply with Policy TR2 of the Local Plan.
- The highways improvements hereby approved shall be undertaken in accordance with the approved details prior to the occupation of any of the units hereby approved.
- Reason- In the interests of highway safety and to comply with Policy TR2 of the Local Plan.
- Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, details the position and type of all lighting to be installed (security, access or display) shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided in accordance with the approved details.
- Reason- In order to ensure that the lighting to be installed would not harm the amenity of the occupiers of adjacent residential properties in accordance with Policy GDP1 of the Local Plan.
- No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.
- Reason- To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
- Development shall not commence until a detailed scheme for the treatment of foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The use of the units hereby approved shall not commence until the scheme to deal with the foul flows has been completed in accordance with the approved details.
- Reason- To ensure the satisfactory disposal of sewerage.
- Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, full details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be provided in accordance with the approved details before the use of any of the units hereby approved commences, or any other such time period as may be agreed in writing by the Local Planning Authority.
- Reason- To encourage sustainable means of travel in accordance with PPG13 (Transport).
- The minimum gross floor space of any of the units hereby approved shall be 800 square metres, no unit shall be sub-divided without the prior written consent of the Local Planning Authority.
- Reason- in order to ensure that no smaller units are provided which

could affect the vitality and viability of the town centre contrary to PPS6 (Planning for Town Centres).

- Landscaping (LO1)
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.
- Reason- To prevent pollution of the water environment.
- Contamination (CO1)
- Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking or re-enacting that Order), no part of the development authorised by this permission shall be used for the retail sale of food and drink within Class A1 without the agreement in writing of the Local Planning Authority.
- Reason: To protect the vitality and viability of Consett Town Centre and other local centres which would be put at risk by the introduction of the retail sale of food and drink and in accordance with Policies CO1 and CO3 of the Derwentside District Local Plan and Policies 48 and 48a of the Durham County Structure Plan.
- The permission hereby approved allows a maximum of 9500 square metres of gross floor area.
- Reason- To protect the vitality and viability of Consett Town Centre and other Local Centres in accordance with Policies CO1 and CO3 of the Local Plan.
- Unless the prior written agreement of the Local Planning Authority has been received, notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any statutory instrument revoking or re-enacting that Order), no part of the development authorised by this permission shall be used other than for the retail sale of the following goods, -
Furniture, floor coverings, households goods, domestic electrical and gas goods, hardware, white goods, DIY goods for the home and garden, cycles and parts for motor vehicles and cycles, large recreational and leisure goods such as camping, caravanning and boating equipment, office equipment and supplies, pets and pet products, sports goods, and baby and maternity related goods and the sale of ancillary goods. (For the purpose of this condition ancillary is considered to mean no more than 15% of the floor area of any unit.)
- Reason- To protect the vitality and viability of Consett Town Centre and other Local Centres in accordance with Policies CO1 and CO3 of the Local Plan.

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32. Reason for Approval

- 32.1 The decision to grant planning permission has been taken having regard to Policies GDP1, EN27, CO1, CO3, IN1, IN6, TR2, and CI4 of the Derwentside District Local Plan, Structure Plan Policies 3, 48, 48a and 49

and RPG1 and relevant supplementary planning guidance and material considerations as detailed in the report to the Development Control Committee. In the view of the Local Planning Authority no other material planning considerations outweigh the decision to grant planning permission.

- 32.2 The proposal would lead contribute to the further redevelopment of the former Consett Steelworks site by providing a modern retail park which would increase the attractiveness of Consett as a shopping destination. The scheme would address a recent lack of investment in the retail sector in Consett which is a town in which new retail development should be focussed.
- 32.3 The applicant has demonstrated that there is a need for this type of development. While the site is located in out-of-centre location the scheme should not result in a significant impact on the vitality and viability of Consett or Stanley town centres or other local centres in the catchment area.
- 32.4 The site occupies a location which is accessible by a range of means of transport. Although the scheme would lead to a loss of land which is allocated for employment generating purposes the amount of land that would be lost is not significant in terms of the general availability of such land.

Report Prepared by Fiona Clarke, Principal Planning Officer

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