

## **Development Control Committee**

Councillors: J.I. Agnew (Chair), R. Alderson, A. Atkinson, M. Campbell, H. Christer, T. Clark (Vice Chair), B. Cook, G. Coulson, R. Ellis, B. Gray, P.D. Hughes, D. Hume, D. Lavin, O. Millburn, T. Pattinson, S.J. Rothwell, A. Shield, E. Turner, A. Watson, T. Westgarth, J. Williams, M. Wotherspoon and R. Young.

Dear Councillor,

Your attendance is invited at a meeting of the Development Control Committee to be held in the Council Chamber, Civic Centre, Consett on 19th March 2009 at 2.00 p.m. for consideration of the undernoted agenda.



**MIKE CLARK**

**Chief Executive Officer**

### **Agenda**

1. **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

2. **DECLARATIONS OF INTEREST**

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.

3. **MINUTES**

To approve the minutes of this committee's meeting held on 19th February 2009 as a correct record. (Herewith 'A')

Attached Documents:

[MINUTES \(A\)](#)

**4. PLANNING APPLICATIONS**

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

Attached Documents:

[PLANNING APPLICATIONS \(B\)](#)

**5. EXCLUSION**

THE PRESS AND PUBLIC ARE LIKELY TO BE EXCLUDED FROM THE MEETING FOR THE FOLLOWING ITEMS OF BUSINESS ON THE GROUNDS THAT THEY INVOLVE THE LIKELY DISCLOSURE OF EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 6 OF PART 1 OF SCHEDULE 12(A) OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED)

**6. ENFORCEMENT**

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

Agenda prepared by Lucy Stephenson, Democratic Services  
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Date: 9th March 2009

## **DEVELOPMENT CONTROL COMMITTEE**

Minutes of a meeting of the Development Control Committee held in the Council Chamber, Civic Centre, Consett on Thursday 19<sup>th</sup> February 2009 at 2.00 p.m.

### **Present**

Councillor J.I. Agnew (Chair)  
Councillor T. Clark (Vice-Chair)

Councillors R. Alderson, A. Atkinson, H. Christer, G. Coulson, W. Gray, P. Hughes, D. Hume, D. Lavin, O. Milburn, T. Pattinson, S. Rothwell, A. Shield, E. Turner, A. Watson, T. Westgarth, J. Williams, M. Wotherspoon, R. Young.

### **Apologies**

Apologies for absence were received on behalf of Councillors M. Campbell, B. Cook.

### **In Attendance**

Councillor Stelling

### **65. DECLARATIONS OF INTEREST**

There were no declarations of interest submitted.

### **66. MINUTES**

**RESOLVED:** that the minutes of following meetings be approved as a correct record.

- (i) Development Control Committee – 29<sup>th</sup> January 2009 (Herewith 'A')
- (ii) Site Visit – 9<sup>th</sup> February 2009 (Herewith 'B')

### **67. PLANNING APPLICATIONS**

08/0836 MR R CARRICK

Demolition of existing bungalow and outbuildings and erection of four dwellings (resubmission) 1A The Avenue, Greencroft, Stanley.

The Senior Area Planning Officer presented the report which recommended approval of the application. He advised that now that members had undertaken a site visit they should now be in a position to determine the application.

The Senior Area Planning Officer advised that as amended plans had been received to reflect discussions with Planning Officers an additional condition was required to reflect the altered plans.

Officers were of the opinion that the proposals were acceptable in relation to other dwellings and the 6 parking spaces to be provided met the current Highways requirements of 1.5 parking spaces per dwelling.

He continued to run through photographs of the site pointing out that the high hedge on the boundary of the site would be maintained and would help to preserve privacy between the neighbouring properties.

MR TEMPEST: Speaking in Support of the Application.

Mr Tempest advised that he was the architect working on the development and wished to make the following points in support of the application:-

- Existing buildings are unattractive with outbuildings with flat roof which are unsightly;
- The plot is a huge space for one house and therefore it is considered more beneficial to utilise the site for 4 dwellings;
- They have worked with the Planning Officers in depth to deal with all design points to preserve and enhance the neighbouring amenity;
- The design attempts to provide a nice detail, attractive and interesting development picking up on aspects of its surroundings for example the war memorial further down the Avenue;
- The development should create a pleasant view into the site with matching lodges and gated access, the bungalows both having small gardens to the front of each.
- As architects we have always tried to improve design, particularly in the district with our work in Iveston, and it is our hope to continue this across other areas of the district.

Councillor Atkinson added that he was concerned regarding the number of buildings on the site and that he felt they bore no resemblance to others in the area. He questioned a number of the conditions namely, the requirement for the use of wood windows and obscurely glazed panes in side elevations.

The Senior Area Planning Officer advised that although there were a number of conditions attached to the application these were fairly standard as was the requirement for obscure glazing and wood framed windows. He added that although the site was small the conditions put in place along with amended plans would ensure that the buildings fit well within their surroundings.

Councillor Lavin asked which rooms would have windows obscurely glazed. In response the Senior Area planning officer advised that these would be bathroom and staircase windows, etc.

Councillor Watson added that he had found the site visit useful as it gave an appreciation of the size of the site. He added that he could see some transport issues. However, as the parking to be provided met Highway requirements it would be difficult to refuse the application on that basis. He added that he did note the ward Councillors' concerns. However, in his opinion the bungalow currently existing on the site was passed its sell by date and the proposals would not appear too unsightly in its place.

Following a vote being taken it was

**RESOLVED:** that Planning Application 08/0836 be approved subject to:-

- The development must be begun within three years (ST)
- Approved Plans (ST01)
- Amended Plans
- Notwithstanding the provisions of the Town and Country Planning (General permitted Development) Order 1995 or of any subsequent order revoking or re-enacting that Order no external alterations to the bungalows and dwelling houses hereby approved involving buildings, extensions, fences or walls, the insertion of dormer windows or rooflights into their roofs or the insertion of windows into the bungalows' gables shall take place without the prior written approval of the Local Planning Authority.
- Demolition shall not take place within the bat hibernation season period between 6 months of October to March inclusive and no demolition shall take place unless it is in accordance with the advice to contractors and the mitigation contained within the protected species report: "Risk Assessment for the Presence of Bats – Louvain Cottage, The Avenue, Greencroft, Annfield Plain, Stanley, County Durham" carried out by Applied Ecological Services Ltd on 15<sup>th</sup> and 16<sup>th</sup> Feb 2008". A copy of the said species report shall be kept on the site available for reference at all times during the demolition.
- Notwithstanding the details of the submitted application the dwelling houses and bungalows hereby approved shall be constructed incorporating bat access provision in accordance with the details specified in the section headed "Bat provision" for the Presence of Bats - Louvain Cottage, The Avenue, Greencroft, Annfield Plain, Stanley, County Durham" carried out by Applied Ecological Services Ltd on 15<sup>th</sup> and 16<sup>th</sup> Feb 2008".
- Notwithstanding the details of the submitted application, the windows of the dwelling house and bungalows hereby approved shall be inset a minimum of 100mm from the wall faces, be constructed in timber and be painted white.
- Notwithstanding the details of the submitted application, all first floor windows on the side site boundary elevations of the two dwelling houses hereby approved shall be obscurely glazed and shall be so maintained at all times thereafter.
- Notwithstanding the details of the submitted application, details of the provision of screened refuse and recycling wheeled bin storage provision

- (three standard sized wheeled bins and one small recycling box per property) for each dwelling house and bungalow hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the said storage provision shall be provided in accordance with the agreed details prior to the dwelling house and bungalows being brought into occupation.
- The reinstatement of the existing dropped kerb highway crossing to footway, including the provision of replacement kerbs, shall be carried out in accordance with the details that shall be first submitted to and agreed in writing by the Local Planning Authority.
  - The existing mature hedging along the eastern boundary of the site shall be protected by protective fencing erected in accordance with B.S.5837.2005 which shall be maintained throughout the course of construction. Any part of the hedge becoming damaged or dying within 5 years of the first occupation of the development shall be replaced using species of a similar size and nature.
  - Protective fencing shall be erected around the canopy and roots of the existing mature sycamore tree which is located adjacent to the south east corner of the site in a position to be agreed on site with the Local Planning Authority prior to the commencement of any demolition and construction. Moreover no excavation or storage of plant or materials shall take place within the protective fencing at any time.
  - Notwithstanding the details of the submitted application the details of the proposed front boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority before the development is commenced and the said boundary treatment shall be constructed wholly in accordance with the agreed details.
  - Within one month of the commencement of development, or such other time period as may be agreed in writing, detailed plans showing the landscaping of the site shall be submitted to and agreed in writing by the Local Planning Authority. These shall include areas to be planted with trees, hedges or shrubs, depths of topsoil for planting and seeding, the mounding of earth, changes in levels, areas to be seeded with grass and other proposals for improving the appearance of the development and for protecting and enhancing biodiversity interests. The agreed scheme shall be carried out before the end of the first planting season following the commencement of development or such other time as may be first agreed with the said authority. The landscaped areas shall be subsequently maintained to ensure rapid and complete establishment of the agreed scheme, including watering, weeding, protection against rabbits as required, and the replacement of any plants which fail or are removed within a period of 5 years from the date of completion of the landscaping scheme with others of a similar size and species unless the said Authority first approves any variation thereto in writing.

08/0430 MR AND MRS P SAHOTA

Change of Use from land from hotel to residential and erection of 17 houses. The Raven Hotel, Broomhill, Ebchester, Consett.

The Chair welcomed to the meeting Mr Slater who was in attendance to speak against the application.

The Development Control Manager presented the report which advised members that since the committee's decision in November 2008 to refer the application to the Government Office for the North East (GONE) as a departure from the Local Plan, a decision had been received from the Secretary of State advising that the application should not be called in. Therefore it remained the decision of Derwentside District Council to determine whether permission should be granted.

She pointed out that members had been minded to approve the application previously and the recommendation for approval remained the same.

MR SLATER: Speaking Against the Application.

Mr Slater made the following comments in support of refusal of the application:-

- Contravention of Local Plan – one of the most fundamental principles of the plan is to maintain the separation of built up and rural areas;
- Design – many aspects of the design are poor and residents are particularly concerned about the row of terraced houses that face the road. The remoteness of public transport means that residents would have to rely on car transport and the pattern of traffic would be far different from that created by a Hotel.
- The Terrace of houses would also invite visitors and delivery vehicles to park on the main road. The danger has been acknowledged by the Highways Authority who have advised that a traffic regulation order be required.
- The houses are also out of keeping with the surroundings, they are higher up than other dwellings and would create an unwelcome built up wall on what is essentially a country road
- No thought had been given to energy conservation therefore officers have had to impose a condition to deal with this. In this day and age any well designed plan would have to deal with energy issues as a matter of course.
- Future Alternatives – It is understood that members are concerned that the existing buildings will fall into disrepair if left unoccupied however this may be true of new houses too. There is also a risk that the site could be sold to a developer and left derelict for several years until the housing market recovers.
- Other positive alternatives could be sought – the applicant may reduce the price enticing someone to buy the hotel and keep it running. Or he may try to come up with a better scheme perhaps in collaboration with a local

builder. Alternatively he may choose to convert the existing buildings into residences.

- In conclusion myself and many other residents of Ebchester strongly oppose what we believe is a poorly thought out scheme that is; inconsistent with the existing local plan, inappropriate for the site and likely to aggravate problems on Ebchester Hill.

The Development Control Manager reminded members that the application had been debated thoroughly on two prior occasions.

Councillor Westgarth asked for clarification over procedures for applications which had been referred to GONE. The Development Control Manager advised that procedurally any application not called in by the Secretary of State was required to be formally approved once it had been sent back.

Councillor Watson added that he understood Mr Slater's concerns. However, no new information had been provided other than that which had been previously been debated.

Councillor Watson **MOVED** that the application be approved subject to the listed conditions. Councillor Westgarth **SECONDED** the motion.

Councillor Turner requested that his vote against the application be noted.

Following a vote being taken it was

**RESOLVED:** Standard Time Limit (ST)

- Approved Plans (ST01)
- The development hereby approved shall be implemented solely in accordance with the amended plans R/009, R/010, R/011, R/012 received on 30<sup>th</sup> September 2008 and R/007 received on 5<sup>th</sup> November 2008.
- Materials (A05)
- Details of all surface treatments shall be in agreed in writing with the local planning authority before any development commences.
- the buildings shall not be occupied until a means of vehicular access had been constructed in accordance with the approved plans.
- Prior to the occupation of any dwellings hereby approved, the existing wooden electricity columns fronting the site shall be removed unless otherwise agreed.
- prior to the commencement of the development a plan shall be submitted detailing amendments to the highway layout to the rear of units 5 and 6.
- The parking spaces shown on the approved plan shall be constructed and made available for use before the dwellings they serve are occupied.
- There shall be no reduction in approved parking space areas for units 1 – 8 without the need for planning permission.
- Prior to the commencement of the development details of features to improve energy efficiency or to generate power from renewable sources



- for the development shall be submitted to and approved in writing by the local planning authority. Such features will be implemented thereafter.
- No diesel powered plant, generators or equipment or lighting shall be used on site on a Sunday, Saturday afternoon or Bank Holiday nor at other times other than between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 12:00 Saturday.
  - No development shall take place unless in accordance with the mitigation detailed within the protected species report 'Bat and Barn Owl Survey of buildings at the Raven Hotel, Ebchester, 20<sup>th</sup> September 2008, Durham Bat Group', including, but not restricted to adherence to precautionary working methods.
  - No ground works shall take place until an agreed programme of archaeological works has been submitted to, and approved in writing by, the Local Planning Authority. A copy of any analysis, reporting, publication or archiving required as part of the final mitigation strategy shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing by the Local Planning Authority.
  - Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the local planning authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
  - Development shall not commence until a detailed scheme for the treatment of the 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 development shall not be occupied on site until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.
  - Removal of permitted Development Rights (PD01)
  - Legal agreement for the off-site play provision contribution (LG01)
  - No development shall be commenced until details of all means of enclosure and screening have been submitted to and agreed in writing by the local planning authority; no building shall be occupied unless all such enclosures are in place.
  - Landscaping (L01)

08/0712 MR A J LEE

Erection of two storey semi-detached dwelling with hardstanding for two vehicles to the front. Land at Staplefield. Hall Road, Esh.

The Development Control Manager presented the report which she advised had previously been approved by the Planning Committee on the 8<sup>th</sup> January 2009

subject to amended plans being submitted for a pitched roof to replace the proposed flat roof element to the rear of the building.

She advised that the amended plans had now been received and showed a vast improvement. She did note that the application could have been dealt with under delegated powers. However, an objection had been made and therefore it was referred back to the committee for decision. She further pointed out that it was recommended that Permitted Development Rights be removed and this should be attached as a condition, as noted in the report.

MR LEE: Speaking in Support of the Application.

Mr Lee made the following points in support of the application:-

- The pitched roof has been designed with my neighbours concerns in mind, it is a hipped roof and therefore does not have a gable end, in addition the pitch has been kept as low as possible and once again takes a step down from the roof ridge line which in turn steps down from the neighbouring existing building. Thus the new pitched roof to the rear has no impact from the front elevation and has reduced impact from the side and rear elevations.
- The materials used will be natural slate with dark gray concrete ridge tiles.
- Note has been made of the conditions regarding working hours and the showing of materials to the planning and conservation officers for approval prior to commencement of works on site.

Councillor Coulson added that he agreed that the plans made a vast improvement on the previously proposed flat roof and he felt there was no problem at all with the application.

Following a vote being taken it was

**RESOLVED:** that Planning Application 08/0712 be approved subject to:-

- Standard Time Limit (ST)
- Amended Plans (G02)
- Prior to the commencement of the development, details of all external finishing materials shall be submitted to and agreed in writing with the Local Planning Authority.
- Prior to the commencement of development, a sample panel of stone work shall be erected at the site be agreed in writing by the Local Planning Authority.
- Notwithstanding the provisions of the Town and County (General Permitted Development) order 1995 or any order revoking or re-enacting that order, the obscured glazing in the South elevation, bounding 4 Hall Road, shall not be removed and replaced by clear glazing without the further written approval of the Local Planning Authority.
- No diesel-powered plant or equipment shall be used on site on any Sunday, Saturday Afternoon or Bank Holiday nor at times other than between the hours of 8.00 a.m. and 6.30 p.m. and no building, packing or

other materials shall be allowed to blow off the site. No fires shall be burned within 100 metres of occupied dwellings.

08/0806 MR G GRAHAM

Erection of agricultural store and shelter, Land to the north of Aged Miners Homes, Quebec, County Durham.

The Senior Area Planning Officer presented the report which recommended approval of the application.

She advised that the store would be sited more than 85m away from the Aged Miners' Homes and 40m from the nearest property on Church View. She advised that a new access road would also be provided via a private track that passed between the Aged Miner's Homes and the Village Hall.

Councillor Milburn asked whether there was any guarantee that the existing steel containers would be removed if permission was granted for the store. The Senior Area Planning officer in response advised that this could be conditioned.

Councillor Coulson advised that as ward councillor he was aware of a number of complaints which had been received regarding the state of the area at present He further questioned what the field was to be used for if it required a store of such a large size. He added that he had major concerns over the future use of the land and that he was against the application.

Councillor Rothwell reiterated the above concerns pointing out that the land had always been used as grazing land and this should be maintained. Furthermore she added that the application did not meet policy requirements (GDP1) of the Local Plan.

Councillor Atkinson questioned whether permission was required for containers as currently existed on the site. The Senior Area Planning Officer advised that temporary siting of containers did not require permission. however, if they were to become permanent, enforcement action could be taken for their removal.

Councillor Christer asked whether the land would be classified as 'brownfield' if permission was granted for a store. The Senior Area Planning officer advised that the status of the land would not change from 'greenfield'.

The Development Control Manager reiterated that the status of the land would not change, she advised that if permission was refused it was likely that the containers would remain. She advised that the enforcement officer was satisfied that the containers were being used for agricultural purposes and therefore this equipment would be moved into the store once the containers were removed.

Lengthy debate took place regarding the use of the land and the removal of containers, Councillor Rothwell added that she recommended that a condition be applied to the application requiring the removal of the containers once the store was complete.

Councillor Watson added that the site in question was a real concern with enforcement issues going on for some time, he added that the land was currently kept in an appalling state and felt the added condition would give some added weight to the permission.

Following a vote being taken it was

**RESOLVED:** that Planning Application 08/0806 be approved subject to:-

- Three Year Time Limit (ST)
- Approved Plans (ST01)
- The agricultural building hereby approved shall be used solely for uses ancillary to the agricultural holding.
- Details of the two proposed gates shall be submitted to, and agreed in writing with, the Local Planning Authority prior to the commencement of the development. These details shall include the gate nearest to the Aged Miners' Homes being set further into the field to allow access to the site without blocking up the back lane. The agreed details shall be implemented prior to the development being brought into use.
- The existing access adjacent to Church View shall be deleted and a new fence built to enclose this corner of the site.
- Notwithstanding the details of the submitted application, the walls and roof of building hereby approved shall be finished in muted colour tones that minimise reflection, with green coloured walls.
- This permission relates only to the siting of the structure hereby permitted on the application site. No other structures are to be placed on the land without the further written approval of the Local Planning Authority.
- Details of any services to the agricultural building shall be submitted to and approved in writing by, the Local Planning Authority. The services shall be installed in accordance with the approved details. No services are to be provided in the form of overhead wires.
- Within one month of the use of the building commencing all storage containers shall be removed from the site. No storage containers shall be placed on the site unless the prior written agreement of the Local Planning Authority has been received.

## **68. EXCLUSION**

**RESOLVED:** on the motion of Councillor E. Turner seconded by Councillor A. Watson that under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business

on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12(A) of the Act (as amended).

## **69. ENFORCEMENT**

08/Con/00085

Non compliance with a planning condition on the former Derwentside College site, Park Road, Consett, Co. Durham.

The Development Control Manager reported that since the report was written a detailed schedule of works had been received from the developer indicating that the work would be complete and ready for adoption in early July.

Following consideration of the detailed comments of the Development Control Manager it was

**RESOLVED:** that Enforcement proceedings be deferred for a period of 6 months to allow time for compliance with the submitted schedule of works. After a period of two months a report shall be submitted to the Area Planning Committee for North West Durham to review progress.

### **Conclusion of Meeting**

The meeting closed at 3.03 p.m.

### **Chair.**

**DERWENTSIDE DISTRICT COUNCIL****DEVELOPMENT CONTROL COMMITTEE****19<sup>th</sup> March 2009****REPORT OF THE DIRECTOR OF ENVIRONMENTAL SERVICES****PLANNING APPLICATIONS AND ASSOCIATED MATTERS****Recommended for Refusal**

08/0872	Tescos Stores Ltd	Erection of retail store, petrol filling station, car wash/jet wash and recycling facilities, CHP unit and associated landscaping and land remediation/reclamation works, Land to the south west of Ponds Court Business Park, Genesis Way, Consett	<b>Ward</b> Consett South Ward	<b>Page</b> 3
08/0884	Shotley Bridge Cricket Club and Anvil Homes Ltd	Construction of 25 detached houses, two apartment blocks (each containing 30 apartments), cricket clubhouse and vehicular access and restoration of spa well (outline) and change of use to cricket pitch, Shotley Bridge Cricket Club and Spa Well Meadows, Shotley Bridge	<b>Ward</b> Ebchester and Medomsley	<b>Page</b> 67
08/0686	Mr T Burnside	Erection of stable block, Land to south west of Peartree Terrace Burnhope	<b>Ward</b> Burnhope Ward	<b>Page</b> 108

Recommendation for Approval

09/0054	Vodafone UK Ltd	Prior approval application to erect a 12 metre high slimline streetworks monopole accommodating 3 antennas within a GRP shroud and 1 no 0.3 metre transmission dish (overall height of installation: 14.43 metres) Installation of 1 equipment cabinet and 1 electrical pillar, Land to the north east of 283 Medomsley Road, Consett	<b>Ward</b> Consett North	<b>Page</b> 116
08/0806	Mr G Graham	Erection of agricultural store and shelter, Land to the north of Aged Miners Homes Quebec	<b>Ward</b> Esh Ward	<b>Page</b> 124
08/0336	Banks Development Ltd	Sustainable mixed use development including eco-office building, sixty-nine low carbon houses, sixteen live / work units and associated road, car parking and landscaping (Outline), Northern Site of Inkerman Colliery, Inkerman Road, Tow Law	<b>Ward</b> Cornsay Ward	<b>Page</b> 133

Whilst for technical reasons with regard to the retail assessment carried out by the Council's consultants, this application does not fully comply with the Council's planning policy concerning this type of retail of development, Members are asked to consider the potential advantages that the development could bring to Consett and its surrounding area and to determine whether or not a recommendation for approval should be made despite the conclusion of the retail assessment that has been carried out.

Members are asked to consider this application in the light of the information contained in the report and determine whether or not the application should be approved.

**MIKE CLARK, CHIEF EXECUTIVE OFFICER**

### **RECOMMENDATION FOR REFUSAL**

08/0872

12/12/08

Tesco Stores Ltd

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

Erection of retail store, petrol filling station, car wash / jet wash and recycling facilities, combined heat and power (CHP) unit and associated landscaping and land remediation / reclamation works

Consett South Ward

#### **Summary**

1. This application is for a 9,490 sq m gross store and includes a petrol filling station and a recycling facility. A 639 vehicles car park would be served by an improved access off Genesis Way. Two pedestrian / cycle path accesses are proposed from Genesis Way with a third west of Sopranos restaurant. A mezzanine floor would house a restaurant, toilets and staff facilities. A wind turbine would be sited west of Sopranos restaurant to generate on-site electricity. The proposal includes a combined heat and power unit (CHP unit) and the store would embody many energy saving measures. Officers consider that the building is well designed. It would measure 71m x 101m in area, and 10m high, the rectangular building would have fixed 'wind catchers' on its roof.
2. If approved, the proposal would bring a substantial and very welcome investment into the District, securing an estimated 400 jobs including those of the existing 150 employees who would be transferred from the existing Delves Lane site. As well as the important job creation and retention aspects, the scheme would lead to the regeneration of part of the former Steelworks site and the applicants indicate that the scheme would act as a catalyst for further development.



3. Net retail space is split between 3,368 sq m convenience goods (i.e. food and drink) and 2,018 sq m comparison goods (i.e. non food products such as electrical goods, clothing, household goods, books etc). The existing 1,872 sq m Tesco Delves Lane store would be closed.
4. An extant Outline Permission exists on the present application site for a non-food bulky goods retail park.
5. Existing Planning commitments in the vicinity must be taken into account in determining the application. These include the extant Hermiston Retail Park Outline approval, that includes an enlarged Morrisons store, and a full Planning Permission for an 841sq m gross Class A1 retail unit south west of Derwentside College. This Outline Planning application was granted conditionally in October 2007 for the proposed redevelopment of a retail park to provide a replacement food store, non-food retail units and a relocation fast food unit at Hermiston Retail Park. Since that date no formal proposals for the commencement of this development have been received. Although it is expected that a reserved matters application is expected for the Hermiston Retail Park which demonstrates a continued commitment to private sector investment in Consett.
6. The proposal is contrary to the Development Plan which allocates the site as a proposed Business Park (Berry Edge). Thus, the application would need to be referred to the Government Office for the North East as a Departure if Members are minded to grant Planning Permission.
7. The store entrance would be 650m from the town centre boundary and therefore the site is classed as an out-of-centre location in terms of PPS6 whereas the Hermiston Retail Park is edge-of-centre in 'sequential' terms. It is important to note that the Morrisons store is not within Consett town centre and PPS6 does not afford edge-of-centre stores any special protection in terms of impact, or to preserve existing commercial interests, but authorities do need to take into account extant Planning Permissions in considering cumulative impact on existing centres.
8. The application is accompanied by a Retail Assessment that has been analysed by consultants employed by the Council who have also carried out a Household Survey.
9. The applicants claim that the previous decision for a retail park has provided a precedent for retail development on this site. However, that Planning Permission expressly excluded convenience goods trading. Indeed, the retailing precedent on the application site is limited to the bulky goods that are specified in detail in the permission. They do not include, for example, clothing. Extracts from the applicant's Retail Assessment are appended to the report.
10. The application has been amended in many instances in response to suggestions, including that the Delves Lane store hopper bus would be used at Genesis Way; a taxi rank has been incorporated alongside the store; cycle / paths have been widened and an additional one has been provided from the A692; some walkways within the car park have been widened and covered ways incorporated; cycle racking storage has been widened; a barrier has been provided at the car park entrance to prevent misuse during store trading; a renewable energy wind turbine location has been agreed; landscaping has been amended.
11. The applicants have also been requested to consider siting the store closer to the

town centre. To date they have not responded to this request.

12. A detailed and lengthy objection to the proposal has been received from Morrisons.
13. If granted this application could result in significant benefits accruing to Consett and its wider area. It would be a significant addition to the regeneration of the former steelworks site, creating 250 additional jobs in the town and significantly improving the retail offer available to residents in and around Derwentside. Although there are three reasons put forward in this report for refusal, Members are asked to note that the objection put forward by Natural England would be dependent on a further survey being carried out which only becomes a significant issue if, firstly, protected species are found on the site and, secondly, an acceptable plan for the mitigation and adverse effects on these species is not put forward. After very careful consideration, and taking into account the positive and negative aspects of the proposal in Planning terms, the application is considered to be unacceptable for the key reasons summarised below.
14. The first and most fundamental reason relates to the likely impact of the convenience goods retail element, after considering the complicated retail data that has been offered. The applicant's data has been scrutinised by the Council's specialist retail consultants, who have also carried out a Household Survey that has been used to provide up to date information as to the amount of retail trade potential available. It is evident that there is adequate retail capacity to accommodate the comparison goods retail element, however the Council's consultants have concluded that there is a substantial gap between what is available in terms of convenience expenditure and the amount of turnover that would result from the new store.
15. From the technical information provided by the Council's retail consultants the concern is that the scheme would be likely to result in an adverse impact on the vitality and viability of Consett and other centres. Evidence suggests that it would also be likely to impact unacceptably on the proposed Morrisons store and the extant Hermiston Retail Park development. Moreover, there is insufficient qualitative need for the proposal which would outweigh the adverse impacts. This proposal would be directly contrary to the objectives of PPS6.
16. Given the proposed store's remoteness from Consett town centre, it would be likely to result in the store operating as a stand-alone out-of-centre retail unit as opposed to encouraging linked trips to and from the centre and that this would act to the detriment of the vitality and viability of the town centre.
17. There is the possibility of the existence of reptiles, including protected species, being present or nesting within the site. Natural England have stated that the application cannot be approved until the situation is resolved by satisfactory further information and / or mitigation. As this has not been resolved to date, they continue to advise that this application cannot be approved without further survey work being undertaken, submitted and found to deal with any protected species in an acceptable manner.
18. Despite a number of positive aspects in relation to the proposal, it has been concluded that the application should be recommended for refusal.

## **The Application**

1. This application is for the erection of a retail store of some 9,490 sq metres gross floorspace (including canopy and mezzanine floor where there is to be a restaurant, customers' toilet facilities and staff accommodation) and a petrol filling station of some 658 sq metres including its associated kiosk. A recycling facility is proposed opposite the petrol filling station. The net retail store floor space is split between 3,368 sq metres of convenience goods floorspace and 2,018 sq metres of comparison goods floorspace.
2. It is proposed that the existing Tesco's store at Delves Lane (opened in 1987) would be closed.
3. A large car park serving the retail store would accommodate 562 cars, 27 disabled spaces, 23 parent and child spaces, 27 motorcycle spaces and 41 cycle spaces.
4. The application site would occupy some 5.34 hectares of the 283 hectares Berry Edge site previously occupied by the former Consett Steelworks which was reclaimed and landscaped following its closure in 1980.
5. The almost flat, roughly triangular site is bounded by Genesis Way on its northeast flank, Soprano's restaurant on the south and by landscaped areas to the west including the site of the proposed sports complex (granted Permission in 2006).
6. The proposal would provide employment for an estimated 400 persons. This includes the transfer of some 150 persons from the existing store at Delves Lane.
7. Vehicular access is proposed via a new roundabout from Genesis Way. Two new pedestrian accesses are proposed from Genesis Way through the peripheral landscaped areas, whilst a third would be created from the A692 to the west of Soprano's restaurant. Cycle accesses are also proposed via the new roundabout and pedestrian access points.
8. Servicing would be obtained from the new roundabout off Genesis Way, circling the west of the site to a service yard area at the rear of the store.
9. To the north of the site is an area of land which has the benefit of Planning Permission for 345 dwellings granted in 2007. To its north east, on the opposite side of Genesis Way, lie McDonald's, a Business Innovation Centre, the Project Genesis Management Centre and a recent residential development. Further to the north east are Derwentside College and the bottom of Front Street, the latter of which forms the designated edge of Consett Town Centre. Across the other side of the Puddlers Corner roundabout lies Aldi and the Hermiston Retail Park (Morrison's, Matalan, Storey's Carpets, Focus and Kentucky Fried Chicken). Beyond / west of the A692 is an area of landscaped land, also part of the former Steelworks.
10. The mature and attractive peripheral landscaping along Genesis Way would be retained except where it would be necessary to provide the new pedestrian accesses into the site. Landscaping on the south and west boundaries would be retained and enhanced as appropriate.
11. Described as an "eco-store", the retail store is proposed to be built of energy efficient materials – thus reducing energy consumption and greenhouse gases. It would have a timber frame with timber cladding. Roof lights, together with high level glazing on side

and rear elevations, would allow natural light to penetrate to the shop floor. A digital addressable lighting system which recognises the amounts of light within the store would adjust the lighting accordingly, to minimise use of artificial lighting. Wind catchers on the roof would allow warm air to escape without mechanical means and allow cold air to enter the building. CO2 sensors would monitor occupancy and automatically operate dampers in the ventilators to allow warm or cold air into the building. The store would use full CO2 refrigeration units. A combined heat and power unit (CHP unit), sited in the service yard, would further reduce carbon / energy usage. A wind turbine would be located on the site. Finally, the service yard would be enclosed by a 3.85 metre high close-boarded timber fence.

12. The wide range of goods that could be sold in the store are listed below. However, as the goods sold at any store is dependent on its geographical location, this list can only be considered as indicative.

Convenience goods	Comparison Goods
Food Magazines Newspapers	Healthcare Goods Pharmacy / Opticians Clothing Homeshop / Home Utility Cookshop Electrical / Domestic Electrical / Gadgets / White Goods Phones Luggage Sports Toys Entertainment / Books / Stationary Cards / Party Goods Photo DIY / Car Care

13. In addition to its accompanying plans, the application is supported by a wealth of information in the form of separate documents covering several aspects, including:

Planning Statement  
 Design and Access Statement  
 Retail Assessment  
 Transport Assessment  
 Flood Risk Assessment  
 Land Contamination Desk Top Study  
 Framework Travel Plan  
 A Statement of Community Involvement  
 Thomas Research Services Further Report on Slag Testing  
 Ecology Survey  
 Environmental Sustainability Statement

### **History**

14. A screening opinion for proposed retail development by Project Genesis Ltd on land to the south west of Ponds Court Business Park, Genesis Way, Consett, determined in October 2006 that an Environmental Impact Assessment was not required (reference 1/2006/0818/DM).

15. An Outline Planning application was granted conditionally in October 2007 to Project Genesis Ltd for a Retail Park on land to the south west of Ponds Court Business Park, Genesis Way, Consett (reference 1/2006/0838/DM).
16. A further screening opinion for proposed retail development by Project Genesis Ltd on land to the south west of Ponds Court Business Park, Genesis Way, Consett, determined in January 2009 that an Environmental Impact Assessment was not required (reference 1/2008/0847/DM).

### **Adjacent History**

17. An Outline Planning application was granted conditionally in October 2007 for the proposed redevelopment of a Retail Park to provide a replacement foodstore, non-food retail units and a relocated fast food unit at Hermiston Retail Park, Consett (reference 1/2007/0133/DM).
18. A Planning application was granted conditionally in February 2006 for the erection of two retail units (use Class A1) with associated car parking, servicing and landscaping on land to the south west of Derwentside College, Front Street, Consett (reference 1/2005/1088/DM). This approval expired in February 2009.
19. A Planning application was granted conditionally in April 2008 for the erection of one retail unit (Use Class A1) with associated car parking, servicing and landscaping on land to the south west of Derwentside College, Front Street, Consett (reference 1/2008/0232/DM).

### **Policies**

20. National Planning Policy Statements, etc.
  - PPS1 – Delivering Sustainable Development.
  - PPS - Planning and Climate Change (Supplement to PPS1)
  - PPS6 – Planning for Town Centres
  - PPS9 – Biodiversity and Geological Conservation
  - PPS13 – Transport
  - PPS14 – Development on Unstable Land
  - PPS22 – Renewable energy
  - PPS23 – Planning and Pollution Control
  - PPS25 – Development and Flood Risk
21. ODPM Circular 06/2005 – Biodiversity and Geological Conservation - Statutory Obligations and their impact Within the Planning System
22. The North East of England Plan Regional Spatial Strategy to 2021
  - Policy 2 – Sustainable Development
  - Policy 3 – Climate Change
  - Policy 7 – Connectivity and Accessibility
  - Policy 8 – Protecting and Enhancing the Environment
  - Policy 13 – Brownfield Mixed-use Locations
  - Policy 24 – Delivering Sustainable Communities
  - Policy 25 – Urban and Rural Centres

Policy 33 – Biodiversity and Geodiversity  
Policy 35 – Flood Risk  
Policy 36 – Trees Woodlands and Forests  
Policy 37 – Air Quality  
Policy 38 – Sustainable Construction  
Policy 39 – Renewable Energy Generation  
Policy 54 – Parking and Travel Plans

23. Derwentside District Plan

Policy GDP1 – General Development Principles  
Policy EN11 – Trees and Development  
Policy EN27 – Development on or close to landfill and contaminated sites  
Policy IN2 – Development within Business Parks  
Policy TR2 – Development and Highway Safety  
Policy TR3 - Cycling

24. It should be noted that Policy IN1 – Location of New Industrial Development – allocates land *‘for new business / industrial development at’* several locations, including 40 hectares of land at Berry Edge Business Park. In addition Policy IN2 – Development within Business Parks – states that development on business parks *‘will only be approved if it includes business uses (class B1) on the majority of the site.’*
25. The application site is also allocated on the Consett Inset of the Derwentside District Plan for ‘Proposed Business Park’. However, none of the Consett Inset policies in the District Plan have been ‘saved’.

### **Consultations**

#### **North East Assembly**

26. A report providing the North East Assembly’s (NEA’s) assessment of this application against the policies in the Regional Spatial Strategy (RSS) (July 2008) is attached. This is an officer response prior to Member consideration, in order to meet the 9 February 2009 deadline. Members of the NEA’s Development Board will consider the attached report on 19 March 2009. Should there be any changes following Member consideration, an amended response will be forwarded to you.
27. Under Section 38 of the Planning and Compulsory Purchase Act (2004), the RSS is part of the statutory development plan. Under the plan-led system, this means that the determination of planning applications should be made in accordance with the RSS, and other development plan documents, unless material considerations indicate otherwise.

#### **Assessment of conformity with Regional Spatial Strategy (RSS).**

28. This report provides an assessment of the application against the policies in the RSS, outlining where the proposal will contribute to the implementation of regional planning policy, and identifying any inconsistencies with the RSS.
29. The Derwentside local plan policy IN2 identifies the site as a business park suitable for business use, as well as a limited amount of other uses. To the north of the site is vacant land with Planning Permission for 345 dwellings, and to the south east of the site is Hermiston Retail Park.

30. The re-use of this previously developed land (PDL) site, within a defined settlement of the RSS, is consistent with locational and sequential priorities in RSS policies 4, 6 and 10.
31. RSS paragraph 3.64 states that town centres in regeneration areas such as Consett should be given priority as important centres for retail, leisure and other services and facilities. This site lies within the urban area, but is outside the of the town centre, although permission for a retail park already exists on the site. RSS policy 25 reflects the intentions of PPS6, by directing high trip generating uses to defined urban centres. The Retail Assessment provided as part of the application states that there are no other suitable sites for the development in the area. There needs to be clarity about exactly what the proposed store will sell, to ensure that the vitality and viability of local centres would not be adversely affected by the proposal. If it can be shown that the vitality and viability of Consett town centre would not be affected, the proposal would be consistent with RSS policy 25.
32. RSS policies 2, 7, 24 and 54 seek to reduce the impact of travel demand by reducing the overall need to travel and by promoting public transport, cycling, walking and the production of travel plans. The transport assessment states that the site is well served by frequent bus services and is accessible by walking and cycling, consistent with RSS policy 24. The proposal includes new vehicle, cycle and pedestrian access to the site. The local authority needs to be satisfied that the measures proposed, and the design and layout, would enhance the ability to access the site by non-car modes, to consistent with RSS policy objectives.
33. The proposal includes 612 parking spaces. Planning Policy Guidance 13 (PPG13) states that the maximum number of car parking spaces allowed for the proposed Use Class is 1 space per 14 sq m. The provision of 612 car parking spaces for this development is approximately equal to 1 space per 17 sq m and is therefore within the guidelines set out in PPG13.
34. A travel plan has not been provided as part of the application. The requirement for travel plans is set out in RSS policy 54. A travel plan should cover public transport services both on and off site, proposals to assist cycling, including cycle parking, and improvements to assist pedestrian movements to and from Consett Town Centre. The NEA would support the local authority in requiring a travel plan as part of the reserved matters application, in order for the development to be in conformity with RSS policy 54.
35. RSS policy 33 promotes the protection and enhancement of internationally and nationally important site and species. As there is a low to moderate risk of reptiles, foraging bats and bird species being present on the site, the local authority would need to be satisfied with the mitigation strategies that have been proposed, to ensure consistency with RSS policy 33.
36. The application does not mention 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. Support for the SUDS approach to managing surface water run off is set out in Planning Policy Statement 1 and in more detail in Planning Policy Statement 25 (PPS25). Annex F of PPS25 directs local authorities to ensure that their policies and decisions on planning applications support and complement the Buildings Regulations on sustainable drainage. The inclusion of such measures would conform to the objectives of RSS policy 34.

37. RSS policies 3, 24n, 38 and 39 direct local authorities to seek opportunities for the use of renewable and low carbon forms of energy. RSS policy 39 establishes regional energy generation targets (10% by 2010 and 20% by 2020). These should be delivered by promoting and securing greater use of renewable energy in new development, as advocated by RSS policy 38. RSS policies 24n and 38 require that, in advance of local targets being set in development plan documents (DPDs), major new development should secure at least 10% of its energy supply from decentralised and renewable energy or low carbon sources, unless having regard to the type and design of the development, this is not feasible or viable. This proposal would better reflect the objectives of regional planning policy by incorporating embedded renewable energy generation as part of the reserved matters application, unless it can be successfully demonstrated that this is not feasible or viable by using tools like the micro-renewables toolkit.
38. The proposal includes the construction of a CHP unit. The provision of CHP technology within the proposal is consistent with the objectives of RSS policies 3.24n and 38, which seek to maximise the energy efficiency of new developments.

### Conclusion

39. The re-use of this site, within the identified regeneration town of Consett, which is well served by public transport, is consistent with RSS objectives. However, the proposal needs to provide 10% energy from embedded renewable sources and incorporate SUDS; the Local Authority needs to be satisfied that there are no more sequentially preferable sites available for the development and that the vitality and viability of Consett town centre will not be compromised and; the applicant needs to provide a detailed travel plan as part of the reserved matters application, for this proposal to be in general conformity with the RSS.

### One North East

40. It is considered that the proposed development falls within Criterion C of the Agency's notification criteria, which were sent to local authorities in October 2005, namely:
41. C: All retail, casino and leisure, theme park, sports venues, employment or industrial and commercial development of over 10 hectares and / or 2,500 sq m floor space.
42. The following comments reflect the view of One North East acting in its role as a statutory consultee. As such they are provided only in accordance with the provisions of the above regulations and relate to the effects that the proposals are considered to have upon the Regional Development Agency's strategic regional investment or employment policies.



43. Outline Planning Permission was granted by Derwentside District Council in October 2007 for a retail park on this site (ref: 1/2006/0838) and One North East raised no objection to the proposed retail development at that time. The current application involves the development of a supermarket of 8,107sqm gross floorspace and petrol filling station. The applicants describe the type of store as an 'eco format' store and the proposals include a Combined Heat and Power (CHP) unit.
44. The Agency acknowledges that the principle of retail development on this site has now been established by the Outline Planning Permission. Clearly, in coming to a decision regarding this current application, the local planning authority should be satisfied that the applicants have provided sufficient information regarding any impact of the additional retail development on existing shops within the area, and that the new retail development relates as closely as possible to the existing town centre. They are aware that further details of retail impact analysis have been requested by the local planning authority and there are discussions with the applicants regarding a revision to the building's position on site to ensure a better relationship with the town centre.
45. They point out that the RES promotes the need for quality of place within existing and proposed development. Agency initiatives include delivering developments / regeneration schemes to comply with a set of Quality Design Standards. The aim is to deliver buildings which are over and above Building Regulation standards and demonstrate best practice in areas of accessibility, sustainability, whole life costing and general design standards.
46. With this in mind, the Agency have requested that the local planning authority encourage the developer to pursue the highest standards of quality in the development of this site, e.g. achievement of appropriate BREEAM, Building for Life and Secured by Design standards.
47. The Agency is supportive of the applicants' proposals to deploy CHP to meet part of the site's energy generation requirements. Energy is identified as one of the three key pillars for activity in the RES. Combined heat and power has the potential to deliver highly efficient heat and electricity to domestic and commercial buildings. Utilising this innovative technology in the scheme shows clear leadership in developing a low carbon economy. They particularly welcome the fact that a major, well-recognised retail provider is utilising innovative technology. They recognise that leadership from established businesses can be a vital element in changing public perception of energy technologies and raising awareness of the benefits of tackling climate change.
48. They are aware that there are some concerns relating to potential problems of noise from the CHP unit. Clearly noise can be an issue with CHP units. The most recent models continue to improve the noise reduction capability. However, the technology still remains fundamentally engine based and will always generate some noise output. In view of this, they suggest that the applicants should be required to site the technology in the most appropriate on-site location to ensure minimal disturbance and provide noise mitigation measures as appropriate.
49. Subject to the resolution of the above issues to the local planning authority's satisfaction, One North East raises no objection to this application.

## Government Office for the North East

50. GONE have indicated that they are happy to advise on any specific questions of national policy or process. However, they believe it inappropriate to comment on the application itself as the Secretary of State has a quasi-judicial role in the Planning process and GONE must not prejudice the Secretary of State's position.
51. They advise that the Council will wish to consider in due course whether it needs to notify the Secretary of State formally of the application in accordance with one or more of the statutory directions if it is minded to grant Planning Permission, so that she may consider whether she should intervene. The documents specified in the relevant Directions must accompany any formal notification. The Council may also need to send the Secretary of State two copies of any environmental impact assessment if the application is classed as "EIA development".

## Natural England

52. "Natural England have unresolved concerns regarding the proposal at this stage as it considers further information should be provided to demonstrate whether or not the development would have an adverse effect on species especially protected by law. The concerns relate to reptiles and birds and their key issues are detailed later, The protection afforded these species is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System* and updated for European Protected Species within the recently amended Conservation (Natural Habitats &c.) Regulations 1994.
53. They point out that it is the responsibility of the local planning authority to fully assess the proposal in accordance with their duty on biodiversity issues under Section 40(1) of the Conservation (Natural Habitats &c.) Regulations 1994 and: Section 74 of the Countryside and rights of Way Act 2000, to ensure that the potential impact of development on species and habitats of principal importance is addressed. It is the responsibility of the applicant to provide this information to allow this assessment to be undertaken. As the competent authority, the local planning authority may process this application such that it is refused / deferred / withdrawn / suspended until the applicant submits sufficient information to show that the species would not be affected or that potential effects would be avoided or satisfactorily mitigated. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the development, is established before Planning Permission is actually granted, otherwise all relevant material considerations may not have been addressed in making the decision.
54. Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably qualified and experienced persons holding any licences that may be required. Further information about survey methods and mitigation measures may be found on the following web site <http://naturalengland.org.uk/conservation/wildlife-management-licensing>.
55. The local planning authority should normally expect to achieve a protected species report with a full description of the proposal, through survey for protected species, clear impact assessment, appropriate and detailed mitigation strategy and associated delivery mechanisms.
56. With regard to this application Natural England have concerns regarding the potential

adverse impacts upon protected species and advise that further information or key amendments are made to the supporting information to address these concerns as indicated below.

57. Reptiles - the consultant states in their report that “whilst no reptiles have been confirmed within the site, there is a low-moderate risk of them being present undetected within the site and the wider area”. Natural England recommends that further survey work is carried out to investigate the presence of these species. This should identify any possible impacts from the development and inform a suitable mitigation strategy if reptiles are found.
58. Birds - the consultant has stated that there is a moderate risk of this site supporting nesting birds in areas that will be lost to the development. They have also said that some of these birds could potentially be priority species. As grassland occupies most of the proposed development area, Natural England advises that a suitable mitigation strategy is produced and if necessary, more survey work carried out.
59. Any revised survey work submitted to the local planning authority should be assessed by against the issues raised above. If the revisions are considered adequate, the local planning authority does not need to re-consult Natural England.
60. If the local planning authority feels that any of the issues have not been adequately addressed, they may feel it necessary to re-consult Natural England regarding these specific points.
61. Overall, Natural England has advised that the survey work and reporting is insufficient to reliably assess the risk of the presence of protected species. As a result, if the development were to proceed, and protected species were affected, it is more likely that the developer would be vulnerable to prosecution under the Wildlife and Countryside Act 1981 (as amended) for reckless damage or disturbance. Planning Permission based on inadequate survey for European Protected Species is also vulnerable to challenge as illustrated by the Cornwall County Council case of 2002.
62. Although Natural England is technically not a statutory consultee where protected species are involved, Government Circular 06/2005 advises that it ‘should’ be consulted when a planning authority is considering development proposals likely to harm species or their habitats as listed in Annex A of the Circular. Natural England will therefore provide further advice on receipt of further information which deals with the concerns referred to above.
63. The wildlife legislation operates independently of the Planning system and any works at this site must comply with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.
64. Following further information being submitted by the applicants, Natural England have indicated the following.
65. Based on the information provided, they have no additional comments to make and would refer the local planning authority to their previous letter of 13 January 2008, a copy of which is attached for information.
66. They acknowledge the information in the letter from Penn Associates, but their advice remains unchanged.

67. In the original report the consultant had identified that there is a low-moderate risk of reptiles being present and a moderate risk of the site supporting nesting birds that could potentially be priority species. As Natural England have said, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the development, is established before Planning Permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The latest information does not include further survey work confirming the presence / absence of reptiles and the bird species that may be utilising this site, therefore the further information does not address this issue.

Environment Agency

68. The proposed development would only be acceptable if the following conditions are imposed on any Planning Permission:

CONDITION: Development shall not begin until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. No surface water infiltration systems will be utilised as part of the drainage scheme for this development.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

INFORMATIVE: Within Section 4.2 of the flood risk assessment the consultants acknowledge that the use of surface water infiltration systems as part of the proposed development would not be appropriate due to the nature of the underlying slag material and the potential for this to accelerate the leaching of contaminants. We agree with this conclusion and therefore recommend the above condition.

CONDITION: 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 unless otherwise agreed in writing by the LPA.

REASON: To prevent pollution of the water environment.

INFORMATIVE / advice to LPA: The above condition has been recommended with the understanding that the Environment Agency will be formally consulted regarding any schemes submitted to the local planning authority for oil interceptors / surface water drainage at the site.

INFORMATIVE / advice to the applicant: The above condition has been recommended to allow amendments to be made as part of any scheme, subject to the approval of the LPA. Any proposed scheme will need to be acceptable in mitigating the associated risk of pollution from the surface water run-off at the site before being agreed.

Northumbrian Water Limited

69. Recommended conditions:

Condition 1 - Development shall not commence until a detailed scheme for the treatment of the 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 development shall not be occupied on site until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.

Reason - The Sewage Treatment Works to which the development will discharge is at full capacity and cannot accept the foul flows. There is no spare sewage treatment capacity at the Consett STW for any significant developments and we are currently investigating the impact on sewage treatment from all planned development in the town. A scheme to increase the capacity is being designed and is in the Company's capital investment programme with an anticipated completion in year 2010.

Condition 2 - Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason - To ensure the discharge of SW from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

70. In discharging the condition the developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. Namely soakaway, watercourse and finally sewer.
71. If sewer is the only option the developer should contact the New Development Team at Northumbrian Water to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

#### Durham City Council

72. The Retail Statement excludes Durham City from the catchment area of competing centres – this seems a reasonable approach. The proposal is unlikely to have an effect on existing centres in Durham City district. Esh Winning is not recognized in the Retail Assessment, but given the topography, road network, and main public transport linkages via public transport, it is clear that it relates far more to Durham City than it does to Consett. Therefore, it seems unlikely the proposal would have a significant effect on Esh Winning.
73. If the Retail Assessment is correct as to the impact being within acceptable limits, that the proposal is sequentially appropriate and that need exists, then the proposal would appear to be generally acceptable in relation to national, regional and local retail policy. Derwentside Council will clearly wish to take advice on these aspects. Any identified impact on centres will need to be considered in the light of the regeneration benefits that the proposal can bring in terms of jobs, trade retention and clawback from retail leakage.
74. Durham City Council have therefore offered no objection to the proposal.

Tynedale Council

75. No objection.

Chester-le-Street District Council

76. Offer no objections to the proposals as they consider the impact on Chester-le-street will be minimal.

Durham Constabulary: Force Architectural Liaison Officer

77. The following observations and recommendations are based on the principles of Secured by Design. They are intended to achieve a secure and sustainable environment.
78. There is nothing in this proposal to suggest a significant impact on Policing. However they suggest that careful consideration be given to the design of the car park, to take into account the possibility of misuse by 'joy riders' when the store is closed.
79. A well designed car park can reduce the incidence of crime and just as importantly in a retail environment, attract customers.
80. Advice on car park design can be found at [www.saferparking.co.uk](http://www.saferparking.co.uk)
81. They suggest that any ATM machines installed on the site be fully protected in accordance with standard procedures. Any weakness in the defence of such machines could attract crime.

Durham Bat Group

82. They consider the bat survey is completely inadequate.
83. They are concerned with the statement that the nearest bats are at Burnopfield, which they state is clearly untrue and points to the poor quality of research which underlines the report.
84. Durham Bat Group (DBG) agree that the regenerated grassland is of little importance to bats but the regenerating woodland is a different matter as it provides a corridor which bats use to navigate between roost sites and feeding sites.
85. DBG suggest that there are opportunities with this project to make a positive contribution to bat conservation at very little cost. They have advised that they would be pleased to discuss this further.

Cyclists Touring Club - CTC

86. Main entrance in to the site from Genesis Way - Users of the current cycle path would have three lanes of traffic to cross. There needs to be keep clear markings across the entrance road to enable cyclists (and pedestrians) to cross when cars are queued back?
87. Accessing the cycle parking from the main entrance road – They ask how are cyclists expected to access the cycle parking from this entrance, and pedestrians the store entrance? All will be looking for a direct route and there isn't one! Documents state "the

proposal will also provide safe access and permeability through the site for pedestrians and cyclists including crossings separated from motor vehicles by paving and landscaping". What it fails to say is that all of the safe access will be direct.

88. There is also no mention of the width of the shared walkways – they suggest 3 metres. These also need to have good sightlines and be free of overgrowing vegetation.
89. Accessing the cycle parking from Ponds Court – ask how cyclists and pedestrians living in the Ponds Court housing development will cross Genesis Way? They are unlikely to walk to either roundabout to cross at the refuges. This crossing point needs a lot of thought in order to make it really useful for pedestrians and cyclists. This may involve changing sections of the footway on the east side of Genesis Way to shared use.
90. Advise that once across the road, cyclists would again look for a direct route to the cycle parking.
91. Accessing the cycle parking from Front Street (Puddles Corner Roundabout) - There is a cycle path on the north side of Front Street from just west of Albert Road, but this is wrongly signed. The blue cycle sign means that the route is for use by pedal cycles only. This sign is not meant for cycle paths and either segregated or shared route signs should have been used. This path needs to be re-looked at and upgraded to either segregated or shared use and then signed accordingly. Documents state "no improvements to existing facilities are needed". The CTC would therefore disagree.
92. Once across the roundabout, cyclists would then use the path to the south of the car park to access the cycle parking. This is the only shared walkway that allows more or less direct access to the cycle parking.
93. Cycle parking location - Documents state that the orientation allows passive surveillance of the car park from the store, with large scale glazing to the front elevation to assist overlooking the car park. Is the store wall at the back of the cycle parking all glass, so that cycles can be seen from inside the store? If not, is this area covered by CCTV, or should the cycle parking be moved nearer the entrance slightly so that it is still undercover but can be seen from inside the store?
94. Documents also state that the development will provide 41 cycle parking spaces which will be located undercover to the south of the entrance lobby. What is meant by undercover? Is this a canopy or an enclosed cycle shelter? Cycles and their users do need to be able to stay dry and sheltered. Loading a cycle with shopping in the rain and wind is no joke. However, they have said that they would have expected to see separate and very secure provision for staff included, as their cycles would be parked all day.
95. Due to the comments above about direct access to the stands from various directions, having stands on both sides of the entrance lobby could make sense. It should also be possible to cycle to the stands with no dismounting, or kerbs to lift cycles over.
96. Due to the location of the Cafe, cyclists would not be able to see their cycles from the Cafe, hence the need for good surveillance of the cycle parking area.
97. Cycle parking stands - The type of stand shown is not a good design. Even if the stands are 1m apart (as they need to be to allow two cycles to use each stand with room in-between for access, the bar that joins the stands is rounded, causing cycles to rest

badly on the stands. They have asked for a better design of stand. The drawing in the Durham County Council Guidelines shows the correct dimensions for Sheffield stands and the spacing required.

98. Documents state there will be 41 stands. As two cycles fit each stand how come this is an odd number?
99. Travel Plan - Has this been submitted yet? Could hiring out trailers to cyclists for carrying their shopping home be considered? This has been done in other areas, although possibly not by Tesco.
100. Nearby Supermarkets - As there are already Morrisons and Aldi on Front Street, it doesn't seem all that good an idea to move Tesco from its current location to this site!

#### Durham CC: Highways

101. They point out that there has been continuing dialogue between the Highway Authority and the applicant's engineering consultants since submission of the application.
102. A new roundabout junction would be created at Genesis Way for the vehicular entrance to the proposed store together with alterations at the A692/C10a Front Street 'Puddler's Corner' roundabout intended to increase junction capacity. The detailed design and construction works for both will be undertaken by the Highway Authority or their partners. Highways are satisfied that the traffic modelling undertaken as part of the Transport Assessment has taken account of extant permissions nearby that are as yet not built.
103. Highways understand that Project Genesis own the land behind the public highway at the south west corner of Puddler's Corner roundabout, as well as that subject of the application site. The immediate proximity of the proposed roundabout alterations to this land, and potential for the detailed roundabout design process to result in a need for access to or highway construction upon this same land, means that the Highway Authority will require formal assurance of the land being available if called upon. They note that the application red line boundary does not include the land in question though it could be included in a Section 106 Agreement were Planning Permission to be granted. A Section 106 Agreement would be necessary as part of any approval. Under those circumstances, highways are satisfied that this matter can be resolved by legal agreement, prior to issuing any Planning Permission.
104. The likely pedestrian movements between the store and the town to the east are such that a controlled crossing point (i.e. 'pelican') of Genesis Way would be required in the vicinity of the relocated northbound bus lay. This would be required as part of any approval.
105. Amended plans are being considered, but are not able to say as yet whether they have satisfactorily addressed the issues raised. There should be continuous footway provision to both the store entrance and PFS for customers walking into the site from the main vehicular entrance at Genesis Way; it being felt that some pedestrians arriving at the site from the north would inevitably seek to use this route and safe provision should be made. They have received no updated plans reflecting such amendments and this should be conditioned in any approval.



106. There is a condition (no. 9) on the 2006/0838 Outline Retail Park approval regarding widening of the existing A692 footway between Taylors Terrace junction, Moorside and Puddlers Corner roundabout to create a shared use cycle path. Highways consider this should also be conditioned in any approval together with pedestrian and cycle links generally into the store site. A shared use link in from the A692 is unduly angular, increasing conflict potential and restricting visibility of and for users, and could and should be improved upon.
107. In the Transport Assessment the route for 'Go North East' service no. 8 is incorrectly given. The service no. 8 in practice goes between Castleside and Chester le Street. For those visiting the store via this service from points east of Consett, waiting for a bus at the closest (eastbound) Front Street bus stop is a distinct possibility and non-car travel modes should be encouraged. There is no bus shelter facility at this stop and the developer should be required to fund its provision. There is a 'Tesco' operated bus service currently from the Delves Lane store though County Highways have received no information as to a commitment to continue with this service or service details. This matter should be included in a Section 106 Agreement.
108. The Framework Travel Plan (revision 2 - 18th February) is considered acceptable by the Council's Travel Plans Advisor, and she has offered her support in the implementation of the proposals, if required. A final Travel Plan would be required within 6 months of the store opening and this matter too should be conditioned.
109. It will be necessary for the developer to enter into a combined agreement with the Highway Authority under Section 278 / Section 38 of the Highways Act 1980 in order to allow the required works within the existing highway to be carried out and to ensure adoption of new build areas intended to be part of the future public highway.
110. No objection is made subject to the following conditions (or Section 106 clauses).
111. - Prior to commencement of construction of the approved development full engineering details of the required highway works shall be submitted for approval.
112. - Prior to the approved development commencing trading the approved highway works shall be constructed and available for use.
113. - Prior to the approved development commencing trading a bus shelter shall be installed on the northern side of Front Street.
114. - Prior to the approved development commencing trading a shared use cycle path between Taylor's Terrace, Moorside and the A692 / Genesis Way / C10a Front Street roundabout shall be constructed and made available for use.
115. - Prior to the approved development commencing trading details of all pedestrian and shared use cycle path links into the site shall be submitted for approval, constructed and made available for use.
116. - Prior to the approved development commencing trading all approved on-site cycle parking facilities shall be installed and be available for use.
117. - Within six months of the approved store commencing trading a final Travel Plan shall be submitted for approval.

### Durham CC (Landscape Section)

118. The southern boundary along the A692 should be lightly screened with a belt of native trees and shrubs. The proposed "lawned" areas should be sown with a wildflower mix suitable for neutral grassland and subsequently maintained. The shrub and groundcover planting needs more detailed work. The groundcover seems to be proposed to be extended down the road verge of Genesis Way – which is assumed to be a mistake.
119. The choice of plant species lacks interest and the single blanket planting density is not always appropriate. 30mm depth of bark chippings is inadequate to prevent weed growth – it should be at least twice this depth. A maintenance plan is needed. The P4B Section shows soil levels raised in existing planting which is to be retained. Soil levels should not be changed. Existing planting should be properly protected during earthmoving and construction.

### Durham CC (Design and Conservation)

120. The Design and Access statement provides a good explanation of the design vision and philosophy. The title of an "eco store" sounds very commendable but they say they do not have the skills to comment on the energy saving measures.
121. The layout on the site appears to be logical and works well with neighbouring uses.
122. The scale is large being of an industrial size but the site is large enough to accommodate it.
123. Landscaping is minimal. They presume the authority will seek specialist landscape advice but comment that some additional structure planting on the boundaries of the site is required to provide a setting and to screen the development from its potential future neighbours (housing and sports complex).
124. This is a hill top site and there may be particular view points where the appearance of such a large building may have an impact. They ask if any assessment of long range views been made?
125. In terms of the appearance of the development, they consider that the approach to the appearance using timber and glass as the main elements is excellent for this edge of centre site. Timber in particular is very appropriate for the rural setting. They would like to see timber extended to the south west elevation which would be the most prominent in long distance views. This elevation is shown as having trespa panels and would wish to see this material before making comment.
126. The twelve wind catchers would be the most prominent features on the skyline so consider they should have some more detail. If these have been used on other stores they ask if there any photos? They do not initially have any objections and consider they could provide distinctive landmark features.
127. The petrol station would follow the same theme as the main store and the remaining subsidiary buildings would not have a significant impact.
128. The boundary treatment at the pedestrian and vehicular access points is acceptable.

129. Access is being dealt with by County Highways.
130. The design and access statement does not address external lighting. This site is in the open countryside and on a hill and the level of light from the site may have an adverse impact. They ask what measures are being taken to reduce light pollution?
131. The design and access statement does not address signage. They ask if there is an advert application? It will be important to keep signage to a minimum and as well considered as the rest of the design and it should be part of this application.
132. In overall terms they consider the design is a good response to the site. They would like to see additional structure planting on the boundaries to provide a setting and screening for potential future.

#### Derwentside: Economic and Community Development

133. The Derwentside District Council Employment Land Review as agreed by Executive recommended that this site is de-allocated as employment land. The change of use to retail will not therefore have any detrimental impact on the projected supply for employment land in Derwentside over the next 25 years.
134. The potential for new employment opportunities from the development is welcomed although the impact on other retail outlets could have an adverse impact on the net number of new jobs in the area.
135. They ask if there is an opportunity to ensure a Local Employment Partnership (LEP) is in place, which enables local residents to be given priority access to new job opportunities? This would include a commitment from the employer to engage with priority customers such as lone parents and those on Incapacity Benefit.

#### General Services Division

136. Have reviewed the reports supplied and find the Outline Ground Preparatory Strategy broadly satisfactory; however, they have offered one comment:
137. As mentioned in para 9.2 of the Ground Investigation Report, the gas monitoring is insufficient. The three visits over two months, as referred to in the report, were actually carried out in less than 4 weeks, which is insufficient. They would require further monitoring to gain greater confidence in the results.

#### Development Plans Section

138. The site was designated for a Business Park in the District Local Plan (1997), however Outline Planning Permission was granted in 2007 for a retail park development to provide 9,289 m<sup>2</sup> gross of comparison goods floorspace. As such the principle of retail use for the site has been deemed acceptable by this outstanding permission, primarily for reasons relating to the location of the site's proximity to the Town Centre and a lack of evidence to demonstrate a pressing need for land for business use.
139. Policy GDP1 of the Local Plan requires development proposals to demonstrate; a high standard of design and appropriateness to the context of the site; energy efficiency and conservation of energy; retention and enhancement of landscape and wildlife; protection of neighbouring amenity; and, consideration of water drainage and resources.

140. Due to the former use of the site any development should have regard to policy EN27 of the Local Plan (Development on or close to Landfill and Contaminated Sites).
141. The North East of England Regional Spatial Strategy to 2021 (2008) (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 RSS iterates this point and adds that retail-led regeneration should not compromise the vitality and viability of other town centres.
142. The main national planning policy guidance dealing with retail proposals is PPS6: Planning for Town Centres. The main thrust of PPS6 seeks to concentrate growth more centrally in accessible urban centres. PPS6 aims to create centres that are vital and viable - attractive, safe and successful places that cater for the varying needs of shoppers and operators.
143. PPS6 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'. PPS6 promotes a sequential approach to developing Town Centres; existing centres are considered as the most sustainable location for retail development, followed by edge-of-centre locations (broadly speaking, for retail purposes, a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area), while out-of-centre and out-of-town locations are generally deemed inappropriate unless there is strategic justification. The site is over 400 metres from the edge of the commercial area of the town centre as set out in the Local Plan, and would therefore be regarded as out-of-centre.
144. When assessing schemes, paragraph 3.4 in PPS6 states Local Planning Authorities should require applicants to demonstrate:

The need for development

145. Proposals ought to be assessed for their quantitative and qualitative need: whether there is a need for the additional floorspace being proposed and how this would impact on the catchment area.
146. The proposed scheme includes a Retail Assessment prepared by England and Lyle consultants dated November 2008. The study suggests the market share currently being captured by the retail offer of Consett Town Centre, and other town and local centres in the catchment, allows considerable scope for the additional retail floorspace proposed. The assessment suggests that in the design year of 2007 the convenience and comparison expenditure leakage out of the catchment is around 25% and 51% respectively.
147. Taking account of predicted growth in expenditure (2% for convenience goods and 15% for comparison goods from 2007 to 2012) the assessment suggests there would be a larger market share that could be met by increased retail provision in Consett. When outstanding commitments for additional retail floorspace are factored in, the assessment suggests the proposed Tesco development would create an oversupply of convenience floorspace, while comparison floorspace would be roughly equivalent to supply. Crucially, much higher retention levels than existing for retail expenditure are assumed

in order to justify the proposed scheme. Impacts on Consett Town Centre and other centres within the assumed catchment are predicted as being marginal.

148. The submitted Retail Assessment appears narrow in remit and to lack robustness. The predicted growth scenarios and assumptions relating to the effects of the proposed scheme are not as comprehensive as they could be, seem arbitrary in places, and lack consideration of alternative scenarios. The catchment is not particularly well defined or justified, while quoted studies from Gateshead and Tynedale Councils are not properly cited or critiqued.
149. Moreover, data and forecasts contained in the assessment are based on national figures, or else estimated. These estimated figures are then used to reach assumed expenditure scenarios that are given an implied robustness and reliability that does not appear obvious. There is a lack of locally specific information and data, which would provide a more accurate assessment of the local retail situation; the assessment excludes a householder survey, for example. 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.
150. Achieving more accurate and expansive data would ensure better planning for Consett and the catchment, which would be directly influenced by the proposal. The submitted assessment suggests the proposed scheme would plug significant leakage of retail expenditure that currently flows out to surrounding areas outside of the catchment, leaving existing town and local centres largely unaffected. It is considered this assertion needs to be further investigated by more robust analysis; this may then influence the scale of the proposed development and impacts on existing retail centres. Indeed, it may be the case the proposed scheme would require Section 106 obligations payable to ameliorate adverse impacts on the Town Centre and / or other retail centres.
151. Paragraph 2.37 in PPS6 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.

That the development is of an appropriate scale

152. 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.
153. The submitted Retail Assessment suggests there is a large amount of 'leakage' in terms of expenditure, particularly for comparison goods, which could be partially arrested by the development, without negatively impacting on the vitality of neighbouring retail centres. More robust data and evidence is required to prove the scale and split (in terms of comparison and convenience floorspace) of the proposed scheme would be appropriate for the location, and to determine impacts on existing retail facilities and centres.

That there are no more central sites for the development

154. PPS6 promotes development in town centre locations ahead of edge of centre sites to try to achieve more 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’.

155. 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.
156. The Retail Assessment suggests that there are no alternative sites, which are more sequentially-preferable and are large enough to accommodate the proposed retail facility, are available in Consett. The assessment appraises sites in Stanley and suggests the only site that would be large enough (the Clifford Centre) is not feasible given the timescales involved to redevelop the site.
157. 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.

That there are no unacceptable impacts on existing centres

158. 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.’
159. The Retail Assessment shows that the proposed scheme would draw some trade from smaller centres and Stanley, though it asserts this impact will be negligible. Health Check Appraisals undertaken to inform the submitted Retail Assessment show Consett and Stanley town centres to be about average in national terms in respect to their vitality and viability. The appraisals show weaknesses in the town centres to be a prevalence of charity and low quality discount store and strengths of Consett Town Centre to be a lack of competing shopping outside of the centre.
160. Paragraph 10.18 of the submitted assessment states:
161. The proposed Tesco store is unlikely to compete with local centres to any significant

- extent. There is no risk of harm to the vitality and viability of local centres. The role of the local centres will continue to be complementary to that of the larger centres.
162. These are considered to be unsubstantiated claims and to require further evidence to prove. Survey work in the assessment of smaller local centres appears superficial, while the scoring in the Health Check Appraisals may already require reassessment given recent store closures and the impacts of the economic downturn.
163. The assessment argues that the proposed scheme will help the catchment area 'clawback' large amounts of convenience and comparison retailing shopping expenditure that is presently lost (para. 10.4). It is considered this requires substantiating.
- That locations are accessible
164. PPS6 requires proposals to be genuinely accessible by a choice of 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.
165. 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 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.
166. The Durham County Council Accessibility and Parking Guidelines document gives guidance in relation to parking for new developments. Parking provision should relate to location and type of development. The submitted documentation in support of the application states several different internal floor areas. Taking the gross internal floorspace expressed in the application form (8101m<sup>2</sup>), parking provision would work out roughly as follows:
167. Car parking: 540  
Cycling: 41  
800+ m<sup>2</sup> servicing area
168. In addition to the above:  
Public Transport services to be accessible within 100m of the main entrance of the store with a secure and well-lit waiting shelter. Bus access facilities must be designed into the site layout for the proposed Tesco store.
169. To improve accessibility for non-car transport and to encourage people to visit the proposed store from the town centre, pedestrian links should be a priority within the scheme. Crossings on Genesis Way could be improved and perhaps traffic-lighted.
170. The proposed cycle-parking provision would be in accordance with guidelines, though the stands appear quite closely spaced which would reduce the number of bicycles that could be parked at each stand. Sheffield-type stands are promoted in the County guidelines to be spaced at least one metre apart. A cycle and footway link through to the site from the A692 would improve access to the site.
- 171.

Within the site, the proposed car park appears vast and could be redesigned to improve both access and give the space better definition. The needs of pedestrians should be paramount in accordance with national policy aims and objectives. Walkways should be wide enough for trolleys and sheltered where possible.

172.

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 traveled by car; and the effect on local traffic levels and congestion, after public transport and traffic management measures have been secured.'

173.

Paragraph 3.28 of PPS6 states the following material considerations may be taken into account in assessing planning applications:

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

174.

In respect to these points there are obvious benefits the proposal can achieve in terms of employment creation and improving the shopping offer for Consett. Paragraph 1.7 in PPS6 states that it is not the role of planning system to restrict competition, preserve existing commercial interests or to prevent innovation. Notwithstanding this, the vitality and viability of the existing town and local centres is a major consideration in the assessment of the proposal.

#### Design Issues

175.

The submitted Design and Access Statement appears quite insubstantial and does not fully explore or explain the merits of the layout of the site. The statement is littered with inaccuracies (it regards the site as edge-of-centre, for example) and mistakes, which serve to confuse the reader.

176.

It is arguable the chosen location for the store requires further justification. It is considered that locating the building closer to Genesis Way would improve pedestrian access from the town centre and from the Hermiston Retail Park. The building should seek to have better regard to open views out towards the Pennines. It is considered the proposed café facility could have window openings to this aspect. Any redesign of the scheme ought to be informed and developed through a comprehensive and informative Design and Access Statement.

177.

The openness of the site needs more consideration than is demonstrated in the submitted scheme. For example, anecdotally, the site is open to persistent winds from the north and west and any layout ought to take this into account, in terms of lessening the effects for visitors to the site, for example by substantial screen planting, and factoring this into energy considerations.

178.

The proposed car parking area is vast and ought to be better defined and enclosed. Urban design principles show the height of buildings in relation to the width of spaces in between them is critical when creating attractive places; this is difficult to achieve if space is not satisfactorily enclosed. In practice, a height to width ratio of 1.4 would create good enclosure in settings such as retail parks. It is considered trees (semi-mature varieties at least, with year-round foliage) could help with the enclosure and



179. definition of the site while also aiding the integration of the site, which is on an exposed hillside and highly visible in the landscape from distance, into the landscape.

180. The visibility of the proposed scheme in the landscape should be borne in mind and influence the lighting and signage for the development, to ensure its inconspicuousness. Much work has been carried out by the conservation team at Durham City Council, to ensure lighting levels do not pollute the views of the city, and the applicant may wish to investigate further to inform a scheme for lighting the proposed development.

181. A scheme for landscaping is required for the south west of the site along the A692, to help shield the rear façade and service areas from this important approach; mature tree species with year-round foliage ought to be incorporated, in accordance with the aims of GDP1 of the Local Plan.

182. PPS1: Delivering Sustainable Development 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.

183. It is considered the proposed design for the store building has taken into account the location of the site as the material palette and proposed colour schemes would not be overt in the landscape. The open glass panels to the front façade help break up the massing of the structure and ensure animation of the surfaces, giving the building 'life' and a degree of interest to the onlooker. Conditions should be considered to ensure these glass panels remain uncluttered and 'animated', i.e. they are not windows onto static posters or blocked out with large opaque decals, as is sometimes the case.

The proposed roof would appear vast in the landscape and it is important that the plains are treated and coloured to minimise their visual impact in the landscape i.e. low reflectivity and muted colour scheme. Ideally parts or the whole of the roof could be specified as a living-roof system to reduce water runoff, though it is accepted that the proposed timber frame of the building may not support the weight of such a technology. The applicant could explore further the potential to incorporate a living-roof system, especially as the run-off from the scheme would be problematic given the geology of the site and known capacity issues at the affected water treatment facilities.

#### 184. Climate Change and Sustainability

185. The increased importance of climate change is increasingly reflected in national, regional and local planning policy and guidance encouraging developments to have embedded in them energy supply from renewable sources and to be more resource-efficient. While the application materials claim the proposed development would have ecological merits, it is felt the scheme needs to demonstrate a greater consideration of energy consumption and generation.

Policy 39 of the RSS requires major new non-residential developments of more than 1,000m<sup>2</sup> floorspace to secure at least 10% of their energy supply from decentralised and renewable energy or low-carbon sources. While it is accepted the scheme incorporates some energy-saving design features and a more efficient Combined Heat and Power system for energy supply, this should be complementary to a reliable scheme to generate renewable energy for at least 10% of energy consumed by the development. Given wind speeds in this area it is likely that there is potential for the use of small wind turbines, similar to the one at the existing Tesco store in Delves Lane.

## Environmental Protection Division

186. Has raised no concerns. However, they point out the potential for any lighting nuisance cannot be considered until the lights are in operation. In addition, this will depend on future development in the surrounding area, including possible future housing development.
187. Any reported nuisance would be investigated and enforcement action could be possible if a nuisance is proven.

## Peacock and Smith on behalf of Wm Morrison Supermarkets plc

188. They have written on behalf of Wm Morrison Supermarkets plc (Morrison's) to object to the planning application, which seeks to develop a significant amount of additional retail floorspace in an out of centre location. The applicants seek to replace their existing Tesco store (3,608 sq m gross/ 1,872 sq m net) with a new retail store measuring a gross floor area of 8,107 sq m and a net floor area of 5,386 sq m. This represents a 65% increase in net sales floor area (1,514 sq m). They understand from the applicant's Retail Assessment that the respective convenience / comparison sales area would be as follows:

	Convenience goods	Comparison Goods
Existing store sales area (sq m)	1,629	243
Proposed store sales area (sq m)	3,368	2,018
Change in sales area (sq m)	+1,739	+1,775

189. Morrison's currently operate the retail foodstore at the edge-of-centre Hermiston Retail Park. It is a former Safeway store and has a gross floor area of 3,344sq m. In 2007, an application for the redevelopment of the Hermiston Retail Park was granted Outline Planning Permission (LPA ref: 1/2007/0133). As part of the proposals, the Morrison's store will be redeveloped and the new store will have a net sales area of 4,347 sq m and a gross area of 7,245 sq m.
190. Morrison's are fully committed to providing a new modern foodstore in Consett. The Reserved Matters application will be submitted shortly and the anticipated start on site date is 2010.

## Planning History

191. The proposed site for the replacement Tesco store is known as 'Project Genesis'. In October 2006, an Outline application for a retail park comprising 9,289 sq m gross retail floorspace was submitted (LPA ref: 1/2006/0838). The proposal included 1,393 sq m net convenience goods floorspace. The application was considered at the same time as the redevelopment of the Hermiston Retail Park application as both schemes proposed additional edge of / out of centre retail floorspace.
192. White Young Green (WYG), the Council's external and independent retail consultants, were appointed in July 2007 to consider both proposals' Retail Assessments. Their main findings can be summarised as follows:
- Convenience capacity marginal but the benefits of providing a large new foodstore at Hermiston Retail Park, close to the town centre, outweighs the

- marginal convenience capacity;
- Hermiston Retail Park site (edge-of-centre) considered sequentially preferable to the Project Genesis site;
- Hermiston Retail Park site considered more preferable for linked trips with Consett town centre than the Project Genesis site;
- Both proposals, on their own, are considered appropriate in scale;
- Adequate non-food capacity for both proposals;
- The Project Genesis site should be restricted to bulky goods retail to reduce the impact on Consett town centre.

193.

Following WYG's report, the Project Genesis scheme was amended and the convenience goods element removed. The application for bulky goods retail was subsequently approved on the 16<sup>th</sup> October 2007. The decision notice states that the permission is restricted to bulky goods retail and excludes convenience floorspace:

"20.

*... 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 consent of the Local Planning Authority."*

"22.

*... 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, household goods, domestic electrical and gas goods, hardware, white goods, DIY goods for the home and garden, cycles and part for motor vehicles and cycles, large recreational and leisure goods. Office supplies, pets and pet products, sports goods and baby related goods."*

*No reserved matters application has been submitted.*

*Proposed Replacement Tesco Store*

194.

The planning statement submitted on behalf of the applicants, states at para. 1.2 that the 'principle of retail use on the site has already been established.' Peacock and Smith believe it is important to clarify at the outset that the principle of bulky goods retail may have been established through the extant permission, but not the general principle of retailing. The permission clearly restricts the sale of food and drink and a number of non food goods (including clothing and health and beauty) on this site. It is therefore misleading for the applicant's supporting statement to say that the principle of retail has been established.

195.

Furthermore it is important to remember that this application seeks full Planning Permission so all matters, including the site's allocation for employment use must be considered afresh.

196.

Their objections are based on a review of the Retail Assessment prepared by England & Lyle (E&L) and the planning statement prepared by DPP on behalf of the applicants. They also have regard to the Derwentside District Local Plan; RSS for the North East; PPS6 and the District Council's emerging core strategy. They have also considered WYG's findings from their July 2007 report to the local planning authority on the Retail Assessments for the Hermiston Retail Park and the extant Planning Permission on the proposal site subject to this objection letter.

197.

As the proposal is out-of-centre in terms of the Local Plan and PPS6, they consider the proposal against the five retail planning policy tests as set out in para 3.4 of PPS5 , which states that applicants are required to demonstrate:

- The need for the development;
- That the development is of an appropriate scale;
- That there are no more central sites for the development;
- That there are no more unacceptable impacts on existing centres; and
- That locations are accessible by a choice of means of transport.

198. Retail Need

PPS6 advises at para 3.9 that need must be demonstrated for any application for a main town centre use which would be an edge-of-centre location and which is not in accordance with an up-to-date development plan document strategy. Accordingly, as the proposed replacement foodstore is in an out-of-centre location, need for the development must be demonstrated.

199. Quantitative Need

PPS6 advises that need is the primary retail test to consider in the assessment of out-of-centre retail developments. It confirms that quantitative factors are more important than qualitative issues when considering the needs test. Para 3.10 states that 'a needs assessment prepared in support of a planning application should, wherever possible, be based on the assessment carried out for the development plan'. However, no such assessment is available from the Council.

200.

They understand that Roger Tym & Partners (RTP) have recently been appointed to undertake a retail capacity assessment for the District. They were instructed at the end of last year and no findings on the retail needs of the District are expected to be available until the end of March. As there is no local planning authority retail study available at the present time, they have considered the findings of the WYG assessment (as this is the most recently commissioned retail study of the Council).

201. The White Young Green Retail Assessment, July 2007

The independent retail study prepared for Derwentside Council by WYG, concluded that based on the evidence submitted on behalf of the Hermiston Retail Park application (which proposed 3,352 sq m net convenience floorspace), it was questionable whether or not there was a clear quantitative need. Para 2.29 states that 'based on the evidence available, it is questionable whether there is a clear quantitative need for the proposed uplift in convenience goods floorspace'.

202.

The assessment continues: 'whilst we consider that the introduction of a modern large-format supermarket in Consett will increase consumer choice; based on the level of floorspace proposed it will be necessary for existing and proposed facilities to retain a high proportion of convenience goods expenditure. Against the lack of quantitative need, the qualitative need for the convenience goods element of the scheme is considered to be strong. Notwithstanding this, it is evident that PPS6 place greater emphasis on demonstrating a quantitative need rather than a qualitative need'.

203.

They believe that the qualitative need for a modern large foodstore has been met by the

204. granting of the Planning application at Hermiston Retail Park. No need has been demonstrated for two large format foodstores.
205. Their objection advises that it is important to remember that PPS6 does indeed place a greater emphasis on quantitative need.

The proposed replacement Tesco store sees a net convenience floorspace of 3,368 sq m. The existing store has a net convenience floorspace of 1,872 sq m. This represents an uplift of 56% (an increase of 1,739 sq m) from the existing store's net convenience floorspace to the proposed replacement store. As linked convenience capacity was found when determining the Morrison's application at Hermiston Retail Park, there is evidently insufficient capacity to justify an additional 1,739 sq m net convenience floorspace for the replacement Tesco store.

206. The England & Lyle Retail Assessment, November 2008.

207. In the summary of the E&L Retail Assessment, para 8 states that 'the capacity analysis shows that there is not a clear surplus expenditure capacity in convenience goods to support both the proposed Morrisons and Tesco stores in Consett'.

- In determining available capacity, E&L have used a benchmark turnover for Morrisons at £10,103. This figure is too low and should be closer to £11,000. This means that the available capacity found by E&L has been over estimated. Furthermore, the catchment area used by E&L is quite extensive and the assumed retention rate of 90% is far too high. It is unrealistic to have such a high retention rate of expenditure (even if the Morrisons and proposed Tesco were built out) given the draw of surrounding stores; e.g. Sainsbury at Durham and Team Valley, Tesco at Chester-le-Street and the new
208. Morrisons store at Bladen (sic). Given the assumed retention rate of 90%, the available expenditure has again been over estimated.

209. They point out that it is not clear where E&L have sourced their turnover figures from, and request that this information is provided.

- As the Morrisons store already benefits from Planning Permission, the development is regarded as a commitment. It should be therefore be taken into consideration in determining the turnover of developments in the catchment area. If there is insufficient capacity to justify additional floorspace once all commitments have been taken into consideration, then a need cannot be demonstrated for additional convenience floorspace and accordingly the application should be refused.
- 210.

- They question what will happen to the existing Tesco store if the replacement store application is granted. Furthermore, if the site is to be used for non-food retail, they query if the cumulative impact of having the existing store stay for non-food, and a new superstore at Genesis Way together with the commitment at Hermiston Retail Park been properly assessed? They consider that this is a very important issues that should be addressed by the applicant.
- 211.

- The objectors acknowledge there is capacity for comparison goods retail. However, much of this capacity will be met by the commitment at Hermiston Retail Park.
- 212.

#### Qualitative Need

On the basis of qualitative need, E&L consider that the proposed replacement Tesco

store would enhance competition and increase consumer choice. In para 8.17, E&L state that WYG concluded that there is a qualitative need for improved retail provision in Consett. However, this report predates the Morrison approval and by permitting the new

213. Morrisons store, the retail offer in Consett will be improved and the need to travel to competing centres elsewhere will be reduced.

Furthermore, a replacement Tesco store would not increase the choice of food retailers in Consett as the number of fascias would not increase in the town. Indeed it would be less likely for smaller new supermarkets to open in Consett.

214.

Shoppers in Consett already benefit from good availability of food shopping as indicated by a score of '4' in E&L's health check appraisal. The good choice and range of food retailers includes Aldi, Morrisons, Tesco (existing store at Delves Lane and their other store at Annfield Plain), Lidl, Iceland, Herron Foods and numerous small independents.

215. There is no obvious qualitative deficiency in the choice and range of Consett's foodstore provision.

They consider that the applicant has not demonstrated a need, either in quantitative or qualitative terms, for the size and scale of the proposed store, and that Planning Permission should be refused on this basis alone.

216.

#### Scale

As they do not agree that there is either a quantitative or qualitative need for the proposed new store, they do not consider that it is appropriate in terms of its scale and size.

217.

PPS6 states that future development should be appropriate in scale to the centre that it will serve, complementing its role and function. Para 2.43 states that 'where a need has been identified, local planning authorities should seek to identify sites in the centre, or failing that on the edge of the centre, capable of accommodation larger format developments'. Firstly, the proposal has not found a need for the development, and secondly; the proposed site is located out-of-centre. Therefore, the proposed development does not meet the criteria set out in national planning guidance.

218.

Furthermore, policy 6 of the RSS for the North East states that new development will be allowed in the region's Regeneration Towns that is appropriate in scale. Consett is identified as a Regeneration Town in Policy 9 of the RSS which states that 'planning proposals should support the regeneration of the Tyne and Wear City-Region by supporting the regeneration of Regeneration Towns without adversely impacting on the regeneration initiatives within the Tyne & Wear conurbation'. They therefore consider it would be more appropriate to provide a large sized new foodstore in the region's other main centres, where there may be a greater need for the new foodstores to underpin the regeneration of the Tyne and Wear City-Region and to better meet local needs.

219.

WYG considered in their report that the two proposals (Hermiston Retail Park and Derwentside Retail Park) were in isolation, appropriate in scale, i.e. both schemes together would be inappropriate in scale for Consett.

220.

The net retail floorspace of Consett town centre (according to the E&L assessment) is 14,253 sq m. The new Tesco store proposes a net retail floorspace of 5,386 sq m. If the application were to be approved, this would represent a major new development outside the town centre, equal to 238% of the total town centre retail area and could

function as a separate stand-alone destination. They believe an increase of more than a third of its floorspace, in an out-of-centre location, is significant and this would have an impact on the town centre.

221.

### Sequential Approach

PPS6 applies the sequential approach to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document. Para 3.15 of PPS6 states that 'in applying the sequential approach and in 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 should have been flexible about their proposed business model in terms of the scale and format of their development, car parking provision, and the scope for disaggregation'.

222.

The WYG report and the E&L Retail Assessment conclude that there are no sequentially sites within Consett town centre that are able to accommodate large scale retail development. However, the Hermiston Retail Park site is a committed retail site in an edge-of-centre location which is sequentially preferable to the out-of-centre Tesco proposal. Therefore the Hermiston Retail Park development should be considered for retail development before out-of-centre sites.

223.

Indeed they point out that if the Tesco store was permitted, there is a possibility that it would jeopardise the private sector investment at Hermiston Retail Park which is the key sequentially preferable location for new retail development in Consett.

224.

Additionally the edge-of-centre Front Street site has planning permission for 836 sq m retail floorspace and is accordingly also suitable for retail development. It is acknowledged that the site is somewhat smaller than the proposed retail site (almost ten-fold) but this further supports the argument that the proposed Tesco store is out of scale in this locality.

225.

As they do not consider that a need has been demonstrated for an additional foodstore of the size proposed; they consider that all sequentially preferable sites within and on the edge of the existing centres in the defined catchment area that could accommodate a smaller form of retail development, be fully assessed by the applicant.

226.

### Retail Impact

Para 3.20 of PPS6 states that 'an impact assessment 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'. The impact of the proposal on the vitality and viability of existing centres, including the key cumulative effect of recent permissions should be assessed.

227.

Para 3.22 of PPS6 sets out a number of factors against which the impact of a retail development, over 2,500 sq m should be assessed. These are:

- 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;
- Changes to the ranges of services provided by centres that could be affected;
  - Likely impact on the number of vacant properties in the primary shopping area; and
  - Potential changes to the quality and attractiveness, physical condition and character of the centre or centres and to its role in the economic and social life of the community.
- 228.

They advise that the development of such a large amount of additional retail floorspace at an out-of-centre location could put at risk future town centre retail developments and could also make it less likely that existing vacant retail units in the town centre are reoccupied.

229.

230.

They believe that the E&L assessment does not consider all of the above factors.

To fully understand the trade diversions, it is their “strong view” that given the scale and nature of the proposals, the Council should request a household survey is commissioned.

231.

The findings of the WYG report conclude that if both schemes were implemented, the potential impact on established centres would increase. They considered that the Genesis Way scheme, given its out-of-centre location, would provide little potential ‘spin off’ benefits associated with clawback of list expenditure, for existing centres within the catchment area. Indeed WYG go further in their conclusions to say that ‘there is a danger that given the out-of-centre location, linked trips with the town centre would be lost and the Genesis Way scheme would be an alternative to the town centre’.

232.

The objectors fully support this view and consider that a replacement Tesco store, stocking a wide range of comparison goods (particularly clothing, footwear, and homewares) would make it less likely for shoppers to visit the town centre. They believe it is likely therefore that the replacement Tesco store would function as a ‘one-stop’ shop and have an even greater potential for impact on the town centre. They feel it is also important to remember that WYG were so concerned about the impact retail development on the site would have on the town centre that they restricted the development to bulky goods warehouse retailing only and prohibited the sale of food and drink. This is something the Council should consider when determining the application.

233.

E&L offer no evidence on the potential of linked trips that may occur between the proposed store and the town centre. The objectors consider the potential to be limited, given the uphill walk and the nearest distance from the store to the town centre is approximately 650 metres.

234.

These important issues need to be fully assessed by the applicant and local planning authority.

235.

#### Accessibility

They question whether the application site is accessible by a choice of means of transport and given its out-of-centre location and long up-hill walk from the town centre They believe there is limited potential for linked trips with Consett town centre. It is therefore likely that this replacement store would function as a standalone store.

236.

#### Summary



Based on the information submitted and a review of the development plan, they we consider that:

- The applicant has not demonstrated a need for the size and scale of the proposed replacement store;
  - The scale of the proposed development is inappropriate;
  - There are no sequentially preferable sites that could accommodate more appropriately sized retail development in the catchment area;
  - The impact of the proposal could have an adverse effect on the vitality and viability of existing centres; and
237. • The principle of general retail development has not been established on this site as the previous permission was restricted to bulky goods retail only and prohibited the sale of food and drink.

238. They consider that the proposal is contrary to the Local Plan, the RSS, and PPS6, and that Planning permission should therefore be refused.

#### Roger Tym and Partners' Comments on the Applicant's Retail Impact Assessment

239. Roger Tym and Partners are the Council's retail consultants. They are in the process of finalizing a Household Survey undertaken on behalf of Derwentside, Sedgfield and Teesdale Districts. This up-to-date survey has been used to inform their comments on Retail Impact.

240. They have advised that in December 2008, a Planning application was submitted on behalf of Tesco Stores Limited (reference 1/08/0972/DM) proposing the development of a replacement supermarket for its Delves Lane store on an out of town site at Genesis Way (formerly occupied by Consett Steelworks). The planning application was accompanied by a detailed Retail Impact Assessment (RIA) prepared by England and Lyle.

241. For the last few months, Roger Tym and Partners has been preparing a Retail Study for Derwentside, Sedgfield and Teesdale Districts on behalf of the District authorities. Derwentside District Council has therefore asked Roger Tym and Partners to examine the quantitative elements of the RIA. Their analysis is informed by the findings of a Household Survey prepared as part of this work. They are aware of the Planning history of the site, including the recent permission for non-food development.

#### Catchment Area

242. The catchment area is a crucial component in any assessment of retail capacity as the scale of its resident population is one of the key factors affecting the level of available expenditure to support additional floorspace.

243. The RIA extends the catchment from that previously assumed in the 2006 application: it includes all of Derwentside District. In addition, the settlements of Tow Law, Chopwell and Rowlands Gill, which are not part of Derwentside, are also assumed to fall within the catchment. South Tynedale ward is also added being closer to Consett than Hexham.

*(RIA paragraphs 4.2-4.3).*

The assumption of a 15-minute drive time catchment is considered reasonable, and is

one routinely adopted for large supermarket developments, particularly where population densities may be lower than in the main urban centres. They have checked the drive time isochrones employed and they are consistent. The In-Centre Survey of Shoppers found that some 85% of Consett shoppers are Derwentside residents.

#### Expenditure

The RIAs per capita retail expenditure estimates have been provided by Experian at 2006 prices. Experian estimate per capita retail expenditure to be £1,555 per annum and £2,705m per annum on convenience and comparison goods respectively.

245. Expenditure per head is higher than other sources of expenditure data, however expenditure growth estimates are consistent with recognised credible estimates.

*(RIA paragraphs 7.1, 7.3 and following table).*

246. Their data, sourced from MapInfo indicates lower levels of per capita expenditure across Derwentside of £1,382 per annum and £2,481 per annum on convenience and comparison goods respectively in 2008.

The expenditure growth figures used in the RIA are 0.8% per annum for convenience goods and 3.5% for comparison goods, sourced from the Experian Retail Planner Briefing Note 5.1. While clearly the RIA could not anticipate it, this source has been updated since the submission of the application and the RIA (in Experian Retail Planner Briefing 6.0), with lower comparable convenience and comparison growth rates (0.2% and 3.2% respectively).

247.

The effect of the differences in the expenditure assumptions employed is that estimated retail expenditure in the catchment area is slightly higher than would otherwise be the case.

248.

#### Trade Derived from Catchment Area

The RIA makes a number of statements regarding the amount of trade the proposed development would derive from within the catchment area as well as the proportion of trade it would draw from outside this area. In the absence of household survey information, the RIA has taken a perfectly reasonable approach in developing these assumptions:

249.

250. 75% of catchment area convenience goods spending is retained in the catchment (mainly in stores in Consett and Stanley); 49% of catchment area expenditure on comparison goods is retained in catchment area stores.

*(RIA paragraph 7.11, following table and 7.12).*

The RIA's position is that development of the proposed store would reduce (or 'clawback') the proportion of catchment area spending which is presently attracted to centres outside the catchment. On the basis of the figures above, the RIA estimates this 'leakage' to be 25% for convenience goods expenditure and 51% for comparison goods expenditure.

251.

252. However, the results of the Household Survey undertaken as part of the area-wide Retail and Town Centre Needs Assessment referred to earlier have recently become available and these show a different profile.

The Household Surveys prepared as part of the ongoing retail work in the area show

253. that Consett's attraction as a retail location is localised to Derwentside District. Consett accounts for some 38% of resident's spending on convenience items, Stanley accounts for a further 36%. Overall, the Household Survey found that Derwentside locations attract some 86% of Derwentside residents spending.
254. Outside Derwentside, Consett has minimal appeal to Sedgefield residents (accounting for 0.25% of convenience spending), although nearly 2% of Weardale residents spending is attracted to the town (mainly to existing supermarkets).
255. For comparison goods, Derwentside retains just 33% of resident's expenditure, with locations such as the Metro Centre (27%), Newcastle (11%) and Gateshead (6%) attracting the bulk of expenditure in this category.
256. As the Household Survey has been completed before the development of the Hermiston site, the figures quoted do not include any element of potential clawback related to it.

- The RIA assumes that the proposed development (with the new Morrisons) could 'clawback' 15% of residents convenience goods expenditure, increasing the retained proportion of convenience expenditure to 90% in the process. It anticipates that such clawback will account for 65% of the stores *additional* turnover. For the proposed replacement Tesco store, Appendices 7A & 7B quantify this as £11.46 million (convenience) and £7.69 million (comparison goods) in 2010, rising to £11.57 million and £7.92 million in 2012 respectively.
- 257.

*(RIA paragraph 8.4 and Appendices).*

- As stated in paragraph 8.5, this assumes that the convenience goods element of the replacement store will trade at 94% of the turnover level of the existing store. In practice, and allowing for the increase in floorspace, they consider it unlikely that the proposed Tesco store would trade at levels as low as this. The assumed sales densities are 78% of the company average (the 2007 Retail Rankings quotes a sales density of £1,198 per sq.ft (£12,895 per sq.m), In Appendix 1, the RIA assumes a sales density of £10,138 in projecting turnover to 2010). Company averages represent the performance of a wide range of stores, reflecting differences in age, levels of investment, type of location and competitive pressures. In their view, it is probable that turnover levels in a newly developed store in the location identified would at least reach company average levels.)
- 258.

- Even on the basis of the assumed turnover levels and an increase in market share across the catchment of 15%, the RIA acknowledges that residual capacity for convenience goods expenditure (i.e. the amount of expenditure 'available' to support new floorspace) in 2012 is limited to £5.6 million. – less than 50% of the £11.57 million turnover anticipated from clawback above and just 31% of the additional turnover assumed for the store).
- 259.

- The RIA then examines a scenario whereby 80% of the turnover derived by Tesco and Morrisons is generated from clawback. While this increases the level of residual expenditure to some £10.3 million, this remains below the clawback threshold identified above as well and some way below the anticipated trading level for the store as a whole.
- 260.

It is evident that, even employing the RIA assumptions, there is insufficient residual capacity to support the level of floorspace proposed. However, this is further compounded by the findings of the Household Survey. The RIA catchment is for the large part made up of settlements in Derwentside District, with the addition of several

261. small settlements in neighbouring districts. It is reasonable therefore to assume that convenience spending retention levels in the RIAs catchment are broadly as indicated in the Household Survey. This indicates a retention level of 86% which greatly restricts the potential for additional floorspace without increasing the levels of anticipated impact on centres and stores in Derwentside itself.

262. They point out that there is only limited scope to increase convenience expenditure retention levels in this context. The survey results suggest a high concentration of local spending in Derwentside's centres and supermarkets, with only limited amounts drawn to other centres. It is generally unrealistic to plan for retention levels in excess of 90% as there will always be an element of 'frictional' spending drawn to other centres and related to travel to work patterns, opportunistic purchases of top-up shopping etc.

263. The table below adopts a similar format to the RIA and models the effect of the retention rate shown in the Household Survey. It shows that there is insufficient residual capacity even were a retention level of 93% to be achieved

264. The table shows a major shortfall in available capacity allowing for existing commitments. The development of a store of the scale proposed would exacerbate this. This suggests that the potential for 'clawback' is exaggerated and that development would have significantly greater impacts on existing stores and centres in Derwentside than estimated in the RIA.

265. A different picture emerges when considering capacity for comparison goods provision. While the RIA assumes retention of some 49% of related expenditure, the Household Survey found that Derwentside attracts just 33% of resident spending in related goods categories. Assuming development sufficient to raise retention levels to 58%, there is considerable residual capacity even after considering the comparison elements of the Tesco proposal.

The calculations suggest a major requirement for comparison goods floorspace rather than significant additions to convenience floorspace.

#### Capacity Analysis - Convenience Goods (Household Survey retention)

Consett Catchment Area - 2006 prices	2007	2010	2012
Existing expenditure (£m)	154.77		
existing turnover (£m)	133.10		
retention level	86%		
expenditure projections (£M)		156.55	158.25
future retention level (as in RIA)		93%	93%
turnover potential within catchment area (£m)		145.59	147.17
capacity for turnover growth from 2007 (£m)		12.49	14.07
less increase in turnover of existing shops		2.01	3.36
surplus capacity (£m)		10.48	10.71
less commitments		17	17.17
residual capacity (£m)		-6.52	-6.46
additional turnover of proposed Tesco store		17.63	17.8

#### Capacity Analysis - Comparison Goods (Household Survey retention)

Consett Catchment Area - 2006 prices	2007	2010	2012
Existing expenditure (£m)	251.69		

existing turnover (£m)	83.06		
retention level	33%		
expenditure projections (£M)		272.7	290.14
future retention level (as in RIA)		58%	58%
turnover potential within catchment area (£m)		158.17	168.28
capacity for turnover growth from 2007 (£m)		75.11	85.22
less increase in turnover of existing shops)		3.79	6.42
surplus capacity (£m)		71.31	78.80
less commitments)		28.08	28.93
residual capacity (£m)		43.23	49.87
266. additional turnover of proposed Tesco store		11.83	12.19

### **Publicity**

267. Neighbours have been consulted, site notices posted and the development advertised in the press. No objections have been received other than the objection on behalf of Morrisons as detailed above.

One letter of support has been received from a resident of Shotley Bridge on the following grounds:

- The recommendation for refusal shocks and astonishes me in both equal measures.
  - Surely 'Planning' is about balancing harm against benefit? What benefit is there to Consett in continuing to have at its core hectares of wasteland that come with it exceptional remediation cost? I firmly believe that if Tesco are prepared to invest in my town and that their investment is then the catalyst for further regeneration we should be encouraging them rather than discouraging. What sort of signals is my town sending to Developers, never mind existing and future residents?
  - We must recognise that competition for investment is not regional it is international and we need to ensure that our town is receptive to it. If we do not then I am afraid we will simply destroy all the good that has come in the past ten or so years.
  - This project and the regeneration benefits it brings should not and must not be ignored if you are to share my desire to see my town continue to rise from the dirty depressed place of my childhood.
268. • My support for this project is absolute.

### **Officer Assessment**

The application is complex and needs to be considered against a number of aspects:

- Relevant History
- Siting
- Layout
- Design
- Retail Impact
- Sequential Test
- Transport and Travel
- Benefits of the Scheme
- Ecology
- Ground stability and contamination
- Flood Risk and Drainage
- Sustainability / renewable energy

269.     • Comments on the objection from Morrisons  
          • Future of the Tesco Delves Lane site

### **Relevant History**

270. As this application describes in its accompanying Planning Statement, the principle of retail development on this site was established through the recent Outline Planning Permission (reference 1/2006/0838) which was granted conditionally in October 2007. That application approved a proposal for a 9,289 sq m retail park. Although the application was accompanied by an indicative layout plan, the only matter submitted with the application for approval was that of access.

271. It is important to note that the application was *not* approved for unrestricted retailing – convenience goods retailing was specifically excluded by Conditions 20 and 22 on that approval.

Condition 20 stated that:

“... no part of the development authorised by this permission shall be used for the retail of sale of food and drink within Class A1 without the consent of the Local Planning Authority.”

The reason for the condition is stated as:

272. “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.”

Condition 22 restricted the goods that could be sold to particular comparison goods: “Furniture, floor coverings, household 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 purposes of this condition, ancillary is considered to mean no more than 15% of the floor area of any unit).”

273. The reason given for this condition was:

274. “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.”

It should be noted that Policies CO1 and CO3 have *not* been ‘saved’ in the Plan as these policies largely replicate the advice contained within PPS6.

Whilst it is agreed that the principle of retailing has been established at the application site, this is for comparison goods (non-food retailing) only.

275. It is worth noting that this application was originally submitted as one for both convenience and comparison goods retailing. However, the applicants withdrew the convenience goods element from the application. This followed the findings of a retail survey commissioned by the Council which concluded that there was only marginal capacity for convenience goods trading but that the benefits of providing a large new foodstore at Hermiston Retail Park, close to the town centre, outweighed this and that the Hermiston Retail Park Site was considered sequentially preferable.
276. The Committee report concluded that the site, being some 400m away from Consett Town Centre was an out-of-centre site. The applicant's consultants (White Young Green) concluded that the impact of the proposal, when coupled with the development of the Hermiston Retail Park, would have a potential impact on Consett town centre of 9% which compared to 7% if the Hermiston site were to go ahead in isolation – the difference at that time (October 2006) being a marginal 2%. The certificate was issued on 16 October 2007. The proposal could therefore be taken up until 15 October 2012. This proposal, therefore, represents a fallback position should the subject Tesco planning application not be agreed.
277. The Outline Permission for the Hermiston Retail Park was conditionally approved in October 2007, and was described as the 'Redevelopment of retail park to provide foodstore, non-food retail units and a relocation fast food unit'. The application included the replacement of the Morrisons store (7,245 sq m), the replacement of Focus DIY (2,045 sq m) and a garden centre (929 sq m), eight non-food retail units (totalling some 9,266) and a new KFC unit. Matalan and the petrol filling station were to remain.
278. This site was considered to be edge-of-centre, it was concluded that there was a need for this development and that it was unlikely to have an adverse impact on Consett town centre or on other centres in the District. The approval certificate was issued on 18 October 2007. The development can therefore be commenced until 17 October 2012. It therefore has to be regarded as an existing commitment and taken into account when considering the subject Tesco planning application.
279. In addition to the above, the land to the south west of Derwentside College has Planning Permission for retail development. An application was submitted in 2005 for the erection of two retail units (use Class A1) with associated car parking, servicing and landscaping. The units were to have 418 sq m gross floorspace. Being within 300m of Consett town centre, the site was classed as edge-of-centre. Serviced from the rear, the units were to be fronted by car parking - 45 spaces - accessed off Front Street.
280. This application was for unrestricted retailing i.e. the units could be used for convenience or comparison goods or for a mixture of both. If this application was still 'live' it would have had to be regarded and taken into account as an existing commitment. However, granted in 2006, it expired in February 2009.
281. A full Planning application for a single (use Class A1) retail unit of 841 sq m was granted conditional approval in May 2008 for the same site. It, too, was to be serviced from the rear and have a frontal car park (this time 45 spaces) accessed off Front Street.
282. This is a live approval that can be taken up until 21 May 2012. It has to be taken into account in the consideration of the subject application as an existing commitment. Indeed, the conditions were discharged in 2008 and this development is in a position to be commenced.

## **Siting**

283. This roughly triangular application site is bounded by Genesis Way on its northeast, by Consett Road (A692) and Soprano's restaurant on its south, and by landscaping and the proposed site for a sports complex on the northwest.
284. The site's nearest edge to Genesis Way is some 410m distant from the edge of Consett town centre which lies at the bottom of Front Street and its junction with Albert Road and Knitsley Lane. This distance places the site well into the 'out-of-centre' category in terms of PPS 6 'Planning for Town Centres' and its sequential test. The definition of out-of-centre is found within Annex A table 2 - a site that is within 300m of a centre is classed as being edge-of-centre, whilst one beyond that is out-of-centre.
285. Moreover, if we take the nearest entrance to the proposed store – which is located further west – and measure its walking distance proximity to the town centre, the distance is increased to some 665m.

## **Layout**

286. The store is proposed to be located in the southwest corner of the site. It would be accessed by service vehicles from a new roundabout on Genesis Way catering for all vehicles. A Petrol Filling Station would be sited at the north end of the site together with an associated kiosk and a recycling facility. Car parking would fill the area in between the foodstore, the Filling Station and the mature planting fronting Genesis Way.
287. The access to the store's rear service yard on the southwest side of the building is to be approached by a long separate access that skirts around the west side of the car parking. It is proposed to site a combined heat and power unit within the yard.
288. Two shared pedestrian / cycle access points are proposed off Genesis Way with another off Consett Road just to the west of the Soprano's site.
289. Cycle parking is proposed at the front / northeast side of the store. It is well overlooked through the windows of the store, thus providing a degree of security surveillance for the cycles.
290. A taxi rank would be included at the front of the building at a point close to the canopied store entrance and three automated teller machines.
291. An indicative position for a wind turbine is shown adjacent to the west of the pedestrian / cycle access point off Consett Road.
292. The car parking provision is for some 639 vehicles, including spaces for the disabled, parent and child parking, and for motorcycles.
293. Within the store, it is proposed that the checkouts would be located towards the front of the building. A mezzanine level at the rear served by lifts would provide for staff accommodation, a restaurant and toilet facilities.
294. It is considered that the separation of the store from Genesis Way would not assist in providing linked trips to and from the town centre. The additional pedestrian travel distance, much of which is around a large exposed car park, is likely to prove unattractive to pedestrians, especially in times of inclement weather.



295. It has been suggested to the applicants that the store would relate better to the town centre if it were to be moved into a position close to Genesis Way. This would bring it closer to the town centre, increasing the prospect of the store being used for linked trips with the town centre as opposed to its serving as a stand alone destination. Interestingly, the Council's suggested alternative store location is shown in the submitted Design and Access Statement as one of the alternatives that was considered in the design process, however no reason is given as to why this alternative location was discounted.
296. At the time of writing this report, this suggestion, although it is being considered, has not been responded to.

### **Design**

297. The proposed foodstore building is described as an 'eco-store'. It is shown as a large rectangular box shape some 71 x 101m in area and 10m high. On the roof would be located 3.9m high, fixed 'wind catchers'.
298. The building would be clad mainly in horizontal larch panelling interspersed with horizontal glazing. The frontal façade is shown as almost wholly glazed, whilst the other elevations are mainly larch panelling. Its roof is proposed to be constructed of a polymeric membrane in a mid grey colour on composite roof panels containing 15 rooflights. The service yard is proposed to be enclosed with 3.85m high close-boarded timber fencing.
299. Despite the building's bulk, the horizontal expression of the design and its materials would result in an attractive building that would not be too visually intrusive.
300. The wind catchers on the roof would break up the skyline, adding an unusual but welcome degree of visual interest to what would otherwise be seen as a large rectangular box.
301. Although any advertisements would need to be the subject of a separate application(s) for Advertisement Consent, it is useful to consider their location on the building at the design outset. Advertisements should not be an afterthought – a building should be designed to accommodate them. In this instance the applicants were requested to indicate where adverts might be placed, with the proviso that none should face the outside of the site where they would be out of context.
302. Two signs are proposed on the elevation facing the car park. A 'Tesco Extra' sign in red and blue together with Tesco decals in the top right hand corner of the façade, and a large 'Every Little Helps' sign in white running diagonally upwards across the lower glazing. Both signs relate well to the building design.
303. The Petrol Filling Station would have a gross floor area, including the area underneath the canopy and the petrol filling station kiosk (internal floor area 105 sq m gross). There would be 8 pumps served by 5 underground tanks. The 5m high canopy would be aluminium and the 3.5m high kiosk would have larch cladding panels on its sides. Associated with the filling station is proposed a car wash and a jet wash.
304. A recycling facility with a parking lay-by is proposed alongside the sole vehicular entrance into the site from a roundabout on Genesis Way.

305. The design of the buildings are considered to be acceptable.

### **Retail Impact**

306. Planning Policy Note 6 (PPS6) sets out the Government's objectives in relation to Planning for Town Centres. The Statement begins by reminding the reader of some key points... one being that *'It is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation.'* We are told that wherever possible, new growth should be accommodated within existing centres and that where this is not possible, authorities should plan, where appropriate, for the extension of the primary shopping area if there is need of additional retail provision. These should be easily accessible on foot. Larger stores may deliver benefits for consumers and authorities should seek to make provision in edge-of-centre locations.
307. Main town centre uses should promote high quality and inclusive design to improve an area's character and quality and the way it functions. The impact of edge / out-of-centre sites should be assessed in relation to centres within the catchment of the new development. Proposed developments should be assessed in relation to:
- The need for the development - both quantitative and qualitative;
  - That the development is of an appropriate scale;
  - That there are no more central sites for the development - taking into account the sequential approach;
  - That there are no unacceptable impacts, including impacts on trade and turnover; on the vitality and viability of existing centres within the catchment area; impact on the numbers of vacant properties in the area; potential changes to quality, to attractiveness, to its physical condition and character, to its role in the economic and social life of the community; and
  - That locations are accessible, including impact on car use, traffic and congestion.
308. The appendix sets out several definitions. Importantly, in this case, an edge-of-centre location is one *'that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area.'*
309. The North East of England Plan Regional Spatial Strategy to 2021 provides the regional development planning context, with RSS policy 2 'Sustainable Development' providing the key environmental, social and economic objectives to be applied to planning proposals. In this case some of the key considerations would include:
- To reclaim and reuse derelict land to make more productive use of land;
  - To reduce crime and fear of crime, particularly through good design;
  - To ensure good accessibility to all jobs, facilities, goods and services in the Region particularly by public transport, walking and cycling;
  - To reduce the need to travel by private car;
  - To ensure high and stable levels of employment so everyone can share and contribute to greater prosperity.
310. RSS7 'Connectivity and Accessibility' includes the following relevant objectives: Reducing the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking. Reducing the need to travelling distances, particularly by private car, by focusing development in urban areas that have good access to public transport and for cyclists and pedestrians, and by encouraging home-working and improving electronic communications.

311. There are no policies relevant to retailing in the Derwentside District Plan as those that were appropriate within the Commerce section of the Plan have not been saved.

#### Retail Assessment

312. A Retail Assessment prepared by England and Lyle (E&L) on behalf of the applicants and dated November 2008 was submitted with the application.

313. The Council's retail consultants Roger Tym and Partners (RT&P) were commissioned to comment on the submitted Retail Assessment (RA).

#### Catchment Area

314. RT&P consider that the RA catchment area for the proposed store, with its 15 minute drive time is acceptable. Their In-Centre survey prepared as part of the District-wide Retail Needs Assessment found that 85% of Consett shoppers were Derwentside residents.

#### Expenditure

315. The Retail Assessment's calculations were based on 'Experian' 2005 surveys that have been updated to 2006.

316. There are a number of differences between the figures in the E&L Assessment and those calculated by RT&P.

#### Expenditure Assumptions

317. E&L's assessment of the per capita retail expenditure in 2008 were £1,555 and £2,705 per annum on convenience and comparison goods respectively. However, RT&P's assessment is lower at £1,382m and £2,481m per annum. This is because the Assessment is restricted to the Derwentside District boundary (the catchment area also includes a small number of settlements in neighbouring Districts).

318. The expenditure growth rates used in the E&L Assessment have been updated by the applicant's source (Experian) since the RA was submitted. Anticipated growth rates have been reduced from 0.8% to 0.2% per annum for convenience goods, and from 3.5% to 3.2% per annum for comparison goods.

319. While it is no fault of the Retail Assessment, its expenditure assumptions could be considered high.

#### Trade Derived from the Catchment Area

320. Looking at 'leakage - i.e. the proportion of trade that is presently being spent in other centres by catchment area residents - the submitted RA estimates this to be 25% and 51% for convenience and comparison goods respectively.

321. However, the results of the household survey undertaken by RT&P found that Derwentside locations accounted for an extremely high proportion - 86% - of residents' convenience spending - i.e. only 14% was being leaked / attracted to centres outside the District. While it is noted that the RA was prepared before the Household Survey

was undertaken, the level of trade 'leakage' in convenience goods that is going outside Derwentside is significantly lower than that envisaged by the Assessment. Thus, the amount of spending available which might be 'clawed back' through the construction of the proposed foodstore is much smaller.

#### Convenience Goods

322.

Convenience retailing is the provision of everyday essential items including food and drink, newspapers / magazines and confectionary (PPS6).

323.

The RA estimated that the new proposal, together with the new Morrisons store would be able to claw back 15% of residents' convenience spending, thereby increasing the retained proportion of convenience expenditure to 90%.

324.

However, that estimated amount is *greater* than the amount that is actually available for clawback as indicated by the Household Survey – this found that 86% of residents' convenience goods expenditure took place within the District. Moreover, it is improbable that the convenience retention level could be increased to anywhere near 100%.

325.

The Council's consultants consider that a retention level as high as 86% *'greatly restricts the amount of trade that could be clawed back for additional floorspace without increasing the levels of anticipated impact on centres and stores in Derwentside itself.'*

#### Potential Turnover

326.

The RA assumes that the proposed Tesco store would trade at 94% of the turnover of the existing store and below Tesco's company average. The RA assumes sales densities (£ per sq metre of sales floorspace) which are 78% of the company average (£10,138 compared with £12,895 sq m). Company averages represent the performance of a wide range of stores, reflecting differences in age, levels of investment, type of location and competitive pressures. RT&P believe that it is probable that turnover levels in the proposed store, a substantial modern store, would at least reach company average levels. The RA therefore significantly understates the amount of turnover potentially generated by the store. As such, it also underestimates its impact on stores in Consett.

327.

RT&P conclude, *'even employing the RIA (Assessment) assumptions, there is insufficient residual capacity to support the level of floorspace (convenience) proposed'*. They go on to say that the Council's analysis table show that there is a *'major shortfall in available capacity allowing for existing commitments.'* Looking at that table, one notes that the residual convenience capacity at year 2010 is - £6.52m whereas the additional convenience turnover is £17.63m - i.e. a shortfall of some £24.15m and that a similar shortfall of £24.26m would occur in 2012.

328.

As shown above, there is limited residual expenditure capacity available to support additional convenience retail stores. Were the proposal to be implemented, it is therefore likely that it would draw a much larger proportion of its turnover from existing retailers in Derwentside (mainly Consett and to lesser degree Stanley) than that indicated in the RA.

#### Omission from the Retail Calculations

329.

In addition to the above, it is relevant that the applicants have not included in their RA the commitment of the application approved on Front Street to the South West of Derwentside Technical College. Planning Application 1/2008/0232 was granted conditionally in April 2008 for the erection of one retail unit (Use Class A1) with associated car parking, servicing and landscaping. This application was granted permission for unrestricted retail i.e. this unit of 841 sq m gross could be taken up totally as a convenience goods store. Assuming a sales area of 60% i.e. of some 500 sq m net and a turnover of £10,000 per sq metre per annum, this means that another £5million per annum of convenience turnover needs to be taken into account in the equation as a commitment. This exacerbates the situation even further, emphasising that there is not sufficient convenience capacity available.

330.

RT&P have also not included the above application in their figures as they were not aware of the decision.

331.

Crucially, the convenience goods element of the proposal is unacceptable and would be likely to have adverse implications for the success and continued operation of existing convenience stores.

332.

In particular, it is considered that the greatest impact on existing stores would be felt by Morrisons. This is because the likes of Aldi and Iceland, etc. trade at a different level to Tesco. As Morrisons is an existing commitment and is a sequentially preferred edge-of-centre retail store so far as Government Policy Guidance is concerned, it should be given precedence and its future should not be prejudiced by any decision taken on this application. Moreover, were Morrisons' future to be prejudiced, this might adversely impact on the whole approved Hermiston proposal.

333.

Finally, an adverse impact on Consett town centre in terms of increasing the amount of vacant premises in the centre needs to be borne in mind during the present economic downturn.

#### Comparison Goods

334.

Comparison retailing is the provision of items not obtained on a frequent basis. These include clothing, footwear, household and recreational goods (PPS6).

335.

The picture here is much different. The figures show that there is a very healthy residual capacity of £43.23m in 2010 – based on the table in the Council's consultants' calculations. Thus, the proposal's estimated comparison goods additional turnover of £11.63m has more than enough residual turnover capacity to draw upon.

#### Quantitative / Qualitative Need

336.

PPS6 requires that Local Planning Authorities should consider both the quantitative and qualitative needs of proposals. Qualitative needs include achieving an appropriate distribution of locations to improve accessibility for the whole community, *subject to the key objective of promoting the vitality and viability of town centres and the application of the sequential approach*. They also include making provision for a range of sites for shopping to meet the demands of the whole community, particularly the needs of those living in deprived areas.

337.

Although the proposed store could bring an element of greater choice in convenience goods, this does, in effect, involve moving some of that choice – albeit a smaller choice

in terms of floor area – already available from the applicant’s Delves Lane out-of-centre store to the Genesis Way site. It would, in essence, be a moving of choice from one side of the centre to the other. Accepting the principle of the possibility of disaggregating convenience shopping from comparison shopping into two stores at separate locations in relation to Consett town centre, then that is what effectively exists at the present time, i.e. with the existing convenience goods store at Delves Lane and an extant comparison goods outline planning approval at Genesis Way.

338.

Whilst the submitted assessment emphasises qualitative need considerations, and calls in its favour upon a Government consultative document on proposed revisions to PPS6, this revision document is not agreed. Moreover, the same key objective outlined above in italics is not proposed for change / would remain.

339.

Thus, there is little to be gained qualitatively through bringing the two elements together. It is accepted that their combination at Genesis Way would allow the proposed Tesco store to be ‘seen’ in relation to the Morrisons one. However, as convenience shoppers would probably only shop at one or the other of these two stores (once they have made a decision as to which store is their preferred choice), especially given the distance that will separate them, the qualitative benefit to be gained from the bringing of the two stores into a closer relationship is limited. If nothing happened and the Tesco store remained at Delves Lane, the choice of convenience goods stores would remain unchanged. Moreover, this proposal has to be considered in relation to the likelihood that the building of the subject Tesco store could have an adverse impact on the Morrisons one. Further, given that Morrisons might not proceed with their rebuilding in this situation, there is the possibility of an adverse knock-on impact on the whole of the extant Hermiston Retail Park proposal. As the Hermiston Retail Park proposal is edge-of-centre and is therefore a sequentially preferable location when compared to Tesco, this proposal would be contrary to the objectives of the guidance within PPS6.

340.

The applicants have drawn attention to a recent appeal decision in Berwick-upon-Tweed where, on one of the appeals, the Inspector found that although a quantitative need for the convenience goods part of the application had not been demonstrated, there was a qualitative need to bring in competition and consumer choice. In reaching that decision, the Inspector had also concluded that the proposal, either on its own or in connection with a Morrisons extension, would not harm the vitality and viability of Berwick Town Centre. However, this decision is not considered to be directly comparable to the situation here in Consett where the conclusion is that the proposal *would* harm the vitality and viability of the town centre.

### **The Sequential Test**

341.

In examining this proposal in relation to PPS6’s sequential test, it has already been commented upon that this development has to be categorised as an out-of-centre site proposal. The PPS states that the first preference for the location of appropriate sites is within existing town centres. This is followed by edge-of centre locations with preferences to be given to sites that are or will be well-connected with the town centre - sites like that of the Hermiston Retail Park. Lastly, out-of-centre sites may be considered, 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.

342.

Looking at the latter criteria, although there are several bus routes along Genesis Way and the A692, the main bus station serving the town centre is at its other end at the top

of the hill. There is plenty of provision for car parking at the site and access would be enhanced via road improvements. The amount of parking proposed is also within general guidance. However, the parking actually separates the proposed eco-store from other built development, taking the proposed store further away from the town centre. It is highly unlikely that shoppers would wish to take the trouble of making the long exposed uphill walk from the eco-store to the town centre. Linked trips to the centre are highly unlikely. There may be some linked trips downhill, but the current layout tends to create a store that would operate as a stand-alone unit as opposed to one being linked to and forming a remote extension to the centre.

343.

Given there is only a certain amount of new trade that can be drawn upon, if one has to make a choice between supporting one or other of the two developments at this end of the centre, first preference must be given to the edge-of-centre Hermiston Retail Park - and which is to be regarded as an existing retail commitment with extant Outline Planning Permission.

344.

As well as being outside the 'up to 300m' distance accepted by PPS as being within the definition of an edge-of-centre site, it is worth noting that the PPS guidance also states that *'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.'*

It continues... *'A site will not be well connected to a center where it is physically separated from it by a barrier such as a major road, railway line or river and there is no existing or proposed pedestrian route which provides safe and convenient access to the centre.'*

345.

In this connection, a pedestrian walking from the town centre to the application site would have to cross Genesis Way. Whilst it is proposed to incorporate a 'pelican' crossing, Genesis Way still represents a perceived barrier. Having crossed Genesis Way, the pedestrian has to walk around two long and windswept sides of the store's car park – the car being given precedence. On the return walking trip, there is an incline to negotiate. These elements separate the proposed building even further from the Town Centre perception-wise.

346.

In conclusion, sequentially, the site is clearly an out-of-centre one with the store entrance positioned more than twice what is considered to be an acceptable walking distance from the town centre for even an edge-of-centre store. Moreover, its positioning and layout stray some way from what might be considered to be a satisfactory relationship with the centre. Rather than complementing the town centre, it is thought that this proposal would work against it by operating as a stand-alone facility.

347.

It is considered that the convenience goods element of the proposal is unacceptable because there is not the expenditure available to support such a volume of floorspace and because of the resultant impact it would have on the vitality and viability of the nearby town centre, on adjacent centres and on adjacent committed development.

348.

Therefore, on this basis, and on the lack of qualitative improvements in relation to the convenience goods trading, the application should be refused.

### **Transport and Travel**

349.

An assessment was submitted with the application by White Young Green (WYG) dated November 2008.

350.

The requirement for an assessment stems principally from PPS1 – Delivering Sustainable Development – where, in outlining the general approach that is to be taken in relation to new development, the Government requires that development *‘is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car...’*

351.

PPS6 – Planning for Town Centres – picks up this theme, requiring that authorities ensure that new development locations are accessible – *‘e.g. 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.’*

352.

PPG13 – Transport – goes on to say that *‘the overall approach on... shopping... should be applied by all authorities... in determining planning applications for such uses...’*

353.

*‘Where developments will have significant transport implications, Transport Assessments should be prepared and submitted alongside the relevant planning applications for development.... For major proposals the assessment should illustrate accessibility to the site by all modes and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts. Where appropriate, a Travel Plan should be included... Details of any firm proposals to improve the access to a site... should be taken into account when considering the proposal.’*

354.

The guidance goes on to advise on detailed requirements, including encouraging cycling and reducing the amount of parking in new developments. It also sets down maximum parking standards for different developments – in this case there are two standards...1 space per 14sq m gross of food retail space, and 1 space for 20sq m gross of non food retail space.

355.

At the Regional level, RSS7 – Connectivity and Accessibility – states: *‘that planning proposals should seek to conserve and enhance the sustainable internal and external connectivity and accessibility of the North East by:*

*a) reducing the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking;*

*b) reducing the need to travel long distances, particularly by private car, by focusing development in urban areas that have good access to public transport and for cyclists and pedestrians, and by encouraging home-working and improving electronic communications;*

*c) minimizing the impact of the movement of people and goods on the environment and climate change; and*

*d) making best use of resources and existing infrastructure; and*

*e) ensuring safe transport networks and infrastructure; ...’*

356.

RSS54 – Parking and Travel Plans – requires that *‘planning proposals should:*

*a. seek to minimise parking provision for non-residential developments, linked to coordinated proposals for public transport and accessibility improvements and demand management;*

*c. ensure travel plans are prepared for all major development proposals that will*



*generate significant additional journeys which should seek to maximise travel by public transport, cycling, walking and car sharing...*

*d. indicate the nature and extent of contributions that will be necessary to improve public transport infrastructure and services as part of development in particular areas or sites.'*

357.

Derwentside District Plan policy TR2 – Development and Highway Safety – requires that: *'Planning permission for development will only be granted where the applicant can satisfy the Council that the scheme incorporates where necessary:*

*(A) A clearly defined and safe vehicle access and exit; and*

*(B) Adequate provision for service vehicles; and*

*(C) Adequate vehicle manoeuvring, turning and parking space; and*

*(D) Effective access at all times for emergency vehicles; and*

*(E) Satisfactory access to the public transport network; and*

*(F) A satisfactory access onto the adopted road network.*

*Planning permission will only be granted if the proposal also complies with the car parking standards in Appendix D.'*

358.

Policy TR3 – Cycling – states that *'When considering proposals for traffic management, road improvements and new developments, the Council will ensure that the needs of cyclists are taken into account. Planning permission for any development which is accessible by the public will only be granted if safe and convenient access for cyclists and cycle parking facilities, such as racks or wall bars, are provided.'*

359.

The WYG detailed assessment included traffic modeling to assess impact on the local highway network. This resulted in a requirement for mitigation works at the Puddlers Corner roundabout which have been discussed in detail with the DCC Highways Department. Other proposed improvements have been detailed on Genesis Way at the main site entrance and at pedestrian crossing points.

360.

The Transport Assessment has been considered in detail by DCC highways and is considered to be acceptable. A number of other points have been raised and are set out below.

361.

A portion of the improvements necessary at the Puddlers Corner roundabout lies outside the boundary of the application site's red line boundary. However, the land is understood to lie within the ownership of Project Genesis. To ensure that the works take place it would be necessary to include this requirement within a Section 106 legal agreement, were Permission to be granted.

362.

There is a need for direct paths / cycle paths within the site between the northern vehicular access off Genesis Way and the Petrol Filling Station and the store. Their provision through revision to the layout needs to be conditioned, should Planning Permission be granted.

363.

A signal controlled pedestrian 'pelican' crossing of Genesis Way will be necessary in the vicinity of the relocated north bound bus bay. Again, this could included in a Section 106 Agreement.

364.

Changes need to be made to the footpath to create a shared use cycle path alongside the A692 between the Taylors Terrace junction, Moorside and the Puddlers Corner roundabout. As this lies outside the boundaries of the application site a Section 106 Agreement should be required.

365.

Also, the final details of the link from the A692 into the application site need to be agreed to achieve a less angular approach. These details need to be conditioned for agreement in the event of permission being granted.

366.

The eastbound Front Street bus stop has no bus shelter. The applicant should be required to provide one via a Section 106 Agreement, if Permission were to be granted.

367.

The Delves Lane Tesco store currently has a 'Tesco' operated bus service bringing customers to the store. This facility should be replicated at the application development. This, too, should be conditioned.

368.

Full details of the engineering details of the required highway works would need to be conditioned or the subject of a Section 106 Agreement in the event of any approval.

369.

Lastly, there will be a necessity for the applicant to enter into a Section 278 / Section 38 Agreement of the Highways Act 1980 to secure the required works within the existing highway and to ensure the adoption of new build areas to be part of the future highway.

370.

The Travel Plan is discussed below. (It is noted that the Transport Assessment contains a minor error in relation to a bus services on Genesis Way – Service 8, listed as travelling within Manchester, actually travels between Castleside and Chester-le-Street).

#### Framework Travel Plan

371.

Submitted shortly after the application was received, this document, also prepared by White Young Green (WYG), is dated December 2008.

372.

The document outlines how Tesco's ordering and distribution systems between its depots and stores are operated so as to minimise fuel consumption. Between 1999 and 2002 efficiency improvements are claimed to have saved over 150,000 gallons of fuel and over 55,000 tonnes of CO2 per million of miles travelled.

373.

Tesco consider that their internet home shopping and home delivery would be the largest influence that they can bring on the shopping public as a means of reducing the need to travel. This business is expected to grow by 20% pa over the next few years. They currently operate a fleet of 2,000 delivery vans making over 300,000 home deliveries per week.

374.

A Travel Plan is proposed within the store with the objective of reducing staff reliance on single occupancy car use for staff. An appointed Travel Plan Co-ordinator and a Steering Group would be created to enable interaction between staff, managers and the co-ordinator.

375.

Initially, a staff survey would gather information on staff attitudes and preferences between various travel modes. A Travel Plan would need to be produced based on this information and submitted to Durham County Council. The County Council's Travel Plan Co-ordinator has advised that this Framework Plan is considered acceptable and she has offered her support in the implementation of the proposals, if required. A final Travel Plan would be required within 6 months of the store opening and this matter should be conditioned in the event of Planning Permission being granted.

#### Benefits of the Scheme

376.

This development forms an important part of the regeneration of the 700 acre Berry Edge site which was formerly occupied by the Steelworks. Although the site was partly remediated following the closure of the steelworks, further remediation works are required to allow the site to be developed. The site is regarded as brownfield and lies in a prominent location at the entrance to Consett.

377.

The development would be seen as part of the redevelopment of the Genesis site. In the immediate vicinity of the site Planning Permission has been granted for a sports complex and a residential development, and would show further confidence for investment in the District.

378.

The proposal would bring a number of benefits to Consett and the District including significant private sector investment of some £25 million.

379.

A high quality, attractive and well designed new 'eco-store' is proposed which would be highly energy efficient.

380.

The proposed store would lead to the creation of 250 new part and full time jobs and the safeguarding of the existing jobs at the 150 staff at the Delves Lane Tesco Store. A total of 400 people would be employed by Tesco's in Consett.

381.

The applicants say that they anticipate the development will attract 65% of its trade from the clawback of leakage from outside the catchment area, that the proposal would not cause significant harm to the vitality and viability of the existing retail centres, that it would not impact detrimentally on the environment in terms of ecology, that it accords with relevant national, regional and local planning policies and that it is highly deliverable.

382.

While the scheme clearly demonstrates regeneration opportunities the potential economic benefits need to be balanced against the possible disbenefits that could also arise from the development.

### **Ecology**

383.

Government policy background is primarily to be found within PPS9 – Biodiversity and Geological Conservation – where its objectives are outlined for preserving and enhancing biological diversity and includes the broad aim that planning, construction, development and regeneration should have minimal impact on biodiversity and enhance it wherever possible.

384.

Planning decisions should aim to maintain, and enhance, restore or add to biological diversity and geological conservation interests. Local Authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment. Proposals where the principal objective is to conserve or enhance biodiversity and geological conservation interests should be permitted. Planning decisions should aim to prevent harm to such interests. If development cannot be satisfactorily located on any alternative sites or be adequately mitigated against, Permission should be refused.

385.

ODPM Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and their Impact Within the Planning System accompanies PPS9.

386.

It states that *'The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.'*

387.

It also states that *'It is essential that the presence or otherwise of a protected species, and the extent to which they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'*

388.

It is also the responsibility of the Local Planning Authority to fully assess the proposal in accordance with their duty on biodiversity issues under Section 40(1) of the Conservation (Natural Habitats &c.) Regulations 1994 and: Section 74 of the Countryside and Rights of Way Act 2000, to ensure that the potential impact of development on species and habitats of principal importance is addressed. It is the responsibility of the applicant to provide this information to allow this assessment to be undertaken.

389.

Regionally, RSS policy 33 – Biodiversity and Geodiversity – comes into account with the same objective of ensuring that planning proposal protect and enhance the Region's biodiversity and geological resources.

390.

The Derwentside District Plan provides the local planning policy contest through policy GDP1 which requires that when considering proposals for new development the Council expect the following measure to have been incorporated... *'(D) Protection of important national or local wildlife habitats, no adverse effect upon, or satisfactory safeguards for, species protected by the Wildlife and Countryside Act 1981, no harmful impact on the ecology of the district and promotion of public access to, and the management an enhancement of, identified Nature Conservation Sites;...'*

391.

The submitted Ecology Survey prepared by Penn Associates and dated November 2008, involved a Habitat and Protected Species Risk Assessment. It comprised a walk over survey on 25 November during which the potential for protected species and the need for further survey were assessed based on habitat suitability and any recorded signs of species. It also included a desk study search for designated wildlife sites and protected species records.

392.

The survey concluded that the site was of low to moderate bio-diversity value within the local context, having no designated nature conservation sites and of low bio-diversity value. There are no UK or local Biodiversity Action Plan priority habitats present. Although no protected or priority species are known to be present, there is low to moderate risk of some species being present undetected.

393.

There is a moderate risk of nesting birds present within the site principally within the grassland area as well as with in the tree planting on the eastern site boundary. The report advises that site clearance should not be undertaken during the bird-nesting season.

394.

The NBN database and the Reptile Atlas of North-East England 2008 show that adder, grass snake and common lizard are all present within the Derwent Valley. The closest records for adder and grass snake are over 9km distance at Rowlands Gill; with the common lizard having been recorded some 8km from the site at Stanley.

395.

The report recommends that the land proposed to be retained around the site is

designed and managed in such a way as to provide high quality habitat for foraging bats, reptiles, and ground nesting birds, this being in keeping with PPS9 and aims to provide biodiversity enhancement through the development process.

396.

Natural England have commented that the “authority may process this application such that it is refused / deferred / withdrawn / suspended until the applicant submits sufficient information to show that the species would not be affected or that potential effects, would be avoided or satisfactorily mitigated.” It is concerned with the possibility of the presence of birds and reptiles.

397.

Further information received from the applicants has been submitted to them. However, Natural England considers that this is still inadequate. Therefore, if they are so inclined, Members should be aware that they should not be seeking to grant Planning Permission until Natural England is satisfied.

398.

In the present circumstances, as this is a matter that cannot be conditioned, permission should be refused.

### **Ground Stability and Contamination**

399.

The Government’s policies on Unstable Land and Contamination land issues are to be found in PPG14 – Development on Unstable Land – and in PPS23 – Planning and Pollution Control.

400.

PPG14 is a lengthy guidance note advising authorities on the exercise of control of unstable land, the primary responsibility of which rests with the developer. The responsibility and subsequent liability for safe development and secure occupancy of a site rests with the developer and the landowner.

401.

Appropriate site investigations and geotechnical appraisal should establish whether: *‘the land is capable of supporting the loads to be superimposed; the development will be threatened by unstable slopes on or adjacent to the site; the development will initiate slope instability which may threaten its neighbours; the site could be affected by ground movement due to natural cavities; and the site could be affected by ground movements due to past, present or foreseeable future mining activities.’*

402.

The PPG emphasises the importance of examining stability as part of the development control process. Applications may be granted in cases where there is no instability, or refused if instability cannot satisfactorily be overcome. Appropriate conditioning can be used in cases where development could proceed subject to measures being carried out in order to overcome instability.

403.

PPS23 – Planning and Pollution Control – advises that the Government attaches great importance to controlling and minimising pollution, its commitment to the principles of sustainable development and of using the precautionary principle. This latter should be invoked where:

*‘there is good reason to believe that harmful effects may occur to human, animal or plant health, or to the environment; and the level of scientific uncertainty about the consequences or likelihood of the risk is such that best available scientific advice cannot assess the risk with sufficient confidence to inform decision making.’*

404.

The statement stresses that while the pollution and planning control systems are separate, that LPA’s must be satisfied that planning permission can be granted on land

use grounds taking full account of environmental impacts. Close co-operation is required with the Environment Agency and / or the pollution authority, and other bodies such as English Nature, Drainage Boards, and water and sewage undertakers.

405.

In considering applications, the potential for contamination to be present must be considered in relation to the existing use and future circumstance of the land. The remediation of land affected by contamination through the granting of planning permission (with the attachment of necessary conditions) should secure the removal of unacceptable risk and make the site suitable its new use.

406.

A Geotechnical and Ground Contamination Desk Top Review (June 2008) was submitted with the application which concluded that,  
*'The proposed retail development site at Genesis Way, Consett has been historically occupied by the former Consett Steelworks and the potential exists for elevated concentrations of contaminants, obstructions, potentially expansive steelworks slag and Mineworkings to exist the site (sic).  
It is considered that the major constraint associated with the development of the site is the potential for voids / broken ground to be located at shallow depths beneath the site, potentially contaminated soils and groundwater and potentially expansive steel deposits.'*

407.

A Ground Investigation Interpretative Report (July 2008) concluded that,  
*'In order to develop the former Steelworks site it is anticipated that significant earthworks / remediation works and mineworkings treatment will be required to provide a sustainable development platform.  
Following excavation of the made ground and treatment / off-site disposal of any potentially significantly hydrocarbon impacted soils and groundwater and re-compaction of the Made Ground it is anticipated that the majority of the site would be covered by hard standings and structures breaking the pathway between future site users and potentially contaminated soils.'*

408.

The report ended by making recommendations for further work as follows;

- Additional slag analysis - The additional slag analysis is currently awaited.
- Further Gas Monitoring - Whilst gas monitoring has been undertaken at the site and reported no methane and very low concentrations of carbon dioxide (3 visits over last two months), it is likely that the Local Authority may require the gas monitoring to be extended to confirm the initial findings.
- Outline Remediation Strategy - An outline remediation strategy should be produced for the site to enable a planning application to be submitted.
- Detailed Remediation Strategy - A detailed remediation strategy will be required at the site that describes in detail the works required to be undertaken to provide a suitable development platform. Agreement in principle to the remediation works from the LA and EA is likely to be required prior to the remediation works commencing.
- Supervision and Production of a Validation Completion Report - The remediation works should be supervised by a suitably qualified Geo Environmental Engineer. On completion of the remediation works a validation completion report will be required to be produced which should include a photographic record of site works undertaken.

409.

An Outline Ground Preparatory Strategy (July 2008) was also submitted which outlined the details of a 'comprehensive site reclamation scheme':  
Site Clearance Works - The site would be made secure to prevent access by trespassers throughout the remediation works. Site clearance would include excavation

and removal of foundations, hardstandings and vegetation. Excavated arisings would be processed and reused where possible as granular fill across the site. Deleterious material would be disposed of to a suitable waste facility. Any visible / olfactory contamination would be stockpiled separately for treatment as outlined below.

- Treatment of Contamination - It is considered that risks to future users would be significantly reduced by the construction of an appropriate 'clean cover layer'. Any significant hydrocarbon contamination would be potentially disposed of off-site to a licensed landfill site. Amounts in excess of 3000 cu m might be bio-remediated on site.
  - Remedial Target Concentrations within the upper verges / non-hardstanding areas - levels have been set for various potential contaminants.
  - Cut and Fill Earthworks - made ground would be excavated and processed prior to compaction. The fill would be placed to provide a suitable development platform to enable construction of ground bearing slabs, shallow foundations and access roads surface upon which further sub-soil / topsoil could be place in landscaped areas.
  - Cut depths and fill thicknesses would be generally 5m deep. Cover layers would be 2000mm low permeability clay and 150mm topsoil within landscaped areas, and construction materials within areas of hardstandings and structures.
  - Geotechnical Treatment of Backfill Material - Materials backfilled would be placed to an engineered fill specification to enable construction within acceptable settlement tolerances.
  - Mineworkings Treatment Solutions - Shallow coal seams beneath proposed structures would require to be treated. It is likely that voids / broken ground would require pressure grouting at approximately 3,5m spacing. It is not proposed to pressure grout the external site areas (roads, parking and landscaping areas). Any mine entries uncovered would be treated in accordance with Ciria Special Publication No. 32 'Construction over Abandoned Mine Workings'. Development would not occur within a 10m radius of entries.
  - Gas Protection Measures - based on the initial ground investigation data, no gas protection measures are required.
  - Completion Report - a Health and Safety File would be collated by the CDM Planning Coordinator and provided to all relevant regulatory bodies.
  - Regulatory Bodies - full consultation would take place with the regulators including Derwentside DC, the Environment Agency and the Coal Authority at all stages of the reclamation. A detailed remediation specification would be provided to the regulators prior to remediation commencing.
- 410.

In addition to the above three documents submitted with the application, a report prepared by Thomas Research Services Ltd entitled: 'EXAMINATION OF SEVEN BULK SAMPLES FROM A RETAIL SITE, COINSETT FOR SHADBOLT ENVIRONMENTAL' was submitted.

411.

This found that blast furnace slag and basic steel slag were present in large / very large amounts in all the samples. Basic refractory material was seen in very small amounts. The samples were analysed for water soluble sulphate, acid soluble sulphate and total sulphur. Some sulphates were high. Some half of the available sulphur is present as sulphate. Thermal analysis was also carried out with gypsum being recorded in all samples. Significant levels of calcite were also found, this being an indicator of the material's well weathered state. Calcium and magnesium hydroxides recorded in two samples are present as products of hydration. The samples were also subjected to analysis for free CaO and free MgO and it was found that the oxides are still free to hydrate, hence giving rise to expansion. Finally, an accelerated expansion test was

412. carried out over a period of 28 days with three samples recording significant but highly variable levels of expansion. The main contributors to expansion are likely to be the basic steel slag and the basic refractory material.

The report concluded that the basic steel slag has shown significant potential for future expansion with expansion values recorded of up to 3.5%. This could cause significant damage to buildings, roads or services founded on or within the material. There was also evidence of previous expansion in both basic steel and blast furnace slags. Minor amounts of other products found included alumino-silicate refractories, quartz sand, sandstone, acid steel slag, ferrous slag, rusted metal, iron ore sinter, coke and coal.

413. The report recommended that a strict quality control regime was needed if material was to be re-used in the reclamation. This should check for contamination with products such as basic steel slag and / or basic refractory materials, and would also assess the volumetric stability of the blast furnace slag. Material for re-use should be sampled once per 600 cu m and these should be subject to petrological analysis. Samples containing significant blast furnace slag should be subjected to testing and analysis as to;

- Water soluble sulphate
  - Acid soluble sulphate
  - Total sulphur
414. • Thermal analysis - simultaneous DTA and TGA
- TRS accelerated expansion test - 14 days duration.

415. The contents of the various documents are acceptable. The development's reclamation proposals are evidently not straightforward. If Planning Permission were to be granted, conditions would be necessary relating to the submission of a remediation and implementation specification / strategy.

416. One of the effects of the contamination within the site is that it would not be possible to utilise a Sustainable Urban Drainage System (SUDS) solution for the surface water drainage. This would normally have been proposed for the parking and access areas, etc. and would have involved the use of paviers / block surfacings that would allow surface water to drain through into the ground. However, this is not feasible since it would result in contaminants being leached out into the groundwater.

417. In addition, it is noted that the Council's advisor on the Ground Investigation Report in relation to the gas monitoring being insufficient is relevant. Should permission be granted, a condition would be necessary requiring further gas monitoring to gain greater confidence in the results.

418. Finally, the position of the mineshaft in Genesis Way would need to be identified in relation to the roundabout construction works proposed in that road.

### **Flood Risk and Drainage Assessment**

419. An Assessment dated November 2008 was submitted with the application. It found that the site was *not* located within an area susceptible to flooding as shown on the Environment Agency's Flood Zone Map. Thus, it is classed as being within an area with the lowest probability (less than a 1 in 1,000 annual probability) of flooding from rivers, etc. i.e. Flood Zone 1. According to Table D1 of Planning Policy Statement 25, all uses of land are acceptable within such zones.



420. Site drainage can be directed to foul and surface water drains located within Genesis Way and to a surface water drain within the A692. The Genesis Way surface water drain was constructed during the site reclamation and is designed to accommodate surface water flows from the application site.

421. As mentioned above, it is not possible to adopt a SUDS for the development because of its effect upon the contamination present below the site.

422. The Environment Agency has recommended that the ground surface water drainage (i.e. from the areas of roads, car parking and servicing, etc. areas) should be passed through an oil interceptor before being discharge into a surface water drain. The Agency has also stated that roof water drainage (i.e. from the foodstore and petrol filling station) should not pass through an oil interceptor – this is to prevent clean roof water getting contaminated as it passes through the interceptor.

423. The applicants were unhappy regarding this latter requirement as they consider that it would result in their having the expense of providing two separate drainage systems. However, the drainage details have not been submitted as part of the application and would have to be conditioned if approval were to be granted. It seems likely, however, that any surface water drainage solution would need to incorporate an underground storage system that would allow surface water run-off to be stored and then discharged gradually into the surface water drains so as to minimise the risk of causing off-site flooding. Two such storage systems would be expensive.

424. A compromise solution acceptable to all parties has been achieved in the Agency's recommended wording of the surface water condition – which *would* enable the Local Planning Authority to give written authorisation that roof water could be passed through an oil interceptor. However, it is understood that this would only be allowed to happen following consultation with the Agency.

425. Northumbrian Water Ltd has stated the reason for their recommended condition is that the Consett Sewage Treatment Works is presently at full capacity and therefore cannot accept foul flows from the development. They go on to say that a scheme to increase the capacity is being designed and is in the company's capital investment programme with an anticipated completion in year 2010.

426. Given that we are already well into 2009, it would appear that development could proceed without it being necessary to provide an interim foul treatment plant solution on-site. However, this would need to borne in mind in the framing of any conditions in the event of an approval being considered.

### **Sustainability and Renewable Energy**

427. Somewhat late in the process (27 February), a 64 page, two-part document was submitted from the applicant's agents.

428. PPS22 - Renewable Energy - sets out Government objectives to reduce greenhouse gas and carbon emissions, including meeting a 10% electricity demand from renewable energy by 2010 and 15% by 2020; having at least 10 gigawatts of combined heat and power capacity by 2010; and to reduce carbon emissions by at least 60% by 2050 and at least 28% by 2020 (against a 1990 baseline).

- In its key objectives, the Government states that *'the wider environmental benefits of all proposals for renewable energy projects... are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.'* The PPS continues later that *'small scale renewable energy schemes utilizing technologies such as solar panels, Biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated into new developments...'*
- 429.
430. Government policy is picked up regionally in RSS2 - Sustainable Development - where it generally states that... *'Planning proposals ... should support sustainable development and construction...'*

Its detailed policy is found in RSS 24 - Delivering Sustainable Communities; in RSS38 - Sustainable Construction; and in RSS39 - Renewable Energy Generation.

RSS24 requires amongst other things that *"planning proposals should assess the suitability of land for development and the contribution that can be made by design in relation to the following criteria:*

- a. the nature of the development and its locational requirements;*
  - b. concentrating the majority of the Region's development within the defined urban areas;*
  - c. the need to utilise previously developed land wherever possible;\**
  - d. locating development to reduce the need to travel, journey length and fuel consumption;*
  - e. the ability for movement needs and accessibility of development sites to homes, jobs, services and facilities to be well served by all modes of transport, particularly walking, cycling and public transport...;*
  - i. Physical constraints on the development of land including the level of contamination, flood risk and land stability incorporating flood protection and alleviation mechanisms such as Sustainable Urban Drainage Systems...;*
  - n. ensuring that development has low consumption of natural resources both in construction and in operation, and incorporates embedded renewable energy generation where appropriate..."*
- 431.

\* see also RSS13 – Brownfield Mixed-Use Locations

RSS38 states that *"... planning proposals should:*

- a) ensure that the layout and design of new buildings and development minimise energy consumption;*
  - b) encourage and promote opportunities for new developments.. to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice...;*
  - c) encourage and facilitate... businesses in improving their energy efficiency and reducing consumption;*
  - d) promote and secure greater use of local renewable energy in new development...*
432. *and require all relevant developments, particularly major retail... to secure an ambitious but viable percentage of their energy supply from decentralized and renewable or low carbon sources..."*
433. RSS39 states, relevant to this proposal, that *"...planning proposals should:*
- a) facilitate the generation of at least 10% of the Region's consumption of electricity from renewable sources within the Region by 2010."*

434. At the very local level, Derwentside District Plan policy GDP1 states, that *"When considering proposals for new development, the Council will... expect where*

*appropriate, the following measures to have been incorporated within each scheme and be designed and located to conserve energy and be energy efficient...”*

The proposed Tesco store is in a new format that would have 36% lower carbon emissions. Its energy efficient measures include;

Wind Catchers - ‘Monodraught’ units on the roof would be linked to CO2 sensors that track the ambient temperature within the store, activating the units enabling warm air to escape without mechanical ventilation. This, in turn, activates the heating, ventilation and air conditioning system to operate at a lower level and reduces maintenance requirements.

Roof Lights - polycarbonate in construction, with a non-transparent ‘Nanogel’ core, these achieve a high light refraction rate enabling maximum daylight to enter via the roof whilst preventing solar gain which can result in over heating.

Clerestory Glazing - 1200mm deep clerestory glazing combined with projecting eaves would allow daylight into the store, excluding sunlight and thus reducing solar gain.

Dimmable and Zoned Lighting - may reduce lux levels from 1200 to 900 lux. Combined with the introduction of natural daylight, this reduces the energy demand from lighting. It also allows different light levels adapted to some areas within the store. Passive infrared activated lighting would be used in unoccupied rooms, so ensuring that lighting would only be operated when needed. Photocell systems would also be fitted on lamp fittings to switch off lamps when daylight levels provide sufficient light.

Ductwork Systems Sizing - heating and cooling ductwork would be increased in size to reduce pressure loss in the system and thus reduce the energy used by the fan.

External Lighting - a zoned car park lighting scheme with timed and adjustable photocell control would match trading times, with the car park lighting turned off and only the staff car parking lighting turned on when the store is not trading.

Energy Metering - would allow energy monitoring and control.

435. Enhanced Design - Tesco stores are designed to maximize opportunities to orientating buildings to minimise summer and maximize winter solar gain, use trees and other shading envelope and maximize natural ventilation.

436. Combined Heat and Power (CHP) - a 105kw capacity unit coupled with a 35 m cu thermal store would be powered by gas and electricity. It would significantly reduce the carbon emissions needed to heat the store, providing 27% of the combined site energy demand.

437. Potable Water Minimisation - the development would minimise water consumption by rainwater harvesting to meet a possible 50% of toilet flushing, low dual flush toilets to allow volume of water selection, using urinals fitted with PIR sensors to prevent operation when the area is not in use, using taps fitted with automatic shut-off or electronic sensors to ensure they are not left running, and using landscaping species that once established do not require irrigation.

Although these sustainable proposals are welcome, there is no mention in either report of the proposal to provide on-site power generation. However, the applicant has earlier

438. provided an amended plan showing a wind turbine located on the south edge of the site close to the A692. Tesco would be happy with a condition requiring its details and implementation to be agreed.

### **Comments on Objection from Morrisons**

439. The Morrisons objection is comprehensive and basically arrives at a similar conclusion to that of the Council's retail consultants regarding the availability of retail expenditure within the vicinity. Like the Council's Officers, Morrisons make the point that the previous Genesis Way permission only established the principle of bulky goods retailing.

440. They emphasise that the Morrisons store already benefits from Planning Permission and should therefore be taken into consideration when determining the turnover of development in the catchment area. They say that if there is insufficient capacity to justify additional floorspace once all commitments have been taken into consideration, then a need cannot be demonstrated and the application should be refused.

441. Qualitatively, although E&L, the applicant's retail consultants, say that the development would enhance competition and increase consumer choice, and that the WYG report concluded that there was a qualitative need for improved retail provision, Morrisons hold that the report predates their permission. Morrisons say that their new Morrisons store will improve the retail offer in Consett and reduce the need to travel to competing centres.

442. Given that neither quantitative nor qualitative need have been demonstrated for the size and scale envisaged, they say that Planning Permission should be refused.

443. All in all, the Morrisons stated case is a potent one that generally supports the view that has been arrived at by the Council's Officers in consultation with its retail consultants.

### **The Future of the Existing Tesco Store at Delves Lane**

The applicants propose to close their Delves Lane convenience goods store. In order to prevent too much convenience goods floorspace being introduced and resulting in the possible closure of shops elsewhere, it would be necessary to ensure that this store is not reopened for convenience goods shopping in the event of Planning Permission being granted for the subject proposal. This should be secured through a Section 106 legal obligation. However, it is thought that there is adequate comparison goods expenditure capacity within the system to accommodate that form of trading. Whilst it has been suggested that affordable housing might be an appropriate alternative use at Delves Lane, the applicants were not happy with this prospect.

## **Recommendation**

444. It has been concluded that the application should be Refused for the following reasons:

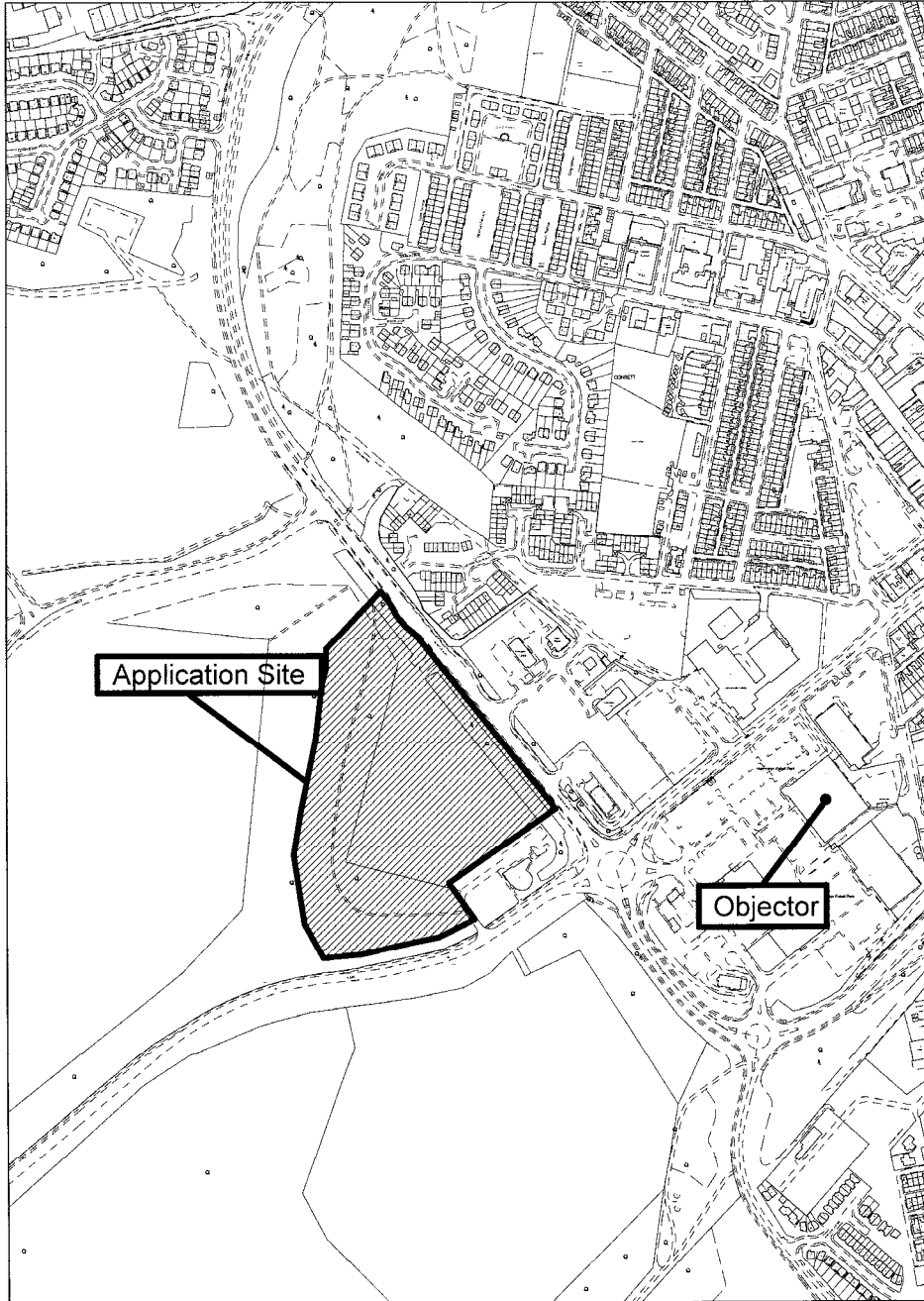
1. It has not been demonstrated that there is a quantitative need for the size of the proposal's convenience goods retail element, and that the proposal's Retail Assessment is flawed in relation to its convenience goods justification, so that the proposed development would be likely to have a seriously detrimental impact on the vitality and viability of Consett and of other centres within the catchment area directly contrary to the objectives of Planning Policy Statement 6 – Planning for Town Centres. Moreover, it is considered that there would be no compensatory qualitative improvement in the convenience goods trading within the centre and its vicinity given that the development would not result in any new fascias. As a result it is considered that the proposal would act against the proposed Morrisons store element of the extant permission for the sequentially preferable Hermiston Retail Park. In the light of the above, the proposal is also considered to be contrary to Policy 25(d) of the North East of England Plan Regional Spatial Strategy to 2021.


2. It is considered that the proposed store's remoteness from Consett town centre would be likely to result in the store operating as a stand-alone out-of-centre retail unit as opposed to encouraging linked trips to and from the centre and that this would act to the detriment of the vitality and viability of the town centre contrary to the objectives of Planning Policy Statement 6 – Planning for Town Centres – and to the detriment of the sequentially preferable Hermiston Retail Park extant outline planning permission including its retail store element. This would also be contrary to Policy 25(d) of the North East of England Plan Regional Spatial Strategy to 2021.

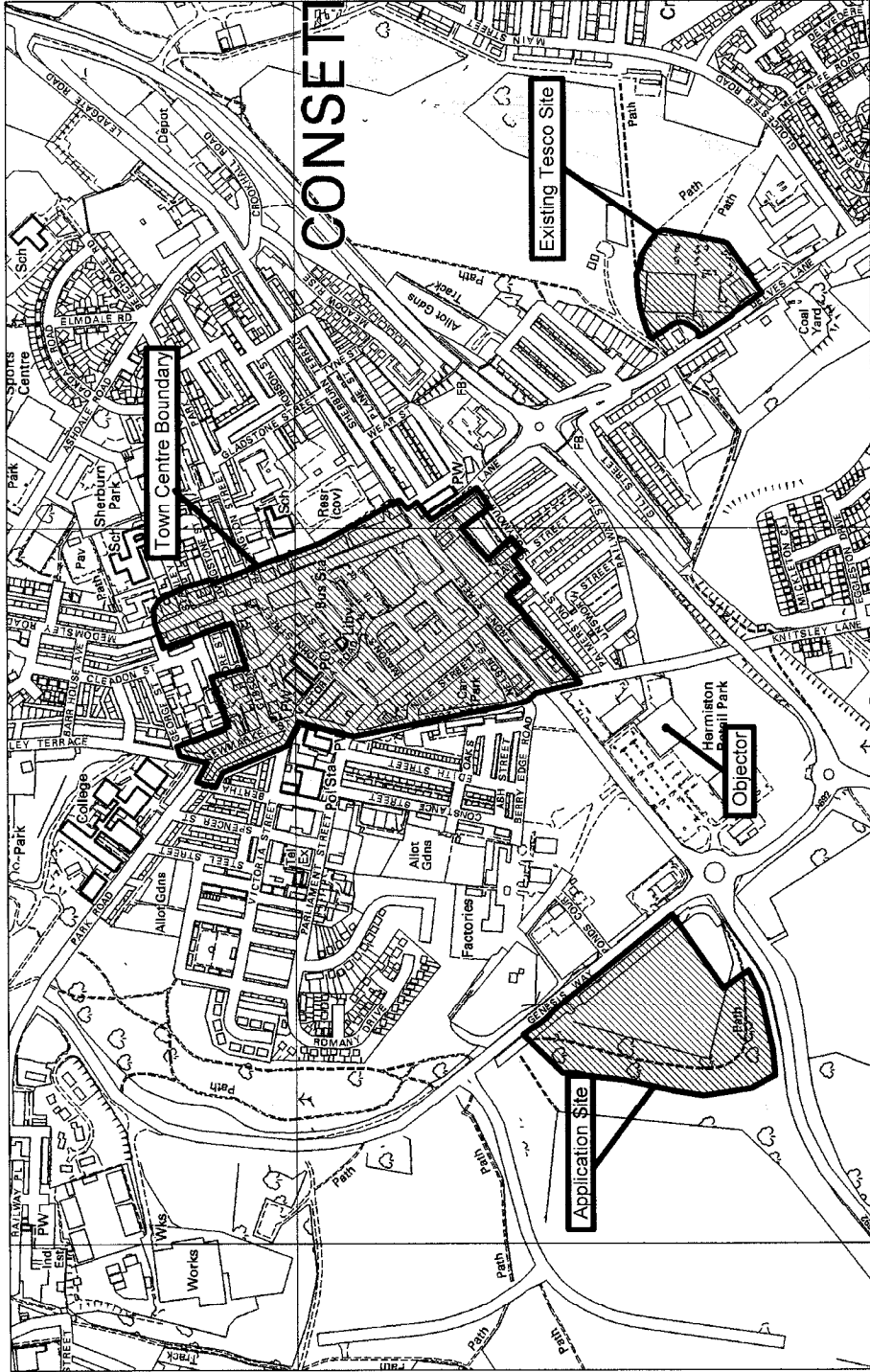
3. Having regard to the inadequate information that has been supplied in relation to the possible presence of reptiles, including some reptile species protected by law, and also the possible presence of nesting birds within the site, the proposal cannot be granted as it is not in accordance with and is contrary to the objectives of Planning Policy Statement 9 – Biodiversity and Geological Conservation – and to the guidance contained within Office of the Deputy Prime Minister Circular 06/2005. The proposal is also considered contrary to the objectives of Policy 33 of the North East of England Plan Regional Spatial Strategy to 2021 and to Policy GDP1 (D) of the Derwentside District Plan.

Report prepared by Mike Hemsall, Senior Planning Officer

Peter Reynolds, Director of Environmental Services



SCALE 1:5000 (c) Crown Copyright Reserved	Land to the South West of Ponds Court Business Park Genesis Way, Consett	08/872  N
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<p>SCALE: 1:7000 Crown Copyright Reserved</p>	<p>Land to the South West of Ponds Court Business Park Genesis Way, Consett</p>	<p>08/872</p>	<p><b>N</b></p>
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**PROPOSED TESCO  
RETAIL DEVELOPMENT,  
GENESIS WAY, CONSETT**

**NOVEMBER 2008**

**RETAIL ASSESSMENT**

**England  
& Lyle**

12.11.2008

**England & Lyle Ltd  
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**Tel: 01325 469236**



## SUMMARY

1. England & Lyle have prepared this Retail Assessment in support of a proposed retail development at Genesis Way to the west of Consett town centre. The site was granted outline planning consent for a non-food retail park development (Derwentside Retail Park) in October 2007. The current proposals are for a Tesco foodstore development on the same site to replace the existing outdated store at Delves Lane in Consett.

2. The proposed development must be judged against the provisions of planning policy. A review has been made of national policy in Planning Policy Statement 6 on Planning for Town Centres (PPS6), the Regional Spatial Strategy and saved policies in the development plan. Considerable weight should be given to PPS6 in judging the current proposals. Reference is also made to the Revised PPS6 Consultation Draft.

3. The catchment area of Consett has been defined taking account of the role of Consett as a town centre and the influence of competing centres. The catchment area extends slightly beyond Derwentside District to the north and south.

4. A review has been made of existing shopping and service provision in Consett and Stanley town centres, the Hermiston Retail Park in Consett and existing shopping provision in local centres within the catchment.

5. Health check appraisals have been carried out of Consett and Stanley town centres. The overall level of vitality and viability of Consett is above average and for Stanley it is average and marginally lower than in Consett. Both centres are trading fairly well, are relatively attractive to shoppers, and have a high level of accessibility and fairly good amenities. The vitality and viability of Consett town centre has improved since our last retail assessment in 2006.

6. Expenditure forecasts have been made to 2012. The growth of expenditure between 2007 and 2012 is 2% in convenience goods and 15% in comparison goods. Existing (2007) retail turnover in the catchment area has been estimated based on net floorspace and average sales densities. In convenience goods 75% of expenditure is retained as turnover in the catchment area. In comparison goods only 49% of expenditure is retained.

7. There are several outstanding commitments for new retail development in Consett – the approved Derwentside Retail Park, a redevelopment of Hermiston Retail Park including a new Morrisons foodstore, and a small retail development at Front Street.

8. The capacity analysis shows that there is not a clear surplus expenditure capacity in convenience goods to support both the proposed new Morrisons and Tesco stores in Consett. However, a higher retention level based on a higher level of clawback to the Tesco and Morrisons stores would result in almost sufficient capacity for both in terms of convenience goods expenditure. In comparison goods there is a greater expenditure capacity to support both the proposed new Morrisons and Tesco stores in Consett. A higher retention level based on a higher level of clawback to the

Tesco and Morrisons stores would result in sufficient capacity for both in terms of comparison goods expenditure.

9. PPS6 does not require that there must be clear quantitative need for a proposed retail development to be acceptable in policy terms. Quantitative need is only part of the overall assessment of need. Qualitative considerations should also be taken into account as well as relevant local issues and other material considerations.

10. The draft revisions to PPS6 confirm that quantitative need does not have to be demonstrated in assessing planning applications for retail development. Consideration should also be given to qualitative factors such as social inclusion, employment, economic and physical regeneration and the use of previously developed land.

11. In convenience goods the key qualitative considerations are providing consumer choice and competition. A larger replacement Tesco store would significantly improve the retail offer in Consett, increasing choice and competition with the new larger Morrisons foodstore that already has planning consent. There is a deficiency in comparison goods shopping in the catchment area. The high leakage of comparison goods expenditure is an indicator of a deficiency in comparison goods shopping provision in the Consett area.

12. The qualitative need for the proposed Tesco development is equally as strong as it was for the previously approved retail park development. The current application also satisfies the same qualitative factors accepted by the Council in supporting the previous scheme.

13. New retail development should be consistent with the scale and function of Consett. The Tesco proposals would be appropriate in scale to the existing and future role of Consett in the retail hierarchy. The proposal would not alter the status of Consett in the retail hierarchy. The current Tesco proposals are smaller than the original retail park proposals and the proposals satisfy the PPS6 requirements on scale of development.

14. There are no sites within Consett town centre that could accommodate new large-scale retail development. There are no areas suitable or available for retail development in the town centre within a reasonable period of time. Even if Tesco were to develop a smaller store, it could not be accommodated in the town centre and a smaller replacement store would not achieve a sufficient improvement in the quality of the Tesco offer compared with the existing outdated Delves Lane store. Similarly, in Stanley town centre there are no sites that could be considered to be suitable or available for the type of development proposed at Genesis Way.

15. The only sites that could be considered to be realistic alternatives to the Genesis Way site for retail development are in Consett. They are the Front Street commitment and two small sites within the Hermiston Retail Park. Our assessment demonstrates that no alternative sites are realistically suitable, viable and available. Therefore, the Tesco proposal satisfies the sequential approach.

16. The design year for the impact assessment is 2010. For the purposes of the impact assessment the replacement Tesco store is anticipated to attract 65% of its trade in both convenience and comparison goods from clawback of leakage from the catchment area. However, it is possible that a higher level of clawback could be achieved.

17. The predicted impacts on the town centres in convenience goods are not significant. In Consett the greatest impact is likely to be on Aldi on Front Street. In Stanley the impact is likely to be concentrated on the existing Asda and Netto stores. The impact on Annfield Plain will be concentrated on the Tesco supermarket. The predicted impact on local centres is minimal. The largest trade diversion would be from the edge-of-centre Morrisons store. A replacement Tesco store would compete strongly with an enlarged Morrisons store but the trading position of Morrisons will not be adversely affected. In any event, the impact on Morrisons is not a material planning consideration because the new store is outside the town centre.

18. In comparison goods the impacts on Consett and Stanley town centres are not significant. Impacts in comparison goods have to be judged against a growth of expenditure of almost 4% per annum. The predicted trade diversions represent less than one year's expenditure growth. The predicted impact on local centres is negligible. The largest trade diversion would be from the Hermiston Retail Park. Most of this competition is likely to be with Morrisons. Again, any impact on the edge-of-centre Hermiston Retail Park is not a material planning consideration because it is outside the town centre.

19. Impact has to be interpreted in the context of the vitality and viability of centres. Consett and Stanley town centres are sufficiently healthy to withstand the small amount of trade diversion predicted without any harm to their trading performance.

20. The proposed development would increase the overall shopping offer available to residents of the Consett catchment area. Most of the additional trade attracted to the replacement Tesco store would come from clawback of leakage out of the catchment area.

21. In relation to the PPS6 policy test on retail impact our assessment demonstrates that there will be no unacceptable impacts on centres within and beyond the catchment area. The size and type of development currently proposed at Genesis Way for a replacement Tesco foodstore would not result in any unacceptable impacts on the vitality and viability of Consett and Stanley town centres or the local centres in Derwentside.

22. This Retail Assessment shows that the proposed development complies fully with local and national planning policy relating to new retail development outside town centres.

## **1. INTRODUCTION**

1.1 England & Lyle Limited have been commissioned by Project Genesis Limited to prepare a retail assessment in support of a proposed retail development at Genesis Way to the west of Consett town centre. The site was granted outline planning consent for a non-food retail park development in October 2007. The current proposals are for a Tesco foodstore development on the same site. The new Tesco store would replace the existing store at Delves Lane in Consett which is to be closed.

1.2 This report assesses the proposed retail development in the context of the planning policy, particularly Planning Policy Statement 6 (PPS6) on Planning for Town Centres. The main elements of the assessment are:

- a review of the planning policy background
- a summary of the proposed development
- definition of the Consett catchment area (the study area)
- a review of existing shopping and service provision in the study area
- an appraisal of the vitality and viability of centres on the study area
- analysis of the retail system in the study area
- an assessment of need for retail development
- a sequential site assessment, and
- a retail impact assessment.

1.3 Accessibility issues are addressed in the supporting Transport Assessment prepared by White Young Green.

1.4 We have based this Retail Assessment on the retail assessment originally prepared in support of the planning application for retail park development in 2007. The original assessment report was accepted by Derwentside Council and was subject to an independent review for the Council by White Young Green. The current Retail Assessment updates and revises the original report. Information on existing shopping provision has been updated and the health checks of Consett and Stanley town centres have been revised. The catchment area has been revised slightly in the light of new information that has become available on shopping patterns in the local area. Expenditure data for the catchment area has been obtained from Experian and we have used the latest Experian forecasts of retail expenditure growth.

1.5 Estimates of existing turnover have been made based on floorspace and sales densities using company averages for larger stores and typical turnover/floorspace ratios for smaller shops and local centres. The assessment of need and impact takes account of the planning consent already granted for a redevelopment of the Hermiston retail park in Consett, including a new Morrisons foodstore.

1.6 The location of the proposed Tesco store is shown on the map in Figure 1.

## 8. NEED

### Quantitative Need for Additional Shopping Floorspace

8.1 The quantitative need for additional shopping floorspace in the catchment area is based on a capacity analysis for convenience and comparison goods. The capacity analysis takes account of expenditure growth, the potential increase in trade retention in the catchment area, increased sales productivity in existing shops and commitments for new development in Consett.

8.2 PPS6 states that need assessments should be made up to 5 years ahead for the purposes of assessing development proposals. In this need assessment the base year is 2007 and the forecast year is 2012. Expenditure forecasts to 2012 have been set out in Section 7.

8.3 The capacity analysis for convenience goods is shown in Appendix 7A and for comparison goods in Appendix 7B.

#### *Capacity for Convenience Goods*

8.4 Comparing convenience goods expenditure and turnover in the Consett catchment area in 2007, there is a retention level of 75%. Any new retail development will tend to increase the retention level because it will reduce leakage out of the catchment area. The new Morrisons foodstore will claw back some of this leakage. A replacement Tesco store will also claw back leakage. There is a limited potential for growth in convenience goods expenditure. However, clawback of leakage will create capacity for additional floorspace. As a cautious assumption we estimate that both Morrisons and Tesco will attract 65% of their additional turnover from clawback of leakage. This clawback is equivalent to 15% of expenditure in 2012 and so it has the potential to increase the retention level by 15 percentage points from 75% to 90%.

8.5 Based on this assumption, there is a capacity for turnover growth to 2012 to support additional floorspace. Some of this capacity will be taken up by increase in the sales productivity of existing shops. It is conventional to allow for an increase in sales productivity of 0.5% per annum in convenience goods. After allowing for increased turnover in existing shops there is a surplus capacity in 2012 of about £22.7m. The Morrisons commitment is estimated to have a turnover of £17.2m in 2012. Therefore the residual capacity in 2012 is £5.6m. The additional convenience goods turnover of the replacement Tesco store is £17.8m (assuming the store will trade at 94% of the turnover level of the existing store).

8.6 The development of two large modern superstores in Consett has the potential to increase the retention level in convenience goods to more than 90%. If both Tesco and Morrisons achieved a trade draw of 80% of their convenience turnover from clawback (rather than 65%) the effect would be to increase the retention level for convenience goods to 93%. The residual capacity in 2012 would then increase to £10.3m. On this basis, which is a realistic assumption, there would be almost sufficient capacity for both the Morrisons and Tesco convenience floorspace in 2012.

### *Capacity for Comparison Goods*

8.7 Comparing comparison goods expenditure and turnover in the Consett catchment area in 2007, there is a retention level of 49%. Any new retail development will tend to increase the retention level because it will reduce leakage out of the catchment area. The new floorspace in the Hermiston Retail Park will claw back some of this leakage, together with the retail units on Front Street. A larger replacement Tesco store will also claw back leakage in comparison goods. Unlike convenience goods, there is a significant potential for growth in comparison goods expenditure. In addition, clawback of leakage will create further capacity for floorspace. We assume that the Hermiston Retail Park scheme, the Front Street retail development and Tesco will attract 65% of their additional turnover from clawback of leakage. This clawback is equivalent to 9% of expenditure in 2012 and so it has the potential to increase the retention level by 9 percentage points from 49% to 58%.

8.8 Therefore there is a capacity for turnover growth to 2012 to support additional floorspace. Some of this capacity will be taken up by increase in the sales productivity of existing shops. It is conventional to allow for an increase in sales productivity of 1.5% per annum in comparison goods. After allowing for increased turnover in existing shops there is a surplus capacity in 2012 of about £36.0m. The Hermiston and Front Street commitments are estimated to have a turnover of £28.9m in 2012. Therefore the residual capacity in 2012 is £7.1m. The additional comparison goods turnover of the replacement Tesco store is £12.2m (assuming the store will trade at 95% of the turnover level of the existing store).

8.9 The additional comparison goods floorspace in the replacement Tesco store and the Hermiston scheme has the potential to increase the retention level in comparison goods to more than 58%. If both schemes achieved a trade draw of 80% of their comparison turnover from clawback (rather than 65%) the effect would be to increase the retention level for comparison goods to 60%. The residual capacity in 2012 would then increase to £12.9m. On this basis, which is again a realistic assumption, there would be sufficient capacity for both the Hermiston and Tesco comparison floorspace in 2012.

### *Evidence of Quantitative Need*

8.10 The capacity analysis shows that there is not a clear surplus expenditure capacity to support both the proposed new Morrisons and Tesco stores in Consett. There is sufficient capacity for either the Morrisons or Tesco stores on their own but not cumulatively. However, PPS6 does not require that there must be clear quantitative need for a proposed retail development to be acceptable in policy terms. Quantitative need is only part of the overall assessment of need. The interpretation of need was clarified by the Secretary of State in a recent decision letter (January 2008) on several retail proposals in Berwick-upon-Tweed. Considering the need for three different foodstore proposals, the Inspector commented that PPS6 does not say that the whole or any part of a store's turnover should be met by quantitative need. A deficit in quantitative need does not have to be a bar to development because qualitative need can provide additional justification. The Secretary of State agreed that a deficiency in quantitative need is not necessarily a reason to refuse planning permission. Qualitative

considerations should also be taken into account as well as relevant local issues and other material considerations.

8.11 The draft revisions to PPS6 confirm that the Government is giving less emphasis to evidence of quantitative need. With reference to the evidence base for development plans, the draft PPS6 revision proposes to delete the advice that local planning authorities should place greater weight on quantitative need for additional retail floorspace. It is proposed that local planning authorities should take account of both the quantitative need for additional floorspace as well as qualitative considerations. In relation to development control, the proposed revised guidance states that applicants should be required to demonstrate that there are no unacceptable impacts arising from the proposed development. Quantitative need does not have to be demonstrated, other than as part of the assessment of expenditure capacity in the catchment area in the new impact test and the extent to which a development will claw back trade leakage. In assessing a proposed development consideration should be given to qualitative factors such as social inclusion, employment, economic and physical regeneration and the use of previously developed land.

### **Qualitative Need**

8.12 Current Government guidance on retail planning policy recognises that qualitative need is a material consideration in assessing proposals for new retail development. Qualitative need is concerned with consumer choice. The guidance in PPS6 states that qualitative considerations include a range of sites, a good distribution of locations and meeting the needs of the community, particularly those living in deprived areas. The experience of appeal and call-in decisions on retail developments shows that evidence of qualitative need is concerned with deficiencies in shopping provision, by type or geographical.

8.13 In convenience goods the key qualitative considerations are providing consumer choice and competition. A larger Tesco store would significantly improve the retail offer in Consett, increasing choice and competition with the new larger Morrisons foodstore that already has planning consent. The draft revision to PPS6 gives greater emphasis to the need to consider choice and competition in foodstores, in line with the recommendations of the Competition Commission on the grocery market. Although the recommended 'competition test' has not yet been introduced, it is relevant to see how it would apply to the proposed new Tesco store in Consett.

8.14 The competition test applies to existing and proposed foodstores within a 10 minute drive time catchment of a proposed new store. In this instance it is reasonable to take the Consett catchment area as being a 10 minute catchment. The test also only applies to foodstores of over 1,000 sq.m. net sales area. The relevant stores are Morrisons in Consett, Tesco in Annfield Plain, Asda in Stanley and the proposed replacement Tesco in Consett (the existing Tesco will be closed and can be disregarded). There would be 3 "fascias" in the area – Tesco, Morrisons and Asda. Where there are less than 4 fascias, a new store must have less than a 60% share of the total sales area in the existing and proposed stores. In the case of Morrisons the sales area of the new store should be used. The sales areas are as follows.

<u>Foodstore</u>	<u>Sales Area</u> <u>(sq.m. net)</u>	<u>Percent</u>
Morrisons, Consett (new store)	4,347	28%
Asda, Stanley	3,886	25%
Tesco, Annfield Plain	1,662	11%
Proposed new Tesco, Consett	<u>5,386</u>	<u>35%</u>
Total	15,281	100%

8.15 The share of sales area to be taken by Tesco would be 46% of the total. Since this is well below the limit of 60%, the new Tesco store would clearly satisfy the competition test.

8.16 There is a deficiency in comparison goods shopping in the catchment area. The high leakage of comparison goods expenditure is an indicator of a deficiency in comparison goods shopping provision in the Consett area. Many residents are going out of the catchment area to buy comparison goods because of deficiencies in this type of shopping locally. New comparison goods floorspace will help to reduce the leakage from the Consett area. The replacement Tesco store will provide an additional 1,775 sq.m. net floorspace in comparison goods.

8.17 In advising the Council on the proposals for retail development on the Project Genesis site, White Young Green concluded that there is a qualitative need for improved retail provision in Consett both in convenience and comparison goods, in order to improve the retail offer and to reduce the need to travel to competing centres elsewhere.

8.18 In the current PPS6 factors such as employment and regeneration and not aspects of qualitative but they are material considerations. The draft revision to PPS6 brings these qualitative factors into the consideration of the positive and negative impacts of a proposed development. The Officers' report to Committee on the original Project Genesis planning application concluded that:

- The proposal would contribute to the further redevelopment of the former Consett steelworks site and increase the attractiveness of Consett as a shopping destination. The scheme would address a lack of investment in the retail sector in Consett which is a town in which new retail development should be focused.
- The site occupies a location which is accessible by a range of means of transport.
- 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.

8.19 The Government Office for the North East decided not to call in the previous application. After considering all the matters raised, the Secretary of State concluded that the application should be determined by the District Council. The matters considered included the following PPS6 factors:

- Accessibility by a choice of means of transport



- Maximising the use of previously developed land in sustainable locations
- Planning for growth and development of existing centres
- Encouraging investment to regenerate deprived areas, creating additional employment and an improved physical environment.

8.20 The qualitative need for the proposed Tesco development is equally as strong as it was for the previously approved retail park development. The current application also satisfies the same qualitative factors accepted by the Council in supporting the previous scheme.

## **9. SCALE AND SEQUENTIAL SITE ASSESSMENT**

### **Scale of Development**

9.1 PPS6 states that the scale of development should relate directly to the role and function of a centre within the wider hierarchy and its catchment. The aim should be to locate the appropriate type and scale of development in the right type of centre, to ensure that it fits into that centre and that it complements its role and function.

9.2 The need for development of the scale proposed at Genesis Way has been identified in this report. There is a quantitative and qualitative need for new retail facilities in the Consett catchment area and land should be made available to meet this need. There is potential for new retail development in Consett to reduce the extent to which shoppers travel out of Derwentside to other centres for shopping. In the RSS Consett is identified as a 'principal centre' for new development and regeneration. New retail development should be consistent with the scale and function of Consett. The RSS allows for retail-led regeneration above the scale that would be required for the centre to maintain its role, provided that it would support the sustainable regeneration of these centres without compromising the vitality and viability of other town centres. The Tesco proposals would be appropriate in scale to the existing and future role of Consett in the retail hierarchy. The proposal would not alter the status of Consett in the retail hierarchy.

9.3 In their review of the Project Genesis proposals, White Young Green considered that the proposed development was appropriate in scale. The current Tesco proposals are smaller in scale than the original retail park proposals and the proposals satisfy the PPS6 requirements on scale of development.

9.4 This Section next examines whether there are other alternative sites in Consett or Stanley that could be considered sequentially preferable to the site at Genesis Way.

### **Application of the Sequential Approach**

9.5 The Officers' report to Committee on the outline application for retail park development on the Project Genesis site considered that the site is out-of-centre in retail planning terms. At that time the Council considered the supporting sequential site assessment and concluded that, although there are sequentially preferable sites in Consett, the proposal was acceptable. The available sites identified were too small to be able to accommodate the retail floorspace proposed at Genesis Way. No additional sites have been identified beyond those originally considered in the previous application but we have again applied the sequential approach to the Genesis Way site.

9.6 PPS6 requires that the sequential approach should identify sites in relevant centres within the defined catchment. The relevant centres in this instance are Consett and Stanley town centres. Local centres would not be appropriate locations for the scale of development proposed. Sites identified in or outside the town centre have been examined to assess their:

- availability within a reasonable period of time

- suitability for the type of development proposed, and
- viability.

9.7 In applying the sequential approach PPS6 does not require a single retailer to split its floorspace in to smaller units where flexibility has been shown in scale, format, car parking and scope for disaggregation. In this instance the proposal is for a Tesco store of 8,107 sq.m. gross. There are no sites within Consett town centre that could accommodate new large-scale retail development. There are no areas suitable or available for retail development in the town centre within a reasonable period of time. Even if Tesco were to develop a smaller store, it could not be accommodated in the town centre.

9.8 Similarly, in Stanley town centre our inspection has not revealed any sites within the town centre that could be considered to be suitable or available for the type of development proposed at Genesis Way. Stanley has the potential only for small-scale redevelopment within the town centre. Previously available sites in Stanley have been redeveloped for a new bus station site and a new health centre, currently under construction. The redevelopment of the Clifford Centre is not a realistic alternative to the proposals at Genesis Way. It is a long term possibility and so the site is not available within a reasonable period of time.

9.9 The only sites that could be considered to be realistic alternatives to the Genesis Way site for retail development are in Consett. They are:

- the site on Front Street between Derwentside College and McDonalds
- the vacant site in Hermiston Retail Park to the south of Storeys Carpets
- the vacant site in Hermiston Retail Park next to Focus DIY.

9.10 All of these sites are edge-of-centre sites and so are sequentially preferable to the Genesis Way site. The site on Front Street has planning permission for retail development for 836 sq.m. gross shopping floorspace, and so is a commitment in terms of future provision. It is not available for the nature of the development proposed at Genesis Way and it is capable of accommodating only about 10% of the floorspace proposed at Genesis Way.

9.11 The vacant site in Hermiston Retail Park to the south of Storeys Carpets is a small site of about 0.2 hectares, capable of accommodating a retail unit of 500-1,000 sq. metres gross. Like the Front Street site it is not comparable in scale to the Genesis Way scheme. The vacant site in Hermiston Retail Park next to Focus DIY is the only other part of the retail park that remains undeveloped. It is a small site of about 0.1 hectares, capable of accommodating a retail unit of up to 500. Again it is not comparable in scale to the Genesis Way scheme.

9.12 PPS6 states that LPAs should be realistic in considering whether alternative sites are suitable, viable and available. We have demonstrated that no alternative sites are realistically suitable, viable and available. Therefore, the Tesco proposal satisfies the sequential approach.

## 10. IMPACT ASSESSMENT

11.1 Assessing the retail impact of the proposed retail development involves the following steps. The design year for the impact assessment is 2010.

- (1) Estimate the turnover of the proposed development
- (2) Estimate the turnover of centres in the design year.
- (3) Estimate the percentage trade draw to the development including the potential for clawback of leakage of trade from the catchment area and the predicted trade diversion from nearby centres.
- (4) Apply the trade draw percentages to the turnover of the proposed development to calculate the amount of trade diversion from different centres and the amount of clawback.
- (5) Express the trade diversions as a percentage of the turnover of each centre.
- (6) Interpret the significance of the predicted trade diversions on the vitality and viability of nearby centres.

10.2 The retail impact assessment has been undertaken for convenience goods and comparison goods separately. Details of the retail impact assessment are shown in Appendix 8A for convenience goods and Appendix 8B for comparison goods.

10.3 The estimated convenience goods turnover of the proposed Tesco development is set out in Appendix 1. The replacement store is estimated to have a turnover of £38.10m in convenience goods and £13.66m in comparison goods in 2010. Compared to the turnover of the existing Tesco store, the estimated increase in turnover is £17.63m in convenience goods and £11.83m in comparison goods. The impact assessment has been carried out based on the increase in turnover in the replacement store compared with the existing store.

10.4 We believe the replacement store will attract 65% of its trade in both convenience and comparison goods from clawback of leakage from the catchment area. This assumption is consistent with the experience of other foodstores in locations where there is leakage of spending to large stores outside the catchment area. A replacement Tesco store in Consett should be successful in clawing back some of the leakage that is taking place. In reviewing the proposed new Morrisons store at Hermiston Retail Park, White Young Green accepted that it could draw 65% of its trade in convenience goods from clawback and that the redeveloped Hermiston Retail Park could draw 70% of its comparison goods turnover from clawback. It is reasonable to expect that a new Tesco store could similarly draw 65% of its additional turnover from clawback. However, this is a cautious assumption. We believe that the development of a larger replacement Tesco store and a redevelopment of the Hermiston Retail Park with a larger Morrisons store could realistically achieve a higher level of clawback in both convenience and comparison goods. We have considered this possibility as a test of the sensitivity of the impact assessment.

10.5 To estimate the future turnover of centres in the catchment area, it is conventional to forecast the growth of turnover that would take place if all the existing centres retained their market share of comparison goods expenditure in 2010. The new development would then take its share of the increased retail market. Therefore, the turnover of centres shown in Appendix 2 for convenience goods and Appendix 3 for

comparison goods has been increased in line with expenditure growth to 2010 and adjusted to 2006 prices.

### **Convenience Goods**

10.6 The additional convenience goods turnover in the proposed Tesco store in 2010 is £17.63m. We assume that 65% of this turnover would be from clawback and 5% from inflow of trade. The remaining 30% would be trade diverted from centres and stores within the Consett catchment area. We predict that 3% will be trade drawn from Consett town centre, 5% from Stanley town centre (principally from Asda), 5% from Annfield Plain (predominantly from Tesco), 15% from the new Morrisons store and 2% from local centres.

10.7 Appendix 8A shows that the predicted trade diversions for convenience goods turnover are 3.9% in Consett town centre, 2.3% in Stanley town centre, 5.0% in Annfield Plain, 2.9% in local centres and 7.6% in Morrisons. The impacts on the town centres are not significant. In Consett town centre there is a relatively small amount of convenience goods shopping and the amount of trade diversion is small in absolute terms. The greatest impact is likely to be on Aldi on Front Street, and to a lesser extent Lidl and Iceland. There is not likely to be a significant effect on the trading position of the town centre which is dominated by comparison goods shopping. In Stanley town centre the convenience goods impact is likely to be concentrated on the existing Asda and Netto stores. Asda is trading very successfully in Stanley and the predicted trade diversion will not have a significant effect on the store. Similarly the trading impact on Netto is unlikely to have a significant effect on the store. The impact on Annfield Plain will be concentrated on the Tesco supermarket and there will not be a significant effect on other shops in the centre. The predicted impact on local centres is minimal.

10.8 The trade diversion from the edge-of-centre Morrisons store is the greatest in both absolute and percentage terms. It is to be expected that a replacement Tesco store will compete strongly with an enlarged Morrisons store but the trading position of Morrisons will not be adversely affected. In any event, the impact on Morrisons is not a material planning consideration because the new store is outside the town centre. The overall level of trade diversion for convenience goods is 4.6% of convenience goods turnover.

10.9 As noted above, we believe that the proportion of turnover of the proposed Tesco store that comes from clawback of leakage could realistically be higher than the 65% we have assumed in the impact assessment. If clawback represents 80% of the store's turnover, the amount of turnover that comes from trade diversion would decrease to 15%. The predicted convenience trade diversions would fall to 2-3% in Consett town centre, about 5% in Morrisons and 1-2% in other centres. These are insignificant impacts.

### **Comparison Goods**

10.10 The additional comparison goods turnover in the proposed Tesco store in 2010 is £11.83. Again we assume that 65% of this turnover would be from clawback and

5% from inflow of trade. The remaining 30% would be trade diverted from centres and stores within the Consett catchment area. We predict that 10% will be trade drawn from Consett town centre, 5% from Stanley town centre, 13% from the Hermiston Retail Park (including the new Morrisons store) and 2% from local centres.

10.11 Appendix 8B shows that the predicted trade diversions for convenience goods turnover are 2.5% in Consett town centre, 1.4% in Stanley town centre, 1.0% in local centres and 3.3% in the Hermiston Retail Park/Morrisons. The impacts on Consett and Stanley town centres are not significant. Impacts in comparison goods have to be judged against a growth of expenditure of almost 4% per annum. In this context trade diversions of less than 3% in town centres represent less than one year's expenditure growth. The predicted impact on local centres is negligible.

10.12 The trade diversion from the Hermiston Retail Park is the greatest in both absolute and percentage terms. Most of this competition is likely to be with Morrisons. Again, any impact on the edge-of-centre Hermiston Retail Park is not a material planning consideration because it is outside the town centre. The overall level of trade diversion for comparison goods is 2.2% of comparison goods turnover.

10.13 As with convenience goods, we believe that the proportion of comparison goods turnover of the proposed Tesco store that comes from clawback of leakage could realistically be higher than the 65% we have assumed in the impact assessment. If clawback represents 80% of the store's turnover, the amount of turnover that comes from trade diversion would decrease to 15%. The predicted comparison trade diversions would fall to 1% in Consett town centre, 2% in the Hermiston Retail Park and less than 1% in other centres. These are minimal levels of trading impact.

### **Interpretation of Impact**

10.14 Any new retail development will result in a change in shopping patterns and therefore some trade diversion from existing centres and stores. 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.

10.15 Impact has to be interpreted in the context of the vitality and viability of centres. Our health check appraisal shows that Consett has a level of vitality and viability which is just above average. The overall vitality and viability of Stanley is also slightly above average but marginally lower than Consett. Both centres are trading fairly well, are relatively attractive to shoppers, especially for food shopping in the case of Stanley, have a high level of accessibility and fairly good amenities.

10.16 In the context of our health check appraisal of Consett town centre, the predicted trade diversions of 2-4% of convenience goods turnover and 1-2.5% of comparison goods turnover are not significant. Although some existing shops in Consett town centre would inevitably lose trade, the trade diversions would not have a significant effect on the viability of these businesses. In any case, retail impact must be judged in terms of the overall vitality and viability of centres, not commercial competition with individual traders. Consett town centre is sufficiently healthy to withstand the small amount of trade diversion predicted without any harm to its

trading performance. Any losses of trade in Consett would quickly be offset by the overall growth in expenditure

10.17 The predicted trade diversions of 1-2% of convenience goods turnover and up to 1% of comparison goods turnover in Stanley are not significant. Although some existing shops in Stanley town centre may lose trade, the trade diversions would not have a significant effect on the viability of these businesses. Most of the impact is likely to be concentrated on Asda and to lesser extent Netto. Like Consett, Stanley town centre is sufficiently healthy to withstand the small amount of trade diversion predicted without any harm to its trading performance. Any losses of trade in Stanley would quickly be offset by the overall growth in expenditure

10.18 The proposed Tesco store is unlikely to compete with local centres to any significant extent. There is no risk of harm to the vitality and viability of local centres. The role of the local centres will continue to be complementary to that of the larger town centres.

10.19 The proposed development would increase the overall shopping offer available to residents of the Consett catchment area. Most of the additional trade attracted to the replacement Tesco store would come from existing foodstores outside the catchment area. These are mostly large foodstores located outside town centres but the extent of trade diversion is unlikely to have any significant impact on these stores. In relation to the PPS6 policy test on retail impact our assessment demonstrates that there will be no unacceptable impacts on centres within and beyond the catchment area.

10.20 Clawback from centres and stores outside the catchment area would represent £11.46m in convenience goods and £7.69m in comparison goods. Compared to existing leakage from the catchment area, the clawback in convenience goods would reduce the amount of leakage by 30%. The assumed level of clawback is realistic because a larger Tesco store will be very attractive to shoppers who visit foodstores outside the catchment area at present, but it reflects the fact that some shoppers will choose to continue to visit foodstores outside the catchment area. The clawback in comparison goods would reduce the amount of leakage by 6%. The assumed level of clawback is again realistic because centres and stores outside the catchment area have a strong attraction and a larger Tesco store will not make a substantial difference to shopping patterns for comparison goods. However, Tesco sells a wide range of comparison goods and the new store will help to improve the retail offer in Consett, enabling shoppers to do non-food shopping at the same time as their main food shopping.

10.21 Impact should also be considered in terms of the factors listed in paragraph 3.22 of PPS6. In our assessment:

- The proposed development would not result in any harm to the town centre strategy for Consett or Stanley. The development would not affect the prospects for new investment in the town centres.
- Not all new retail development can be accommodated in Consett and Stanley town centres, and the proposed development would be complementary to Consett town centre. It would increase the total amount of shopping available to residents of Derwentside and bring overall regeneration benefits to Consett.

- There would be no reduction in the vitality and viability of the town centres of Consett and Stanley and the local centres, or the range of services they offer or their quality, attractiveness, physical condition and character.
- There would not be an increase in vacant properties in these centres.

10.22 The Officers' Report to Committee on the previous application for retail development on this site concluded that the scheme should not result in a significant impact on the vitality and viability of Consett and Stanley town centres or other local centres in the catchment area. There is no reason to suppose that the size and type of development currently proposed at Genesis Way for a replacement Tesco foodstore would result in any unacceptable impacts on the vitality and viability of Consett and Stanley town centres or the local centres in Derwentside.



## 11. CONCLUSIONS

11.1 This Retail Assessment has been prepared in support of a proposed Tesco foodstore development at Genesis Way, Consett. The site was granted outline planning consent for a non-food retail park development (Derwentside Retail Park) in October 2007. The new larger Tesco store will replace the existing Tesco supermarket at Delves Lane in Consett.

11.2 The catchment area of Consett has been defined and a review has been made of existing shopping provision in Consett and Stanley town centres, the Hermiston Retail Park in Consett, and local centres within the catchment.

11.3 Health check appraisals have been carried out of Consett and Stanley town centres. The overall level of vitality and viability of Consett is above average and has improved in the last two years. The overall level of vitality and viability of Stanley is average and marginally lower than in Consett.

11.4 Expenditure forecasts have been made to 2012 and estimates have been made of existing (2007) retail turnover in the catchment area. In convenience goods 75% of expenditure is retained as turnover in the catchment area. In comparison goods only 49% of expenditure is retained.

11.5 A capacity analysis has been carried out taking account of outstanding commitments for new retail development in Consett, including the new Morrisons foodstore. The capacity analysis shows that there is not a clear surplus expenditure capacity in convenience goods to support both the proposed new Morrisons and Tesco stores but the capacity would be greater if there is a higher retention level. In comparison goods there is greater capacity and with a higher retention level there would be sufficient capacity to support the comparison floorspace of both the proposed Morrisons and Tesco stores.

11.6 PPS6 does not require that there must be clear quantitative need for a proposed retail development to be acceptable in policy terms. Quantitative need is only part of the overall assessment of need. Qualitative considerations should also be taken into account as well as relevant local issues and other material considerations. The draft revisions to PPS6 confirm that quantitative need does not have to be demonstrated in assessing planning applications for retail development.

11.7 In convenience goods the key qualitative considerations are providing consumer choice and competition. A larger Tesco store would significantly improve the retail offer in Consett, increasing choice and competition with the new larger Morrisons foodstore. The high leakage of comparison goods expenditure is an indicator of a deficiency in comparison goods shopping provision in the Consett area. The qualitative need for the proposed Tesco development is equally as strong as it was for the previously approved retail park development.

11.8 The Tesco proposals would be appropriate in scale to the existing and future role of Consett in the retail hierarchy. The proposal would not alter the status of

Consett in the retail hierarchy. The current Tesco proposals satisfy the PPS6 requirements on scale of development.

11.9 There are no sites within Consett or Stanley town centres that could accommodate new large-scale retail development. The only sites that could be considered to be realistic alternatives to the Genesis Way site for retail development are at Front Street in Consett and two small sites within the Hermiston Retail Park. No alternative sites are realistically suitable, viable and available. The Tesco proposal satisfies the sequential approach.

11.10 The predicted impacts on the town centres in convenience goods are not significant. The largest trade diversion would be from Morrisons. Impact on the edge-of-centre Morrisons store is not a material planning consideration.

11.11 In comparison goods the impacts on Consett and Stanley town centres are not significant. The predicted trade diversions represent less than one year's expenditure growth. The largest trade diversion would be from the Hermiston Retail Park, mostly with Morrisons. Again, any impact on the edge-of-centre Hermiston Retail Park is not a material planning consideration.

11.12 Impact has to be interpreted in the context of the vitality and viability of centres. Consett and Stanley town centres are sufficiently healthy to withstand the small amount of trade diversion predicted without any harm to their trading performance.

11.13 The proposed development would increase the overall shopping offer available to residents of the Consett catchment area. Most of the additional trade attracted to the new Tesco store would come from clawback of leakage out of the catchment area.

11.14 The size and type of development proposed at Genesis Way for a replacement Tesco foodstore would not result in any unacceptable impacts on the vitality and viability of Consett and Stanley town centres or the local centres in Derwentside.

11.15 This Retail Assessment shows that the proposed development complies fully with local and national planning policy relating to new retail development outside town centres.

<b>APPENDIX 7A</b>			
<b>CAPACITY ANALYSIS - CONVENIENCE GOODS</b>			
<b>CONSETT CATCHMENT AREA</b>			
<b>(all expenditure and turnover figures are in 2006 prices)</b>			
	<b>2007</b>	<b>2010</b>	<b>2012</b>
existing expenditure (£m)	154.77		
existing turnover (£m)	116.75		
retention level	75%		
expenditure projections (£m)		156.55	158.25
future retention level [1]		90%	90%
turnover potential within catchment area (£m)		140.90	142.43
capacity for turnover growth from 2007 (£m)		24.15	25.68
less increase in turnover of existing shops [2]		1.76	2.95
surplus capacity (£m)		22.38	22.73
less commitments [3]		17.00	17.17
residual capacity (£m)		5.38	5.56
additional turnover of proposed Tesco store		17.63	17.80
Notes:			
[1] increase based on clawback of retention to new foodstore developments: (65% of additional turnover in Morrisons and Tesco)			
		clawback (£m)	
		<u>2010</u>	<u>2012</u>
Additional turnover in new Morrisons store		11.05	11.16
Additional turnover in new Tesco store		11.46	11.57
Total		22.51	22.73
[2] assuming increase of 0.5% p.a.			
[3] commitments:		<u>2010</u>	<u>2012</u>
Morrisons additional turnover		17.00	17.17

<b>APPENDIX 7B</b>			
<b>CAPACITY ANALYSIS - COMPARISON GOODS</b>			
<b>CONSETT CATCHMENT AREA</b>			
<b>(all expenditure and turnover figures are in 2006 prices)</b>			
	<b>2007</b>	<b>2010</b>	<b>2012</b>
existing expenditure (£m)	251.69		
existing turnover (£m)	122.75		
retention level	49%		
expenditure projections (£m)		272.70	290.14
future retention level [1]		58%	58%
turnover potential within catchment area (£m)		158.17	168.28
capacity for turnover growth from 2007 (£m)		35.42	45.53
less increase in turnover of existing shops [2]		5.61	9.49
surplus capacity (£m)		29.81	36.04
less commitments [3]		28.08	28.93
residual capacity (£m)		1.73	7.11
additional turnover of proposed Tesco store		11.83	12.19
Notes:			
[1] increase based on clawback of retention to new retail developments: (65% of additional turnover in new developments)			
		clawback (£m)	
		<u>2010</u>	<u>2012</u>
Additional turnover in Hermiston retail park		17.17	17.69
Additional turnover in new Tesco store		7.69	7.92
Front Street		1.09	1.12
Total		25.94	26.73
[2] assuming increase of 1.5% p.a.			
[3] commitments:		<u>2010</u>	<u>2012</u>
Hermiston additional turnover		26.41	27.21
Front Street		1.67	1.72
total		28.08	28.93

4 March 2009

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Mr M Hempsall  
Senior Area Planning Officer  
Derwentside District Council  
Civic Centre  
Medomsley Road  
Consett  
County Durham  
DH8 5JA

Dear Mike

**Planning application for a replacement Tesco store, petrol filling station, car wash/jet wash and recycling facilities, CHP unit and associated landscape, access and land remediation/reclamation works at land to the south west of Ponds Court Business Park, Genesis Way, Consett (LPA ref: 1/2008/0872)**

Following receipt of comments from the Council's policy section, the Council's retail consultants Roger Tym & Partners (RTP) and an objection to the application from Peacock & Smith on behalf of Morrisons, we wish to respond.

### ***Planning policy***

The principle of retail use for the application site is deemed acceptable by the Council and is confirmed in the policy comments received. The allocation of the site for employment use was taken into consideration by the Council in granting permission for the retail park. The proposed development was also reviewed by Government Office for the North East as a departure from the development plan who concluded it raised no issue.

The Planning Statement submitted as part of the planning application package is comprehensive in reviewing the policy setting and demonstrating the proposed development complies with national, regional and local planning policy. During the application process a considerable number of detailed issues have been raised and additional information submitted to resolve them.

### ***Need***

#### ***Quantitative need***

The catchment area is fully defined and justified in the Retail Assessment. As advised in PPS6 it takes account of the role of Consett town centre and the influence of competing centres. The defined catchment area is slightly larger than that used for the approved

Bedford

Belfast

Cardiff

Dublin

Edinburgh

Glasgow

Leeds

London

Manchester

Newcastle-upon-Tyne



retail park development because it takes account of new evidence on shopping patterns from the Tynedale Retail Study and information from Tesco on trade draw to the existing store in Consett. The Council's consultants, RTP, consider the 15 minute drive time reasonable and therefore the catchment area is acceptable.

Regarding the robustness of the data used in the need assessment, the base data on population and expenditure are derived from a specially commissioned Experian Retail Planner Report for the catchment area in 2007. This is the industry standard for retail assessments. Expenditure forecasts are made using the latest Experian national forecasts for convenience and comparison goods. Again this is the industry standard approach. No local forecasts are available on expenditure.

The need assessment is robust. We accept there is not a clear surplus expenditure capacity to support both the proposed new Morrisons and Tesco stores in Consett. On the basis of the cautious assumptions regarding clawback, there is sufficient capacity for either the Morrisons or Tesco stores on their own but not cumulatively. However, a higher level of clawback would eliminate the cumulative deficit. In any case, PPS6 does not require that there must be clear quantitative need for a proposed retail development to be acceptable in policy terms. Quantitative need is only part of the overall assessment of need. The interpretation of need was clarified by the Secretary of State in a recent decision letter on several retail proposals in Berwick-upon-Tweed, a copy of which has been provided to you. In that decision the Secretary approved a new Tesco store and an extension to the existing Morrisons store in Berwick. The Inspector concluded that PPS6 does not say that the whole or any part of a store's turnover should be met by quantitative need. A deficit in quantitative need does not have to be a bar to development because qualitative need can be looked at to provide additional justification. The Secretary of State agreed that a deficiency in quantitative need is not necessarily a reason to refuse planning permission. Peacock & Smith will be well aware of this decision because they acted for Morrisons at the Berwick Inquiry.

Existing turnover estimates are the benchmark turnovers used by White Young Green. The retention levels are based on these turnovers and the expenditure base data. Again this is the conventional methodology. Any new retail development will tend to increase the retention level because it will reduce leakage out of the catchment area. In the Retail Assessment we have taken account of the extent to which the additional floorspace in both Morrisons and Tesco would attract trade from clawback. The increase in retention level is consistent with the amount of clawback that Morrisons and Tesco would achieve.

The assumption of an increase in the retention level in convenience goods from 75% to 90% is fully justified. It is based on the reasonable assumption that both Morrisons and Tesco will attract 65% of their additional turnover from clawback of leakage. This clawback is equivalent to 15% of expenditure in 2012 and so it has the potential to increase the retention level by 15 percentage points from 75% to 90%. A 90% retention level is not excessive. In the Berwick Inquiry the Inspector accepted that the retention level for convenience goods in the catchment area would increase from 91% to at least 94% if new floorspace was developed. Our estimate of 90% is a very robust estimate which demonstrates that the capacity analysis and the impact assessment are carried out on a consistent basis.

For information, the convenience sales density for Morrisons used in our capacity analysis is £10,748 per sq.m. in 2007 (Appendix 6). We have not used the figure of £10,103 per sq.m. quoted by Peacock & Smith. Our estimate is very close to Peacock & Smith's figure of £11,000 per sq.m., allowing for the fact that our figure is in 2004 prices.

In the capacity analysis we have accepted that the Morrisons consent is a commitment. We have taken the additional turnover of Morrisons into account in assessing capacity (Appendix 7A). To make a realistic assessment of both capacity and impact we have assumed that the additional turnovers of the increased Morrisons and Tesco floorspace will be 10% below their benchmark (company average) turnovers because the stores will compete with each other.

Based on the information we have received so far, we can not agree with RTP's findings regarding convenience capacity. RTP take England & Lyle's (E&L) figure on expenditure in 2007 and apply to it a retention level of 86%. This is not correct and the Council should be aware that it is not acceptable to do so. The 86% figure refers to the retention level within Derwentside District, not the catchment area, which is larger than Derwentside District. RTP agree that the catchment area is reasonable and therefore acceptable. E&L's estimate of turnover in the catchment area is taken directly from White Young Green's review for the Council and it represents benchmark turnovers which have been accepted by the Council in both WYG's review and E&L's original retail assessment. The estimate of a 75% retention rate for convenience goods is soundly based.

We have requested and await further information from RTP regarding the Household Survey information including the disaggregation of the Derwentside district responses to separate Consett and Stanley from everything else.

Whilst we can not agree with RTP's detailed capacity analysis of the Tesco proposal based on findings of the Household Survey recently undertaken (for the reasons given above), the conclusion is broadly consistent with the conclusions of E&L's retail assessment submitted alongside the planning application, in that there is not a clear capacity for the whole of the store's proposed turnover. However, the survey information we have received clearly supports E&L's assumptions regarding retention and clawback; Asda at Stanley dominates the district in terms of food shopping activity with Morrison's at Consett being second most used and Tesco third. There is a need redress the balance with improvement of the choice of food stores in Consett.

Peacock & Smith raise concern about the future of the Delves Lane site should planning permission be granted for the proposed development at Genesis Way. Tesco has agreed to restrict its potential use and a Unilateral Undertaking will be submitted stating the site will not be used for food retail purposes.

### *Qualitative need*

The proposal is a replacement store for that existing at Delves Lane which opened 22 years ago in 1987. The store is very dated in terms of its external and internal appearance; the external layout of the car parking and petrol station area are constrained and internally the layout is compromised in terms of movement around the store and presentation of goods. Qualitative need is concerned with consumer choice; the ability to meet customer needs and demands in terms of the range and

choice of goods. The Delves Lane store is only attracting a small proportion of the trade currently available within the catchment area, as revealed by the household survey, which demonstrates the store's failure to meet customer expectations and demands. Qualitative need is considered fully in section 8 of E&L's retail assessment at paragraphs 8.12 to 8.20.

Tesco remain committed to Consett and the provision of a foodstore to meet modern retail standards and customer needs. The proposal to relocate the store to Genesis Way represents significant investment in Consett by Tesco which will benefit the town centre. The proposed store will be physically and visually linked to the town centre and other existing facilities on Front Street including the Hermiston retail park. The Delves Lane store does not bring this benefit.

Relocation to Genesis Way allows for the development of not only a new retail facility which significantly improves the choice for Consett and Derwentside district residents but a 'state-of-the-art' Eco-store designed to reduce reliance on non-renewable energy sources with innovative solutions to reduce the energy required to operate the store day-to-day. The proposed store will meet and exceed Government targets set out in PPS22 for carbon reduction and energy efficiency.

The proposed development will bring forward the redevelopment of a brownfield site which forms part of the wider Project Genesis regeneration initiative specifically tasked to attract private sector investment to regenerate the former Consett steelworks site. The Planning Officer's report to committee for the retail park proposal concluded redevelopment of this site will increase the attractiveness of Consett as a shopping destination and address a lack of investment in the retail sector in Consett. The current proposal represents significant investment in the retail sector as well as creating jobs for local people. It is investment that can be realised in the short term and in economic circumstances that are preventing other opportunities from coming forward. In terms of economic development objectives, the proposed development supports PPS1, the Derwentside Economic Strategy and the North East Regional Spatial Strategy.

Importantly, the Delves Lane store currently employs 150 staff. Tesco will safeguard all the existing jobs and also create an additional 250 full and part time jobs in a range of positions. Tesco will provide quality training for new staff which improves skills and also personal confidence. Improving employment opportunities within the local area will assist in retaining residents and increase the level of disposable income.

### ***Scale***

In PPS6 terms new retail development should be consistent with the scale and function of Consett. The RSS allows for retail-led regeneration above the scale that would be required for the centre to maintain its role, provided that it would support the sustainable regeneration of these centres without compromising the vitality and viability of other town centres. The Tesco proposal will be appropriate in scale to the existing and future role of Consett in the retail hierarchy. The proposal would not alter the status of Consett in the retail hierarchy.

In their review of the Project Genesis proposals, White Young Green considered that the proposed development of a retail park was appropriate in scale. The proposed Tesco replacement store, in terms of gross floorspace, is in keeping with the scale of approved retail park scheme whilst net



floorspace is significantly less at 5,386 sq m.

The scale of the proposed development reflects the need to significantly improve the retail offer of the store to meet customer demands and reduce the leakage of expenditure on food shopping from Consett. This is dealt with above.

The proposed development satisfies the PPS6 requirements on scale of development.

### ***Sequential approach***

Tesco wish to remain in Consett and has explored all opportunities to extend in-situ or relocate to another site. The Genesis Way site is the subject of a planning application on the basis that there are no sequentially preferable sites available that would be large enough to accommodate the proposed development. This was the conclusion accepted by the Council during consideration of the retail park proposal on this site which is of similar size in terms of gross floorspace. Whilst Peacock & Smith contend that the Hermiston retail park site is sequentially preferable, it is clear that it is not available for development given the owners commitment to redevelopment having secured an outline planning permission. We understand that a reserved matters application is imminent which also demonstrates Tesco's proposed replacement store will not jeopardise private sector investment at Hermiston retail park.

PPS6 does not require an individual retailer to split its floor area into smaller units to satisfy the sequential approach. PPS6 states that LPAs should be realistic in considering whether alternative sites are suitable, viable and available. We have demonstrated that no alternative sites are realistically suitable, viable and available.

### ***Impact***

E&L's retail assessment assumes the replacement Tesco store will attract 65% of its additional trade in both convenience and comparison goods from clawback of leakage from the catchment area. This is consistent with the assumptions accepted by the Council for the new Morrisons store. 5% of the turnover would be from inflow of trade and the remaining 30% would be trade diverted from centres and stores within the Consett catchment area.

The amount of turnover from clawback is reasonable in circumstances where there is a significant leakage of spending from the catchment area. In convenience goods the proposed Tesco store would clearly reduce leakage to the Metro Centre (Asda), Team Valley (Sainsbury's), Durham City (Sainsbury's and Tesco), Bishop Auckland (Asda and Morrisons) and Chester-le-Street (Tesco). It would also reduce the extent to which residents in the catchment area shop at Asda in Stanley for convenience goods. The household survey data provided by RTP shows that Asda in Stanley has by far the largest convenience goods market share of all the foodstores in Derwentside. The store is over-trading. For residents of the catchment area the proposed replacement Tesco store would be a very attractive and more convenient alternative to these competing foodstores. In comparison goods about half of the comparison spending by residents is lost as leakage to Newcastle City Centre, the Metro Centre, Durham City/Arnison Centre and Team Valley Retail World. The comparison goods retail offer of Tesco would also claw back some of the leakage to these external

centres, reducing the extent of travel for shopping.

The predicted trade diversions from Consett and Stanley town centres are not significant – in the range 2.3 to 3.9% for convenience goods and 1.4 to 2.5% for comparison goods. The convenience goods percentage impact on Stanley town centre will be lower than we have predicted because the turnover of Asda in Stanley is higher than Asda's company average. In comparison goods any initial loss of trade would quickly be outweighed by expenditure growth. The replacement Tesco store would compete mostly with Morrisons and the Hermiston Retail Park. The highest predicted trade diversions are from Morrisons in convenience goods (7.6%) and Hermiston Retail Park/Morrisons in comparison goods (3.3%). The trading position of Morrisons will not be adversely affected. In any event, the impact on Morrisons is not a material planning consideration because the new store is outside the town centre.

In relation to local centres the retail assessment predicts convenience trade diversions of 5.0% in Annfield Plain and 2.9% in other local centres, and comparison trade diversions of 1.0% in local centres. The impact on Annfield Plain would be predominantly from the Tesco supermarket. In other local centres the trading impact will be negligible. The experience of large foodstores is that they tend to compete with similar large foodstores on a like-by-like basis. They cater mostly for main food shopping, rather than day-to-day top-up shopping, and they have a different role to local shops. There is no reason to suppose that local centres will be adversely affected by the Tesco proposals.

The evidence of the retail impact assessment is that there would be no significant harm to the vitality and viability of existing centres within the catchment area of the proposed development. In PPS6 terms the proposal satisfies the requirement that there should be "no unacceptable impacts on existing centres".

In the proposed changes to PPS6 published in the July 2008 consultation draft, the Government proposes to refine the policy approach set out in PPS6. The proposals remove the requirement to demonstrate 'need' for a proposal which is in an edge of centre or out of centre location and which is not in accordance with an up to date development plan strategy. The existing impact test is to be replaced with a new impact assessment framework for proposals outside town centres. A broad range of impacts will need to be considered and any negative impacts should be balanced against the positive impacts of a proposal. Where possible adverse impacts are likely to be outweighed by significant wider benefits arising from the proposal, the consultation draft states that the proposal should normally be approved. The revised PPS6 is due to be published in Spring 2009. It is a material consideration to be taken into account in the determination of the current application.

### ***Accessibility***

The proposed site layout for the replacement store has been amended to improve the accessibility of the site with the surrounding road and pedestrian/cycle networks. The site layout provides two pedestrian/cycle access points from Genesis Way; one through the existing landscaping strip linking the store entrance to the bus stop and one to the south east corner of the site adjacent to Soprano's restaurant which provides a direct route from the town centre boundary along Front Street. These access points have been widened to provide a walkway width of 3 metres and will be

well lit to allow for a safe, direct, convenient and welcoming entrance to the site for visitors.

A signalised crossing has also been incorporated on Genesis Way just to the north of McDonald's restaurant. This location has been agreed with Durham County Council Highways Department and will provide a safe and direct crossing point for pedestrians and cyclists across Genesis Way linking to the town centre.

In addition to the two pedestrian/cycle access points from Genesis Way we have provided an additional access from the A692 to the south of the site, as requested.

There is a direct pedestrian access route to the store's entrance alongside the vehicular entrance; this is provided by crossing at the petrol filling station to the pedestrian refuge to the east of the internal roundabout then crossing the access road into the car park, again via a pedestrian refuge, a footpath then runs adjacent to the car parking spaces to the store's entrance.

Pedestrian/cycle access within the site has also been revised throughout the application process. The revisions include incorporating covered walkways across the car parking area and widening of the internal pedestrian access points to a width of 4 metres (which complies with the Department of Transport's Local Transport Note 2/08 'Cycle Infrastructure Design'). Direct access to the store entrance can now be taken from Genesis Way via a covered walkway.

The proposal includes 21 cycle racks, which provides 42 cycle parking spaces. The cycle racks are located beneath the canopy of the store and adjacent to the glass frontage which provides a sheltered and safe location for the cycle parking. The cycle rack specification has been altered, as requested, to include Sheffield stand cycle racks at a distance of 1 metre apart. This has been accommodated and shown on the latest revised site location plan, issued to Derwentside District Council on 23 February 2009. We note the previous condition attached to the retail park application (ref: FC/1/2006/0838/DMOP) for the provision of a shared cycle/pedestrian walkway along the A692.

The site is located adjacent to two bus stops on Genesis Way and with the provision of the signalised crossing and the southern pedestrian/cycle entrance into the site; the store also has good connectivity to the bus stops located on Front Street.

A taxi pick up point has been provided within the site layout and has been lengthened as requested by the Council. The waiting area adjacent to the taxi pick up point is located beneath the store's canopy, which provides a sheltered waiting area for customers.

The hopper bus currently serving the Delves Lane store will continue to run, serving the new store.

The conclusions of the Transport Assessment submitted have been agreed with Durham County Council together with the road improvements suggested.

A Travel Plan was submitted as part of this application which states that details of the local bus routes and frequencies will be displayed within the store for the information of customers for the store.

Overall we consider the site is accessible by a choice of means of transport including public transport, walking, cycling and private car this was also stated within paragraph 32.4 of the committee report for the previous retail park application on this site.

### ***Climate change and sustainability***

A sustainability statement, produced by Scott Wilson has been submitted in support of this application and indicates that a total of 27% of the sites energy requirements can be produced from the proposed CHP unit. The CHP unit, which will run from a gas supply, is classified as a decentralised low carbon energy source and as such the proposal meets the requirements of Policy 38 of the RSS. The CHP unit will provide 19% of the stores electricity and 8% of the stores heating. A full energy statement is included within the report produced by Scott Wilson.

As the proposed store is a Tesco Eco-store the design and materials chosen to construct the building have been done so to reduce the carbon footprint of the building. It has been calculated that this store's carbon footprint will be 36% lower than that of a standard constructed store in 2006. 29% of the carbon reduction will be achieved by the incorporation of the following design/initiatives:

- Wind catchers;
- Roof lights;
- Celestory glazing;
- Dimmable and Zoned lighting;
- Systems sizing;
- External lighting;
- Energy Metering;
- Enhanced design.

The remaining 8% of the carbon reduction will be produced by the CHP unit. Full details of the carbon reduction technologies to be incorporated within the proposal can be found within the design and access statement and the Scott Wilson Sustainability Statement.

The proposal therefore exceeds the policy requirements for both carbon reduction and generation of renewable or decentralised low-carbon energy sources.

### ***Summary***

We consider all issues raised regarding the food store development have been satisfactorily resolved and the application can be presented positively to Council Members for the following reasons:

- The principle of retail use for the application site is deemed acceptable by the Council and is confirmed in the policy comments received;

- Whilst there is not a clear surplus of expenditure capacity demonstrated for convenience goods, PPS6 does not require that there must be a clear quantitative need for a proposed retail development. This is reaffirmed by the Secretary of State in the recent Berwick upon Tweed decision which states a deficit in terms of quantitative need should not be a bar to development and qualitative need can be looked at to provide additional justification;
- The qualitative need for the proposed development is clearly demonstrated, as set out in the retail assessment and planning statement submitted with the planning application and detailed in this letter;
- The scale of the proposed store is acceptable. The scale of the proposed development reflects the need to significantly improve the retail offer of the store to meet customer demands and reduce the leakage of expenditure on food shopping from Consett;
- It has been demonstrated that no alternative sites are realistically suitable, viable and available and therefore the sequential approach has been satisfied;
- There will be no significant harm to the vitality and viability of existing centres within the catchment area of the proposed development. In PPS6 terms the proposal satisfies the requirement that there should be "no unacceptable impacts on existing centres";
- It has been demonstrated that the site is accessible by a choice of means of transport including public transport, walking, cycling and private car;
- The proposal exceeds the policy requirements for both carbon reduction and generation of renewable or decentralised low-carbon energy sources.

If you have any queries, please call me.

Yours sincerely

Karen Read  
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**DPP**  
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## RECOMMENDATION FOR REFUSAL

08/0884

19.03.09

Shotley Bridge Cricket Club

Shotley Bridge Cricket Club and  
Spa Well Meadows, Shotley Bridge

Full Planning Permission for the erection of 25 detached houses, two apartments blocks (each containing 30 apartments), cricket clubhouse and vehicular access and restoration of spa well (outline) and change of use to cricket pitch.

Ebchester and Medomsley Ward

### The Application

1. This application relates to Shotley Bridge Cricket Club and Spa Well Meadows, Shotley Bridge and includes outline planning permission for the erection of 25 detached two storey dwellings; 2 blocks of sheltered accommodation apartments for people aged 55 and over; a new vehicular access road into the site from the A694 and the erection of a new cricket clubhouse. The application also seeks full planning permission for the creation of a new cricket pitch.
2. The application site is approximately 5.5 hectares in size and is located 500m to the north of Shotley Bridge on land adjacent to the River Derwent. The A694 runs along the eastern side of the site and the River Derwent runs along the north and western boundaries. Shotley Bridge Cricket Club currently occupies the southern half of the site and this includes the cricket pitch, practice nets and a small single storey cricket clubhouse at the very southern end of the site. The northern half of the site is meadow land currently grazed by horses.
3. The site mainly consists of flat level grassland, which is directly adjacent to the river and surrounded by woodland. However, to the eastern edge of the site the land rises steeply towards the A694. The steep slope is densely wooded and this woodland extends along the whole of the eastern edge of the site. The site narrows towards its southern end and Snow Green Burn separates the southern edge of the site from further residential development to the south. The north and west boundaries adjacent to the River Derwent are also heavily wooded.
4. In the middle of the site there are two tenanted cottages and the original Spa Well. These cottages are Grade II Listed and are excluded from the application site. The original Spa Well located just to the south of these cottages is also a Grade II Listed Building and this would be enhanced and its immediate surroundings landscaped to provide a focal point for the development. To the north of these cottages is the original Spa Well

meadow. It is partially covered by a Site of Nature Conservation Importance. The proposal would be for the new cricket pitch to be on the southern half of the meadow, on the area currently grazed. The area to the north would be restored and opened up to members of the public.

5. The site is currently accessed by a single track road, the Spa Drive, which leads from the A694 down into the site. This is also the vehicular access to five residential properties along this road.
6. The site is within the Conservation Area of Shotley Bridge, a Site of Nature Conservation Importance and Wildlife Corridor defined in the Derwentside District Local Plan.
7. The development includes a new vehicular access from the A694 which would lead to a roundabout in the middle of the site where the restored Spa Well and proposed pond would sit within a landscaped setting. A turning to the south would lead into the estate roads giving access to the housing and sheltered accommodation blocks. A turning to the south would give access to the parking associated with the cricket clubhouse and pitch. In addition it is proposed to include a new stepped footpath that would run in a north west to south east direction, down through the woodland. This would give a shorter pedestrian link from the site to the A694. Following the construction of the new road, the existing single track road would only give vehicular access to the five properties located along this road and allow pedestrian access to the south of the residential site.
8. The proposed residential accommodation and the clubhouse would be drained to a purpose built sewage treatment plant that would be located to the west of the site. The discharge from this would go directly into the River Derwent. The site cannot be connected to the mains sewer because there is insufficient capacity at the nearby Northumbrian Water Sewage Works.
9. The application includes an outline proposal for 25 two storey detached dwellings with attached or detached garages. It is anticipated that these would be executive style housing aimed at families. The dwellings would be in a mixed pallet of materials to include natural stone and slate and they would all have gardens.
10. The proposal also includes two buildings containing one and two bedroomed units for sheltered accommodation. The two buildings would be 'T' shaped with their main elevations facing westwards towards the proposed pond in the middle of the site. These buildings would be a mix of two and three storeys high. The car parking associated with the two blocks would be located in between the two blocks to the rear of the buildings.
11. The proposed layout and design are indicative and would be subject to later approval if this application is approved.
12. The proposed new cricket club would be located to the north east of the existing tenanted cottages. It would be a cross-shaped building with the main access running in a north west to south east direction. It would be two storeys in height and also constructed of stone and slate to match the residential properties to the south. The front elevation would look north

eastwards over the proposed cricket pitch and have a timber decked viewing platform. The clubhouse would include purpose built changing facilities for the teams and umpire, storage rooms for equipment, kitchen, bar and function rooms. On the first floor there would be an indoor training run and additional viewing area that would look over the pitch.

13. A spur to the north west from the roundabout would give vehicular access to the back of the clubhouse and also to the proposed parking area located immediately to the north of the existing cottages. There would be a proposed total of 88 car parking spaces. It is anticipated that some of the spaces would be surfaced with hardcore and some would be surfaced using grasscrete.
14. The proposed new cricket pitch would be located to the north east of the proposed clubhouse. The new site would be levelled, new drainage installed and then grassed in order to create a purpose-built and well drained pitch.
15. The northern section of the site, which includes part of the old Spa meadows and the SNCI would be restored to create an open parkland area that would be accessible by members of the public. Footpaths would be created by mowing through the site. The proposals also include additional tree planting along the edges of the proposed footpaths.
16. There are three Spa Wells within the site. It is proposed to clear out the main Grade II Listed structure and to place an open roof structure over the top of it that would reflect the thatched roof structure that was originally constructed over it. The surrounding area would be landscaped with both hard and soft landscaping to create an amenity space. The original Spa east of the cricket pitch would also be refurbished and accessed via a path that would run along the eastern side of the cricket pitch. The third Spa would be covered by the edge of the proposed cricket pitch and its position would be marked.
17. It is proposed that the new access road into the site would be constructed first (taking approximately 5 months) along with the new cricket pitch. Following this the clubhouse would be constructed (taking approximately 11 months) and the final phase of development would be the houses and sheltered accommodation starting 16 months in and taking approximately 3 years.

### History

18. Listed Building Consent to repair roof, replace guttering, window and lintel at Hoddington Oaks, Shotley Spa was granted in 2002 (reference 1/2002/0401/DMLB).

### Policy

19. The following guidance are relevant in determining this application:

PPS 3 – Housing

PPS9 – Biodiversity and Geological Conservation



PPG15 – Planning and the Historic Environment  
PPG17 – Planning for Open Space, Sport and Recreation  
PPS25 – Development and Flood Risk

20. The following policies of the adopted The North of England Plan – RSS to 2021 are relevant in determining this application:

The Sequential Approach to Development (Policy 4)  
Protecting and Enhancing the Environment (Policy 8)  
Historic Environment (Policy 32)  
Trees, Woodlands and Forests (Policy 36)

21. The following policies of the adopted Local Plan are relevant in determining this application:

General Development Principles (GDP1)  
Development on Small Sites (H05)  
Protecting the Countryside (EN1)  
Development Opportunity Sites Suitable for Leisure and Recreation (RE9)  
Preventing Urban Sprawl (EN2)  
Development within Areas of High Landscape Value (EN6)  
Trees and Development (EN11)  
Protection of Sites and Settings of Ancient Monuments and Archaeological Features (EN19)  
Demolition in Conservation Areas (EN14)  
Wildlife Corridors (EN23)  
Development and Highway Safety (TR2)

#### Consultations

22. County Highway Development Control Officer: I refer to your consultation regarding the above planning application. The only reserved matters are Landscaping and Appearance. The application is for 85 dwellings and increased size replacement Clubhouse.
23. The existing vehicular access arrangements to the Cricket Club (via Spa Drive) are clearly poor in terms of junction provision, width, gradient, surfacing, and emerging sight visibility onto the A694. The existing junction is in the 30mph limit section of the village however, and A694 southbound approach speeds are influenced by the road alignment in the vicinity of Snow's Green Burn Bridge, approximately 140m north.
24. There are obvious highway benefits in removing Cricket Club traffic, including associated servicing vehicles, from Spa Drive. There are also some existing properties, at the north of the site, which would no longer be reached via Spa Drive. Conversely, the creation of a new A694 junction 320m further north is at a location where a de-restricted speed limit applies, northbound traffic is accelerating away from Shotley Bridge while southbound traffic is inbound from a long, relatively straight, section of the A694 where the road side environment is clearly rural and high traffic speeds are observable. A speed survey of A694 traffic has been undertaken by the Highway Authority at the proposed new junction location. Recommended sight visibility distances for these measured speeds, from a new side road

junction, are theoretically obtainable subject to location of landscaping.

25. Due to A694 traffic speeds and likely traffic movements into the site it is considered necessary that any new junction also has a protected right turn 'ghost island' in which right turning motorists into the site can wait safely in the A694 carriageway. This will require widening of the A694 carriageway and the related engineering works will be extensive due to the topography of the adjacent land. Such works will be required to be designed and installed by the Highway Authority via a Section 278 agreement with the developer. For information, the architect's drawings do not show any A694 widening. Engineering drawings of the access road and junction have however been submitted from the applicant's Engineering agent, 'M Design', and also forms part of the planning submission documents. Additional carriageway widening will be required at each of the two first bends on the proposed access road leading down from the A694. The ghost island design is likely to alter from that shown in M Design's drawing though I am satisfied a satisfactory design will be possible. Both of these matters can be conditioned.
26. The proposed housing development effectively pushes the residential settlement of the Village further north. The closest bus stops are within the vicinity of the A694/Spa Drive junction. Assuming a pedestrian route to the stops via Spa Drive, the new dwellings fall just within the maximum recommended walking distance to a serviced bus stop of 400m. The walk from the proposed dwellings to Shotley Bridge centre is approximately 850m, or half a mile. Such distances are considered acceptable (though are considerably longer via the proposed new A694 junction, involving significantly greater level differences) however I am concerned regarding the fact these distances depend on the continued availability of Spa Drive as a pedestrian means of access to the site. Spa Drive is unlit, considerably reducing its attractiveness to occupant dwellers, particularly to vulnerable users, and is neither an adopted highway nor in the apparent control of the applicant, raising the question of what assurances can be given that this pedestrian route will be legally available in perpetuity. Spa Drive is not shown within the application site boundary. For information, there is an existing sign at Spa Drive which reads 'Private'. Part of Spa Drive includes a single lane overbridge of the burn which is presumably the responsibility of some organisation or individual (the County Council have no interest in the bridge). Unless there is a legal obligation to retain it, future bridge maintenance liabilities may conceivably lead it to be closed or demolished. Spa Drive is fundamental to the non-vehicular accessibility of this site and the above issues should be addressed prior to grant of any permission. Assuming separate ownership, it is not considered that a 'Grampian' type planning condition would meet the tests of Circular 11/95.
27. The 'means of access' is sought to be approved at this stage and includes a submitted highway layout. However, the roundabout design is unacceptable and the 1/1000 scale is too small. This should either be addressed pre-application or conditioned. The definition of 'means of access' naturally includes pedestrian as well as vehicular modes hence the comments above regarding Spa Drive.
28. The application describes the provision of 0.5 parking spaces per apartment. This is a low provision. The intended occupants are cited as being 55 or

over. While this level of parking provision could be accepted some legal assurance (a S.106 agreement is suggested) would have to exist such that occupants are indeed restricted to over 55's only and the apartments are not available for general sale in due course whereby such provision is likely to be wholly inadequate. In the absence of this the proposed level of parking provision cannot be accepted.

29. I note that planning issues mean that the Case Officer recommendation is likely to be that the application is refused and indeed in its present format it is considered that highway reasons for refusal exist also. However should the application be approved against Officer recommendation I would request that any approval shall be subject to the following conditions:

1) Prior to the commencement of the approved development a plan shall be submitted for approval detailing highway works to widen the A694 highway to accommodate a protected right turn facility. These works to be completed prior to commencement of the approved development.

2) Prior to the commencement of the approved development an engineering longitudinal section drawing of the proposed new access road leading from the A694 must be submitted for approval. This access road to be completed prior to commencement of the approved development.

3) Prior to the commencement of the approved development a 1:500 scale plan of the highway layout adjacent to dwellings must be submitted for approval.

4) Prior to the commencement of the approved development details of parking provision at the two apartment blocks shall be submitted for approval.

30. Further consultation response was received which stated:

Speaking to my colleagues regarding lesser parking provision at 'retirement flats', I can see that Durham City Planners qualified a 2005 McCarthy & Stone 'sheltered apartments' application (ref. 05/01062) by a condition restricting the occupation of the building to persons over the age of 55, the reason being 'because the Council considers that the occupation of the development needs to be restricted because of the form and design of the development.'

Notwithstanding how this meets the 'enforceable' test of circular 11/95, this would permit me to accept a lesser parking provision as is being proposed by the applicants.

31. English Heritage: Views awaited

32. Sport England: Views awaited

33. Environmental Health: No observations.

34. Tynedale Council: No objection.

35. Shotley Bridge Village Trust: the Village Trust wishes to object. They state that 'while we would support the achievement of the primary benefits of the development, the trust considers that the harm to both the natural and physical environment in the current scheme outweighs the benefits for the cricket club, the improved public access and management of part of the SNCI and the restoration of the Spa Well.'
36. The advise that their concerns and suggested mitigation measures which might go some way to alleviating them if planning permission were granted are detailed in the attached comments sheets. The main concerns can be summarised as follows:-
- 1) the impact of the proposed access road on Park Wood and the character of the A694 approach to the village;
  - 2) the unsympathetic road layout design within the development;
  - 3) the absence of any demonstration of the need for this scale of residential development to enable the benefits of the development to be achieved;
  - 4) the extent of the proposed tree felling on the eastern boundary of the residential development;
  - 5) the impact on the setting of the listed cottages and Spa Well created by the mass and proximity of the flats and the clubhouse and the orientation of the nearest houses; also by the indicated road layout and hard landscaping adjoining the Spa Well;
  - 6) the exclusion of the remaining Spa Well paddock from the application site and the lack of a long-term management plan (including public access guarantee);
  - 7) the potential for this development to prejudice brownfield developments at Wood Street (the mill apartments) and at Shotley Bridge hospital.
37. Durham County Councils Ecologist- has major concerns to do with protected species and possible adverse impacts on a County Wildlife Site.
38. They advise that it is the responsibility of the local planning authority to fully assess the proposal in accordance with their duty on biodiversity issues under Section 40(1) of the Natural Environment & Rural Communities Act 2006, Regulation 3(4) of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) and Section 74 of the Countryside & Rights of Way Act 2000, to ensure that the potential impact of development on species and habitats of principal importance and protected species is addressed. It is the responsibility of the applicant to provide this information to allow this assessment to be undertaken.
39. They state that as the competent authority, the local planning authority may process this application such that it is refused / deferred / withdrawn / suspended until the applicant submits sufficient information to show that these species would not be affected or that potential effects would be avoided or satisfactorily mitigated.

40. It is advised that ODPM Circular 06/2005 “Government Circular: Biodiversity and Geological Conservation-Statutory Obligations and Their Impact Within the Planning System” which accompanies Planning Policy Statement 9: Biodiversity and Geological Conservation states in paragraph 98 that:

*“The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat”.*

Furthermore paragraph 99 states that:

41. *“it is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.*

42. In addition the County Ecologist advises that this proposal may have implications for species and their habitats protected under the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats &c.) Regulations 1994 as amended, usually known as European protected species and the Protection of Badgers Act 1992.

43. It is stated that ODPM Circular 06/2005 which accompanies Planning Policy Statement 9 states that:

“The likelihood of disturbing a badger sett, or adversely affecting badgers’ foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations are capable of being material considerations in planning decisions”. The document also requires that all protected species data is provided with the planning application.

44. The Ecologist points out that the report refers to an earlier survey carried out in 2005; any data from that period would be invalid due to the passage of time. He points out that there is no survey of the standing waters on site for amphibians, in particular great crested newts, this is a serious omission.

45. Bats- The Ecologist notes that the survey on the existing cricket club house is adequate but that no surveys were carried out of the woodland or of specific trees to be felled. He points out that the habitat designation within the bat survey identifies that potential bat roosts may be present in mature trees but no assessment or survey is forthcoming. He states that given that the report records a number of bat species on site some of which are known to roost in trees, the lack of a robust, objective tree risk assessment or survey for bats is a serious omission.

46. The Ecologist notes that the report recognises that lighting can have a detrimental effect on foraging bats but offers no details of a lighting plan or how it will accommodate bats.

47. In addition he points out that the method statement for works on the site indicates that trees can be felled during the period late March to early May to

avoid roosting bats, this would of course be in the bird nesting season and any impact on a bird nest would be an offence under the Wildlife and Countryside Act.

48. With regard to Water Vole and Otters the Ecologist points out that details of the methodologies used should be included, the national water vole survey technique is known but what is the Northumberland Wildlife Trust technique?

49. He notes that the survey was carried out a little late in the season for water voles and points out that there is no indication of where the survey took place, this section of the River Derwent has a high incidence of otter presence, and I would like to see a more detailed survey showing the survey area and details of how the survey was carried out.

50. The Ecologist notes that no badger data is present in the report; therefore no decisions can be made on potential impacts. He states that there is a recorded badger sett within 300m of the site and planners need to know whether badgers forage on the grasslands. PPS9 makes it clear that information on the possible impacts of development on badgers through loss of foraging habitat, increased chance of road kill and disturbance are needed to support a planning application, in this case no such data has been provided. He feels that Planners should request such data before making any decision.

51. In terms of grassland the Ecologist points out that the report proposes some management techniques for the County Wildlife Site grassland but provides no guarantee that such management will take place.

52. With regard to habitats and Phase 1 the Ecologist notes that the survey was carried out in September but does not state the exact date; an early September survey is a late survey in which to pick up plant species a late September survey is very late. Considering that this is a County Wildlife Site, partially designated for its species rich grassland then the Ecologist feels that a series of surveys across the summer season, targeted on the flowering period of the species mentioned in the site designation, should have been provided, at the least a survey during the peak flowering period.

53. The Ecologist notes that the evaluation records that increasing public pressure is contributing to loss of floristic diversity on the site. It is hard to see how increasing the number of potential users through the addition of 55 extra dwellings will ease this problem, the increased recreational use will be high and incidences of disturbance and manuring by dogs and cats will increase significantly.

54. In terms of the impact on the County Wildlife Site the Ecologist states that most of the proposed development area is within the boundaries of the County Wildlife Site.

55. He states that the proposal will damage and destroy some sections of the CWS and will increase disturbance through recreational use and the presence of pets very significantly, there is no assessment of this disturbance potential provided with the report.

56. Finally he advises that the “New Performance Framework for Local Authorities and Local Authority Partnerships” of October 2007 places an obligation on Derwentside District Council to deliver, and report on delivery against, the set of National Indicators within the framework. “National Indicator 197- Improved local biodiversity – active management of local sites” makes it mandatory for Derwentside D.C. to improve the condition of County Wildlife Sites. This obligation applies to the site at Shotley Spa.

#### Conclusion

57. The Ecologist concludes that there is insufficient protected species data for planners to make a decision in this case. He suggests that the application is withdrawn or refused and that if the applicant wishes to continue with the application that further survey work is carried out at an appropriate time of year by suitably qualified personnel. He is particularly concerned with impacts on the County Wildlife Site given the obligations Derwentside District Council has under NI197.
58. He suggests that more detailed survey work is required, more details of possible impacts and mitigation is presented and that the applicant indicates how there will be no adverse impact on the CWS due to increased use.
59. Durham Bat Group- state that they believe that this will be contrary to the structure plan and more importantly, this has the potential to have a very damaging effect on the bats of the Derwent valley.
60. The Bat Group feel that the development would have to be considered in the light of the loss of trees at the entrance to Shotley Hall which has already torn a big hole in the wildlife corridor in this area. They state that the Bat Group remain concerned that the reinstatement work here has still not been completed and advise that any further removal of trees in this area will create a bottleneck and may even sever the corridor completely.
61. They point out that as the Derwent is the major wildlife link between the Tyne and Wear Valley systems, work at Shotley Spa has far reaching consequences for the biodiversity of both the Tyne and the Wear Valleys, particularly for Protected Species such as otter, all bats, kingfisher, water shrew etc.
62. Rights of Way Officer: No recorded Public Rights of Way exist across or lie within the site application boundary. No objection are raised to the proposals but do have some comments to make.
63. The Officer states that the proposal to restore and open up the spa well and meadow land grounds to the public is welcomed.
64. In terms of the Design and Access Statement point 3.2: the Rights of Way Officer comments that-
- ‘The status of the proposed stepped footpath, which will link the loop of proposed new access road, should be clarified. If the new access road is to become adopted by the County Council, then I would recommend that the

steps should also be adopted. If the new access road is to be privately maintainable, then I recommend that the steps should be a permissive footpath. The County Council would not take on the responsibility of a public footpath that does not connect to the wider public rights of way network and is in effect landlocked by a private road.'

65. With regard to the Design and Access Statement point 3.2 and 4.5, and Non Technical Summary point 7.3: he points out that-

'The provision of Public Rights of Way or permitted footpaths, which will be created around the northern section of the site by mowing routes, is mentioned in these application appendices. Similarly to above, the status of the proposed new footpaths should also be clarified. Given the nature of the site I would advise the applicant that the footpaths be made permissive in status. This would appear more appropriate as it would allow for a greater site management and control of where the can public access. If the paths were dedicated with the County Council as Public Footpaths then these routes could not be obstructed, altered or closed to the public.'

66. Design and Conservation Officer- considers that the proposed development would not preserve or enhance the conservation area or provide a suitable setting for the listed buildings and objects as follows

1. There would be the loss of the historic spa grounds an integral feature in the historic development and character of Shotley Bridge.
2. The setting for the listed buildings would be compromised by the close proximity of the proposed housing on one side and the cricket club car park on the other.
3. The new access would sever the link with the listed Spa Lodge, which currently marks the entrance to the grounds.
3. The new access road would require a disproportionate amount of land to accommodate the gradient and would harm the enclosing woodland that has changed little in extent since it was first laid out.
4. The proposed development would be beyond the natural limits of the village in open space that forms its natural setting.
5. The cricket ground would be moved further from the village making it more remote and less accessible.
6. The detailed layout would not allow for the natural qualities of the site to be reflected or give any indication that these were former spa grounds. In my view the layout is very suburban in character.
7. The apartment blocks in particular would represent an urban intrusion of large scale into natural parkland.

67. The Design and Conservation Officer states that development of this site is also too significant to be given outline approval without knowing the detail.

68. She feels that the application should be refused on the grounds that the proposed residential development would lead to the loss of the historic spa ground, the loss of the setting of Listed Buildings and loss of enclosing trees which would harm the character of the conservation area and be contrary to policy EN 13 in the Local Plan.

Natural England- Based on the ecological information provided in the report,



69. Natural England offers the following advice in relation to protected species and biodiversity:

70. Bats- based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect in respect of this species especially protected by law, subject to the following conditions (with reasons):

71. No development shall take place unless in accordance with the mitigation detailed within the protected species report (Appendix 2) of '*Shotley Bridge Cricket Club and Anvil Homes Limited Application for development at Spa Well, Shotley Bridge, Blaxett Hart and Pratt, 6<sup>th</sup> January 2009,*' including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; adherence to precautionary working methods; provision of a bat loft.

Reason: To conserve protected species and their habitat.

72. Otter and Water Vole- Based on the information provided, Natural England advises that the above proposal is unlikely to have an adverse effect in respect of these species especially protected by law. No evidence of the presence of these species was found during the field survey, and the bankside habitat within the site boundary was deemed sub-optimal due to its use by dog walkers. However, should this use and the current grazing regime by horses decline, prior to development commencing, the habitat may become more attractive to such species. In such circumstances, should the development involve works close to the banksides, it may be appropriate to repeat surveys for these species to minimise the risk of harm.

73. Great Crested Newt- Natural England point out that the Phase 1 Habitat Survey within the report identified areas of standing water within the site, but there appears to be no assessment of their suitability to support amphibian species, most notably Great Crested Newt, or desk studies to indicate likely presence of this species in the vicinity of the development site. Natural England advise the local planning authority to clarify this matter with the ecological consultant, via the applicant. They state that if relevant, the LPA should request sight of the appropriate surveys, prior to determining this application.

74. The protection afforded these species is explained in Part IV and Annex A of *ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.*

75. Natural England state that the applicants should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular.

76. Badger- Natural England point out that although there is mention that the site has been assessed for the presence of this species and the relevant survey undertaken, the information (Appendix 2) of '*Shotley Bridge Cricket Club and Anvil Homes Limited Application for development at Spa Well, Shotley Bridge, Blaxett Hart and Pratt, 6<sup>th</sup> January 2009,*' the survey itself was not

included in the consultation, and for reasons of confidentiality, the results of the survey were removed from the Environmental Statement. Natural England therefore state that they cannot provide advice with regard to this species.

77. Breeding Birds- Natural England point out that there is no assessment of the sites' suitability as a habitat for breeding bird species, or whether any physical evidence of such species was noted during the various surveys and walkovers. Natural England would therefore advise that the local planning authority seek clarification from the ecological consultant, as to the suitability of this habitat for breeding bird species.

78. It is pointed out that under Section (1) of the Wildlife & Countryside Act 1981, it is an offence to kill, injure or take any wild bird or disturb, damage or destroy the nest whilst it is in use or being built, or take or destroy the egg of any wild bird.

79. Therefore, should the site provide a habitat for such species, any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present.

80. Natural England state that the issues raised in this correspondence represent Natural England's advice at the planning application stage and considers potential harm to populations of protected species from the proposed development. The later decision on a licence application (if required) is a more detailed assessment and usually requires additional survey information, population assessment and specific details relating to the likely effectiveness and workability of the mitigation proposals before works can proceed.

81. Natural England state that Derwentside Local Plan Saved Policy EN22 states '*Development will only be permitted which would not lead to the loss of or cause significant harm to sites of nature conservation importance.*' The proposed development area includes part of the West Wood and Spa Well SNCI. Natural England suggest that the LPA consult with their countryside team to ensure that any management regime proposed for this area as part of the development is appropriate, and will have a beneficial effect on this SNCI.

82. Paragraph 84 of Government Circular 06/05 states: '*The potential effects of a development, on habitats or species listed as priorities in the UK Biodiversity Action Plan (BAP), and by Local Biodiversity Partnerships, together with policies in the England Biodiversity Strategy, are capable of being a material consideration in the preparation of regional spatial strategies and local development documents and the making of planning decisions.*'

83. Environment Agency: OBJECT to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason- The FRA submitted with this application does not comply with the

requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

84. The Agency point out that the Flood Risk Assessment includes a hydraulic model which is used to demonstrate the development is safe from flooding.

85. They state that their modelled data suggests that a small area of the site lies in modelled flood zones (and the rest lies in flood zone 1), however, the submitted information suggests no part of the site is at risk.

86. They have a number of concerns below that will need to be addressed before they would consider this assessment of flood risk as appropriate. In particular:

- The assessment has used Microdrainage to hydraulically model the River Derwent. This is not acceptable as we expect a specific river modelling package to be used e.g. HEC-RAS, ISIS etc.
- The hydrological assessment is poorly explained and appears to rely on data from a JBA study. Did the consultant have permission to use this information as it belongs to a 3rd party?
- The assessment doesn't take account of Snows Green Burn. The flood zones currently show flooding on the site from this watercourse and as such it must be included in any assessment of flood risk.

87. Due to the site's location, the agency state that they would expect a comprehensive assessment of flood risk to be undertaken. This assessment would need to refer to historic flooding, use Flood Estimation Handbook techniques (details about the method chosen should also be given in the report), a hydraulic assessment using appropriate, industry standard software and mapping of flood extent using suitable GIS tools. The agency would also expect hydrometric data to be used to modify the basic FEH assessment and for suitable sensitivity testing of flows and roughness coefficients.

88. They feel that in its present form the assessment of flood risk on the site is inadequate and not 'fit for purpose'.

89. The agency state that the remainder of the FRA will be assessed once the model aspect of the assessment is acceptable, however, in principle the use of a pond to manage surface water is acceptable. The greenfield runoff rate has been calculated properly, and the pond must be designed to store the runoff from the 100 year storm event (plus a climate change allowance) without reducing any flood plain storage. They state that full MicroDrainage details of the network and pond will be required however can be the subject of a planning condition if issues above are satisfactorily addressed.

90. Finally, the Agency state that any new surface water outfall to the River Derwent will require their prior written consent under the Water Resources Act 1991. Also tree/vegetation planting within 5 metres of the river or in flood zones may require consent. This must be undertaken to ensure flood risk is not increased/created due to the planting. Further guidance can be sought

from our Development Control Engineer, Rory Hunter.

91. They state that they have no objection in principle to the proposed diversion of the un-named watercourse that runs along the eastern edge of the site, however depending on the methodology of the construction of the diversion, a land drainage consent may be required under the Land Drainage Act 1991.

92. The Agency also point out that the culverting will also require consent and they have a national policy against the culverting of watercourses. With any application to culvert we would need a reasonable justification as to why alternative options cannot be utilised instead of culverting. They advise that they would encourage a clear span structure which would have no adverse impact on the watercourse bed or banks.

93. The Agency state that should the Applicant not be able to prove that the site lies entirely outside of flood zones 2 and 3, then the proposed development must be subject to a Sequential Test, and Exception Test if applicable, as required by Planning Policy Statement 25 'Development and Flood Risk'.

94. Reason 2- The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances DETR Circular 03/99 advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the Circular in order to justify the use of non-mains drainage facilities. In this instance no such information has been submitted.

95. The Agency state that the application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development

96. To potentially overcome this objection, the Applicant/Agent should complete our non-mains drainage form (see below) and return this to the Local Planning Authority. They would then wish to be reconsulted with this information.

97. Should the above objections be resolved, the Agency would only find the development acceptable if the following CONDITIONS were imposed on any granted planning permission:

98. CONDITION: Prior to the granting of planning permission a scheme for the provision and management of a buffer zone alongside the River Derwent, the Snows Green Burn, and the un-named tributary of the River Derwent shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- *plans showing the extent and layout of the buffer zone*
- *details of any new planting using only native species. This should include bolstering the understory.*
- *details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.*

- *details of any public access including footpaths and fencing.*

REASONS: Development that borders the riparian strip has a potentially severe impact on its ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside River Derwent is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change. Likewise the Snow Green Burn corridor will provide connectivity to the hinterland and safe passage for wildlife under the road. If these riparian strips are not protected, the adjacent house holders are likely to encroach on the area and over time most the trees will be lost

99. **CONDITION:** The proposed pond shall be constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of development. The scheme shall include details of the design, planting scheme, and how the pond will be maintained over the long term.

REASONS: This condition is necessary to ensure that the proposed pond is developed in a way that contributes to the nature conservation value of the site in accordance with national planning policy by providing suitable habitats for wildlife.

100. **INFORMATIVE:** Should the Applicant wish to stock the pond with fish, this will require prior consent by the Environment Agency. The following will be taken into consideration:

- The impact on native fish stocks, i.e. competition, potential for spread of disease, possibility of escape
- Any stocking should be consistent with wider biodiversity characteristics.

101. **CONDITION:** Unless otherwise agreed with the LPA, 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.

102. With regard to Sustainable Construction / Renewable Energy Generation the Agency state that:

*'We consider that a planning application of this scale should incorporate Sustainable Construction and Renewable Energy Generation principles. Nationally, the Government seeks to minimise energy use and pollution, and move towards a higher proportion of energy generated from renewable resources. In line with the adopted Regional Spatial Strategy for the North East, we consider the proposed development should incorporate Policies 38*

*(Sustainable Construction) and 39 (Renewable Energy Generation).*

*In conforming to these policies the proposed development should be designed to ensure energy consumption is minimised to achieve energy efficiency best practice to meet level 3 of the Code for Sustainable Homes. In addition, we consider the proposed development should have embedded within it a minimum of 10% energy supply from renewable resources.'*

103. Landscape Officer- Has concerns about the proposals and the way in which they seem to have been arrived at. While a tree survey has been undertaken there is no reason to believe that it has been taken into consideration when deciding on the layout of the site. British Standard 5837:2005 states that

*all detailed design work on site layout should take into consideration the results of the tree survey...*

104. The failure to do this is shown in the intention to fell some of the most significant trees on the site, such as those numbered 56 (a mature oak) and 32 (a mature beech), rather than to try to work the design round them.

105. The Landscape Officer objects to the application.

106. Police Architectural Liaison Officer- Has the following observations and recommendations to make based on the principles of Secured by Design.

107. 'Spa Drive should be closed off at the point it has provided adequate access to the existing buildings. Vehicle access to the new estate from the south would be inappropriate and undermine the security benefits of the proposed layout. Access beyond the existing buildings would provide travelling criminals the opportunity to get their vehicles close to the new estate without being seen.

108. From a security point of view it would be best to close off Spa Drive to pedestrians as well as vehicles but I suspect it is a public right of way and will have to remain so. It should be noted that if there is access from Spa Drive the houses at plots 17, 18 and 19 will be particularly vulnerable and will require Secure by Design standards of security.

109. I have concerns about a possible conflict between the varying social groups that will occupy the large family houses on the one hand and the much smaller apartments on the other.

110. I am also concerned about the low ratio of car parking spaces for the flats. It is conceivable that there will be at least one car per flat, particularly in view of the relatively rural location and lack of facilities. Insufficient parking provision will create conflict amongst the residents and severely disrupt social cohesion.'

111. Northumbrian Water: recommend the following conditions-

Condition 1- Development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building

over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason- A public sewer crosses the site and is shown built over on the application.

112. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost.

Condition 2- Development shall not commence until a detailed scheme for the treatment of the 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 development shall not be occupied on site until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.

Reason- The Sewage Treatment Works to which the development will discharge is at full capacity and cannot accept the foul flows. There is no spare sewage treatment capacity at the Consett STW for any significant developments and we are currently investigating the impact on sewage treatment from all planned development in the town. A scheme to increase the capacity is being designed and is in the Company's capital investment programme with an anticipated completion in year 2010.

113. Development Plans Team-  
Policy context

114. The proposed development can be considered as being comprised of several distinct elements, to be carried out on land to the north of the built-up settlement area of Shotley Bridge. The residential aspect of the scheme seeks outline permission to erect 25 'executive' style detached dwellings and two large blocks containing 60 apartments, designed as 'sheltered accommodation for people over 55 years of age.

115. The proposed dwellings would be built on the site of the current cricket clubhouse and pitch area; the clubhouse and pitch would be transplanted further north onto a meadow that was formerly laid out to ornamental gardens, designed in conjunction with the grade II listed Spa Well and the nearby Shotley Park. A new access road would be created through existing woodland, to be taken off the A694.

116. With regard to the residential element, it is considered this would be contrary to the objectives of planning policy at the local, regional and national level. Saved policies GDP1, EN1 and EN2 of the Local Plan seek to prevent development from encroaching outside of the limits of established settlements into the open countryside, in a bid to protect the openness, and natural and historic features of the countryside.

Shotley Bridge does not have a particularly well-defined boundary to the

117. northern extent of the settlement. The extent of the built-up area begins to 'peter out' in the vicinity of the cluster of dwellings neighbouring The Spa Lodge. While there are buildings further north of these residential buildings (the existing cricket clubhouse and the former Spa Saloon and Bath House), it is considered their physical association to the main built-up massing of Shotley Bridge is tenuous. As the Spa grounds have degraded and been left to turn back to meadow, so the physical and cognitive connections between this area and the main settlement have eroded. It is arguable the application would be regarded as being outside of the built-up area of Shotley Bridge and hence contrary to the aims of the Local Plan, which seeks to contain the built-up extent of settlements
118. The proposed residential area of the application site is designated in the Local Plan as a Wildlife Corridor and Area of High Landscape Value. Development should be designed to be complementary to these sensitive areas and mitigate for any impingement. The indicative residential element of the scheme would appear to make little or no effort to account for the setting and strategic wildlife and habitat importance of the site.
119. An Environmental Statement has been submitted in support of the application. Section 5 of this statement asserts there is a shortage of 'executive' and sheltered type housing in the district, and specifically in the Shotley Bridge area. While it is accepted that much local research would support this assertion on a district level, in lieu of an up-to-date Strategic Housing Market Assessment to qualify this assumption, no justification is given to prove a significant shortfall of this type of housing provision in Shotley Bridge.
120. Planning Policy Statement 3: Housing (PPS3) promotes a 'sequential test' to identify new housing sites; previously developed sites, located in urban areas, are favoured ahead of greenfield sites located in less sustainable locations. The application site is regarded as greenfield land located outside of the built-up area of Shotley Bridge. Significantly, the district has a proven housing supply of more than five years, in accordance with guidance contained in PPS3, and as such there is no shortfall in supply. As such there is no need to consider any new major sites, especially ones that perform poorly with regard to the sequential test.
121. With regard to transplanting the cricket clubhouse and pitch further north, onto the meadow to the north of the Spa Well, it is considered this would be contrary to the aims of the Local Plan and national planning guidance contained in Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9).
123. This portion of the application site is designated as a Site of Nature Conservation Importance (County-level Importance) and in accordance with Policy EN22 development would only be permitted where it would not lead to the loss of or cause significant harm to such sites. The meadow is also designated in the Local Plan as a Wildlife Corridor and Area of High Landscape Value.
124. While it is considered moving the cricket pitch onto the meadow may not have a significantly deleterious affect on the wildlife corridor, it is certainly



the case that the habitat, which is regarded as being of County-level conservation importance, would be severely impinged upon by the proposals. When taken together with the housing element of the scheme, it is considered the impact on the biodiversity is likely to be deemed significant and contrary to the objectives of policies of the Local Plan and the general aims of PPS9.

125. The site is within Shotley Bridge Conservation Area. The Spa grounds and cricket pitch area form an important area of open space at the edge of the settlement. Historically, the Spa grounds were an important part of the parklands of Shotley Park to the east. While the proposals to restore the Spa Well are laudable, it is considered the proposed costs, in terms of the impact upon the setting of the site, far exceed the gains on offer.

126. Similarly, the proposed upgrading of the clubhouse and cricket facilities would likely be deemed acceptable in principle in planning terms if carried out on the existing site. However the proposed transplanting of the cricket facilities onto important meadowland and the ill-conceived residential element of the scheme are deemed unacceptable in planning policy terms.

#### Energy efficiency

127. The increasing importance of climate change is reflected in national, regional and local planning guidance, encouraging developments to be more resource-efficient and to have embedded in them energy supply from renewable sources. The proposed development would not meet criteria (d) of Policy 38 of the North East Regional Spatial Strategy which requires developments of more than 10 dwellings or 1000m<sup>2</sup> of non-residential floorspace to secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.

128. Durham Wildlife Trust- have concerns in regards to the development. They advise that sections of a Local Wildlife Site (referred to as a SNCI in the planning documents) are due to be destroyed if this development takes place. They state that if Derwentside District Council grant planning permission then they are not only neglecting their obligations under PPS9, but also under NI 197, a new national performance indicator that makes it mandatory for councils to improve the conditions of the Local Wildlife Sites (LWS) in their area.

129. The Wildlife Trust state that the proposals state their intention to build the new cricket pitch and building on the southern end of the Spa Well meadow LWS and to restore the north end. While a better grazing and/or cutting regime would greatly enhance the northern end it does not mitigate for the area lost by the cricket grounds. They go on to advise that more significantly, it is proposed that the northern restored end will be opened up to the public with mown paths and trees planted and point out that this part of the LWS is designated for its grassland, therefore planting trees is not appropriate and increased public access will be of further detriment to the remains of this meadow. They feel that an increase in household pets such as dogs and cats will increase the disturbance to wildlife in this area, thus further reducing the value of the grassland to wildlife.

130. They also have some concern over the protected species surveys. They point out that Durham Biodiversity Data Service is the local record centre and has several records indicating that otters use the stretch of the River Derwent adjacent to the development, therefore they would like to see further details about the otter survey that was carried out there. They agree from the habitat description that the site does sound unsuitable for Water Vole, however the surveys were carried out very late in the season when any signs of water voles can be very difficult to find.
131. They point out that the tree report highlights two trees that are of high value because of their potential for roosting bats and goes on to recommend that detailed bat surveys are carried out. This has not been done and it appears that at least one of these trees will need to be felled for this development. Bats are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation (Natural Habitats &c.) Regulations 1994 as amended, therefore further survey work is required on these trees to establish bat usage before planning permission can be granted. They also recommended that trees are not felled in the bird-nesting season as recommended in the method statement (late March to early May). Durham Wildlife Trust state that they have no choice but to object to the above development on the grounds that further protected species survey work is required and a large section of a Local Wildlife Site will be lost in contravention of local and national planning guidance.
132. The application was advertised in the form of a site notice and direct notification of neighbouring properties. Twenty eight letters of objection have been received and are summarised below:
- The proposal is within the conservation area.
  - In a greenbelt area principally used for leisure and as a cricket ground.
  - The existing use has possibly been in existence for maybe more than 100 years.
  - On the west side of the proposals is the river Derwent which in September flooded houses at Oley Meadows.
  - The flood plain appraisal assumption by the developer is not convincing.
  - The proposed development will be built over the sewer connected to Shotley Park Residential Home.
  - Surprised at the density and scale of the residential development.
  - Development more in keeping with urban development.
  - The land is greenbelt.
  - It is important to protect a riverside meadow and its established wildlife and habitat .
  - Important to preserve the beauty and tranquillity of the countryside
  - The additional vehicles would be problematic and dangerous as visibility is not particularly good.
  - Increase in traffic causes nuisance and noise.
  - A previous application in 1995 was rejected at the site because the site was designated for recreational and community purposes.
  - It is recommended that the site be removed from the list of development opportunity sites in the plan.
  - The site is included in an area of Landscape Value and County Wildlife

## Sites.

- The site is an asset to the community.
- Approving the application would lead to further development.
- The improvements to the spa and cricket club could be achieved in other ways.
- There are plenty of brownfield sites to build on.
- Members are encouraged to undertake a site visit.
- The site contains deer and rare snails.
- Would destroy Shotley Bridges heritage.
- There are already four apartment schemes in Shotley Bridge which are not being sold.
- The treescape and woodland belt is very important to retain.
- The development will further marginalise the wildlife of the Derwent valley.
- The village has grown immensely already with house and flat.
- The cricket club must naturally be impressed with the promise of a club house but members could raise funds.
- The proposed access would involve tree felling.
- The design and access statement makes reference to the state of disrepair of tenanted buildings – this is due to the deliberate neglect of the owner.
- The club is likely to have reached optimum capacity.
- If houses are to be built this would be in direct contradiction of the “Sprit of the original intention” set out by Mr Jonathan Richardson in 1837.
- The site lies outside the Shotley Bridge boundary.
- The trees are protected by TPO’s.
- The applicant claims that the only way to help the cricket club is to build houses, this seems a ransom.
- Previous surveys have posited the feasibility of widening the existing road junction to the A694.
- One document is referred to as fit fort people over the age of 55 however in other documents the buildings are referred to as sheltered accommodation.
- The Design and Access statement relates to the location of the club house to ensure spectators are not looking directly into the sun – however the sun moves.
- The proposed public footpaths may impede the Northumberland boundary.
- Creating footpaths through the SNCI will mean that the SNCI cannot sustain itself.
- The development would cause an increase in crime.
- The proposed plan for the spa is a complete transformation not preservation.
- High level of housing density.
- The proposed development is two close to the listed buildings.
- The plans are not accurate.
- The site has been flooded.
- The tree report omits several species of trees.
- The Ecology reports fails to mention commonly found animals at the site.
- The archaeological report recommends the current spa complex to be

- retained, the development of a large housing estate will negate this.
- The plans do not show how services will be installed.
- The developer intends to make the spa site a tourist attraction – this is unlikely to come to fruition as few tourists will be attracted by the housing development.
- The development will set a precedent for further development.
- The site already has adequate parking facilities.
- Detrimental to character and visual amenity.
- The development would transform a largely unspoilt beauty.
- The proposed location of the clubhouse would increase noise, disturbance and light pollution to neighbouring properties.
- The value and saleability of surrounding properties will be diminished
- The development will cause more traffic.
- Shotley Bridge does not have enough amenities.
- The amenity of neighbouring properties would be affected.
- There are more suitable sites for development.
- Is there a need for a new cricket club.
- Appropriate justification has not been provided.
- The site is not included in the Local Plan for development.
- The public cutting through my private land to gain a short cut access to the main road.
- Development would infringe on my rights as stated in the Human Rights Act 1998.
- The location is not suitable for elderly people, access to the bus stop is up a steep hill.
- The proposal has been subject to a lack of consultation by the applicant and council.
- Because of the gravitas of the planning application, I respectfully request that it should be heard by the secretary of state or by a public enquiry.

133. In response to the application 113 letters of support have been received and are summarised below:

- The cricket club development is vital if the club is to achieve its aims of improving facilities, expanding its membership and offering more opportunities for young children to play the game.
- The current clubhouse is nearly 40 years old and the lack of facilities has in recent times prevented the club from introducing young children to play the game.
- As a progressive club with a women's section the facilities do not meet the ECB criteria for females playing cricket.
- If the club is to survive as a cricket club in Derwentside, it is crucial that the club is given the opportunity to address these issues.
- The club is having difficulty meeting its responsibilities with regard to increasing Child Welfare requirements, particularly with regard to changing rooms for children, girls and umpires.
- A modern purpose built facility, as envisaged by the Club, should surely help to retain the Club's own members and attract new ones.
- The facilities are some of the poorest not just within the league but across North East Cricket.

- The current ground is too restricted to enable an appropriate development to be made there and the club needs to move to a somewhat larger site.
- The club plays in a picturesque part of the village and we are aware that the cricket club's plan is to build a sustainable future.
- Support the provision of housing in a beautiful location, so important in attracting the right people and businesses to the area.
- Support the creation of a venue for functions that does not exist within the local community.
- Support the reclamation of the spa wells and local walks that are part of Shotley Bridge's heritage.
- Is a disgrace that local heritage is largely unknown in the area and commendable that our local history features highly in these development plans.
- Support new access from the cricket club onto the existing Newcastle Road (A691) lessens the potential of a serious accident.

#### Officer Assessment

134. The main issues to consider for this application are whether the principle of the development in this particular location is acceptable, impact on the Conservation Area, flood risk, Rights of Way, highways, ecology, trees and crime prevention. Although indicative the design of the proposal has been considered.

#### Principle of Development on the site

135. The assessment of whether the principle of development is acceptable has been separated into two sections, the principle of residential development and the principle of a new clubhouse.

#### *Residential development*

136. Para. 36 of PPS3 (Housing) states that in support of its objective of creating mixed and sustainable communities, the Government's policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. The guidance states that this should be achieved through making effective use of land and existing infrastructure. The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.

137. Policy 4 of The North of England Plan – RSS to 2021 sets out the sequential approach to development which prioritises previously developed land and buildings in the most sustainable locations. The policy gives a priority order for locations for development in the following order:

- Suitable previously developed sites and buildings within urban areas.*
- Other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes.*
- Suitable sites in locations adjoining urban areas, particularly those that involve the use of previously developed land and buildings.*

*d) Suitable sites in settlements outside urban areas, particularly those that involve the use of previously developed land and buildings.*

138. *'All sites should be in locations that are, or will be, well related to homes, jobs and services by all modes of transport, particularly public transport, walking and cycling.'*

*For the purposes of Policy 4 urban areas are defined as the Conurbations, Main Settlements, Regeneration Towns and Rural Service Centres as defined in the RSS and secondary settlements identified in Local Development Frameworks as providing a significant opportunity in terms of previously developed land and buildings.'*

139. The applicant states that in their opinion the site for the purposes of RSS policy 4 falls under criteria c) a suitable site adjacent to an urban area.
140. However, when the wording of the whole of Policy 4 as is examined closely as set out in a) to d) and the supporting paragraph above it is clear that Shotley Bridge is not classed as an urban area and is not identified as a secondary settlement as having significant opportunity in terms of previously developed land and buildings.
141. Policy 4 of the RSS must be given significant weight in this case as providing the most up to date policy framework in line with national planning policy for the area. It is clear from the policy that this proposal does not comply with Regional policy priorities in relation to the location of new development.
142. The District Local Plan Saved Policy EN1 aims to protect the countryside of the District and states that 'Development in the countryside will only be permitted where it benefits the rural economy or helps to maintain or enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources of the area.' Policy EN2 aims to prevent urban sprawl and states that 'Development outside existing built up areas will not be permitted if it results in an encroachment into the surrounding countryside.'
143. The proposed development would encroach into the countryside surrounding Shotley Bridge, within an Area of High Landscape Value and Wildlife Corridor. There are potential impacts on the historic, landscape and wildlife resources of the area as discussed within the remainder of this report and therefore the proposal is not considered to be in accordance with Policies EN1 or EN2.
144. The applicant acknowledges that the proposed residential development is not one that would immediately appear to be supported by policy. The applicant acknowledges that the site is on greenfield land and recognises that the RSS has a target of 65% of new housing to be on previously developed land. The applicant states however that Derwentside District exceeded this target in 2006-2007 and that if planning permission is granted for this greenfield site that it would not harm the council's ability to meet the target.
145. In relation to this specific point it is important to note that the National and

Regional policy targets for development on previously developed land are minimum targets. The intention is to make the most efficient use of land and to maximise the use of previously developed land wherever possible. It is not the case that this proposal can be justified on the grounds that the District Council is already meeting its target.

#### *Cricket Pitch and New Clubhouse*

146. National Guidance is set out in PPG17: Planning for Open Space, Sport and Recreation which seeks to support the creation, retention and improvements to open space, sport and recreation facilities. Paragraph 13 of PPG17 recognises the fact that development may give the opportunity to provide one site for another, however, any new site should be at least as accessible to current and potential new users and at least equivalent in terms of size, usefulness, attractiveness and quality.
147. The applicant considers that the size, scale and quality of the facilities would be far superior to those currently on offer and will allow the club to meet the requirements of the English Cricket Board. The applicant states that the creation of the new vehicular access road into the site would make the site more accessible to current and potential users of the club. Whilst the principle of a new clubhouse is not against policy; it is considered if the clubhouse is approved without the residential development the clubhouse would be located in a detached position from the existing settlement and would encroach into open countryside. If the redevelopment of the clubhouse were acceptable the more appropriate location would be on the site of the existing clubhouse. Comments of Sport England are awaited.

#### Restoration of the Spa Well:

148. National guidance in relation to development that may impact on the historic environment is set out within PPG15: Planning and the Historic Environment. The Grade II Listed Spa is important to the historical context of Shotley Bridge. Sensitive restoration of such an important asset is to be welcomed, however, the existing setting of the well would be significantly affected by the proposed residential development.
149. The applicant wanted to highlight the importance of the Shotley Bridge Cricket Club in the local community and the aspirations of the club can not be met on the existing site due to current legal and site constraints. The applicant wishes to see the application viewed as a whole package rather than the individual elements and for the benefits to the cricket club to outweigh any conflicts with Policy or legislation as a result of the residential components or the damaging impact on the Conservation Area or SNCI. It is considered that the individual elements of the proposals could be implemented on an individual basis and as such should be viewed as distinct elements for the purpose of determining this application.

## Design

150. As the application is in outline the proposed design of the residential units is not subject to consideration in the determination of this application. The applicant has submitted indicative drawings to demonstrate the proposed design of the units incorporating 25 two storey detached dwellings with attached or detached garages. The dwellings would be in a mixed pallet of materials to include natural stone and slate and they would all have gardens. The proposal also includes two buildings containing one and two bedroomed units for sheltered accommodation. The two buildings would be 'T' shaped with their main elevations facing westwards towards the proposed pond in the middle of the site. These buildings would be a mix of two and three stories. The car parking associated with the two blocks would be located in between the two blocks to the rear of the buildings.

## Impact on Conservation Area

151. The proposed development is within the Shotley Bridge Conservation Area and a draft appraisal was published by the Council in April 2008. This classifies the site itself as being an important open space and the woodland to the boundaries of the site being important woodland areas. It also identifies that there is an important view from the Spa Drive across the centre of the site. Historically the Spa grounds were an important part of the parklands of Shotley Park to the east.
152. Durham County Council Design and Conservation Officer considers that the proposed development would not preserve or enhance the Conservation Area or provide a suitable setting for the Listed Buildings. She considers that the loss of the historic spa grounds as unacceptable and that the setting of the Listed Buildings would be compromised by the close proximity of the proposed housing on one side and the cricket club car park on the other. She regards the layout as suburban and consider that the layout would not allow for the natural qualities of the site to be reflected or give any indication that these were former Spa grounds. The apartment blocks in particular are considered an urban intrusion of a large scale into natural parkland.
153. It is considered the proposed development would lead to the loss of the historic Spa ground, the loss of setting of Listed Buildings and loss of enclosing trees, which would harm the character of the Conservation Area contrary to Policy GDP1 of the Local Plan.

## Flood Risk

154. The Environment Agency have confirmed the site lies within a flood zone and object to the planning application as the submitted Flood Risk Assessment does not comply with the requirements set out in annex E, paragraph E3 of Planning Policy Statement 25. The submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
155. The Environment Agency recommend a comprehensive assessment of flood risk to be undertaken, referring to historic flooding, use Flood Estimation Handbook techniques, a hydraulic assessment using appropriate, industry



standard software and mapping of flood extent using suitable GIS tools.

156. The Environment Agency considers the assessment of flood risk on the site is inadequate and not fit for purpose. If the concerns of the Environment Agency are overcome, several conditions are recommended.

#### Rights of Way

157. No recorded rights of way exist or lie within the site application boundary, however, the proposals include a range of new paths, which will need to be maintained, and therefore the status of any proposed paths should be clarified. Durham County Councils Rights of Way Officer has no objection to the proposal. The applicant has confirmed the new paths will be permissive Rights of Way.

#### Highways

158. The proposal includes the provision of a new access and road off the A694. Durham County Councils Highways Engineer recognises the current access to the cricket club is poor. It is considered the creation of a new access would be acceptable providing the widening of the A694 carriageway and related engineering works would be extensive due to the topography of the adjacent land is carried out. Although the submitted drawings do not show the widening works the Highways Engineer is satisfied with the design and would be happy to condition these matters. Comments have been received from the Highway Engineer confirming lesser car parking spaces are required due to some of the proposed units being for sheltered accommodation.

#### Ecology

159. The proposed residential area of the application site is designated in the Local Plan as a Wildlife Corridor and Area of High Landscape Value. The indicative residential element of the scheme does not appear to account for the setting and strategic wildlife and habitat importance of the site.
160. The northern section of the site is covered by the Westlaw Wood and Spa Well Paddock Site of Nature Conservation Interest (SNCI of County level importance). The proposed cricket pitch is located on land within this SNCI.
161. The applicant considers that the part of the SNCI covered by the cricket pitch is currently degraded by grazing and that the improvements they are proposing to the remainder of the site will outweigh the impact of the pitch. Durham Wildlife Trust considers that sections of the SNCI are due to be destroyed if the development takes place. They consider that whilst a better grazing and / or cutting regime would greatly enhance the northern end it does not mitigate for the area lost by the cricket grounds. More significantly, it is proposed that the northern restored end would be opened up to the public with mown paths and trees planted. This part of the SNCI is designated for its grassland, therefore tree planting is not appropriate and increased public access would be of further detriment to the remains of this meadow. An increase in household pets such as dogs and cats would increase the disturbance to wildlife in this area, thus further reducing the

value of the grassland to wildlife.

162. Natural England raise no material objections to the proposal but do draw attention to Policy EN22 of the Derwentside District Local Plan which aims to ensure development does not lead to significant harm to sites of nature Conservation Importance. It is considered that the impact on biodiversity is significant and contrary to the objectives of Local Plan Policies and the general aims of PPS9.

### Trees

163. The tree report highlights two trees that are of high value because of their potential for roosting bats and goes on to recommend that detailed bat surveys are carried out, this has not been done. The County's Landscape Section objects to the application as a tree survey has been carried out however this is no reason to believe that it has been taken into consideration when deciding on the layout of the site. The failure to do this is shown in the intention to fell some of the most significant trees on the site rather than working the design around them. The applicant has responded to these comments, "the Planning Application is only an outline planning application and the layout that has been submitted is indicative only. It is acknowledged that the existing mature trees around the boundary of the site is one of its main characteristics and it is the intention to retain as many of the healthy trees as possible. However the very nature of this development will result in the felling of a large number of trees to make way for the access and also some of the buildings".
164. It is considered the proposal is contrary to Policy EN11 of the Derwentside District Local Plan.

### Crime Prevention

165. Comments have been received from the Architectural Liaison Officer who recognises the proposal would not have significant impact on the level of crime however the new vehicle access from the south would be inappropriate and undermine the security benefits of the proposed layout, the access from Spa Drive to plots 17, 18 and 19 will be vulnerable and will require Secure by Design standards of security and there would be possible conflict between varying social groups that will occupy the large family houses on one hand and the much smaller apartments on the other. The final concerns relate to the low ratio of car parking spaces for the flats, insufficient parking provision will create conflict amongst the residents and severely disrupt social cohesion. The applicant acknowledges the points however points out the link onto Spa Drive provided an access link to pedestrians to the services at Shotley Bridge.

### Conclusion

166. Officers consider the principle of development for residential is not acceptable in this location and would result in the loss of greenfield land, encroach into the open countryside resulting in urban sprawl contrary to PPS3, Policy 4 of the RSS and local plan policies EN1 and EN2. The

argument put forward by the applicant to justify to the need for residential development to enable the development of the cricket club is considered by officers not to be justified as the site could be developed as individual elements.

167. On the advice of the Design and Conservation Officer Officers consider that the proposed development would not preserve or enhance the Conservation Area or provide a suitable setting for the listed buildings contrary to Policy GDP1 of the Local Plan. Although indicative the proposal layout is considered inappropriate by Officers to this rural location and would create a suburban setting.
168. Officers consider the information submitted in support of the application relating to Flood Risk is inadequate. On the advice of the Environment Agency the Flood Risk Assessment does not fully address flood risk and recommend a more comprehensive assessment be carried out.
169. The Landscape Officer has addressed concerns with the proposal and the tree survey appears not to be taken into account when determining the layout resulting in a large amount of trees being felled, which currently provide a screening of the site from the highway.
170. In conclusion, officers consider the redevelopment of the site is not acceptable in principle and is contrary to national, regional and local policies. The application fails to consider the impact of flood risk at the site, would have a detrimental impact on the Shotley Bridge Conservation Area and the proposed access would result in the felling of healthy trees. It is not considered the benefits of providing improved community facilities outweigh the aforementioned concerns.

#### Recommendation

171. Refuse

The site is regarded as greenfield in accordance with PPS 3, a Site of Nature Conservation Importance and Wildlife Corridor. By virtue of these constraints the development of the site would result in an unacceptable encroachment in the open countryside contrary to Planning Policy Statement 3 - Housing and Policy 4 (The Sequential Approach to Development) of the North East Regional Spatial Strategy and Policies E1, E2, EN6 and EN22 of the Derwentside District Local Plan.

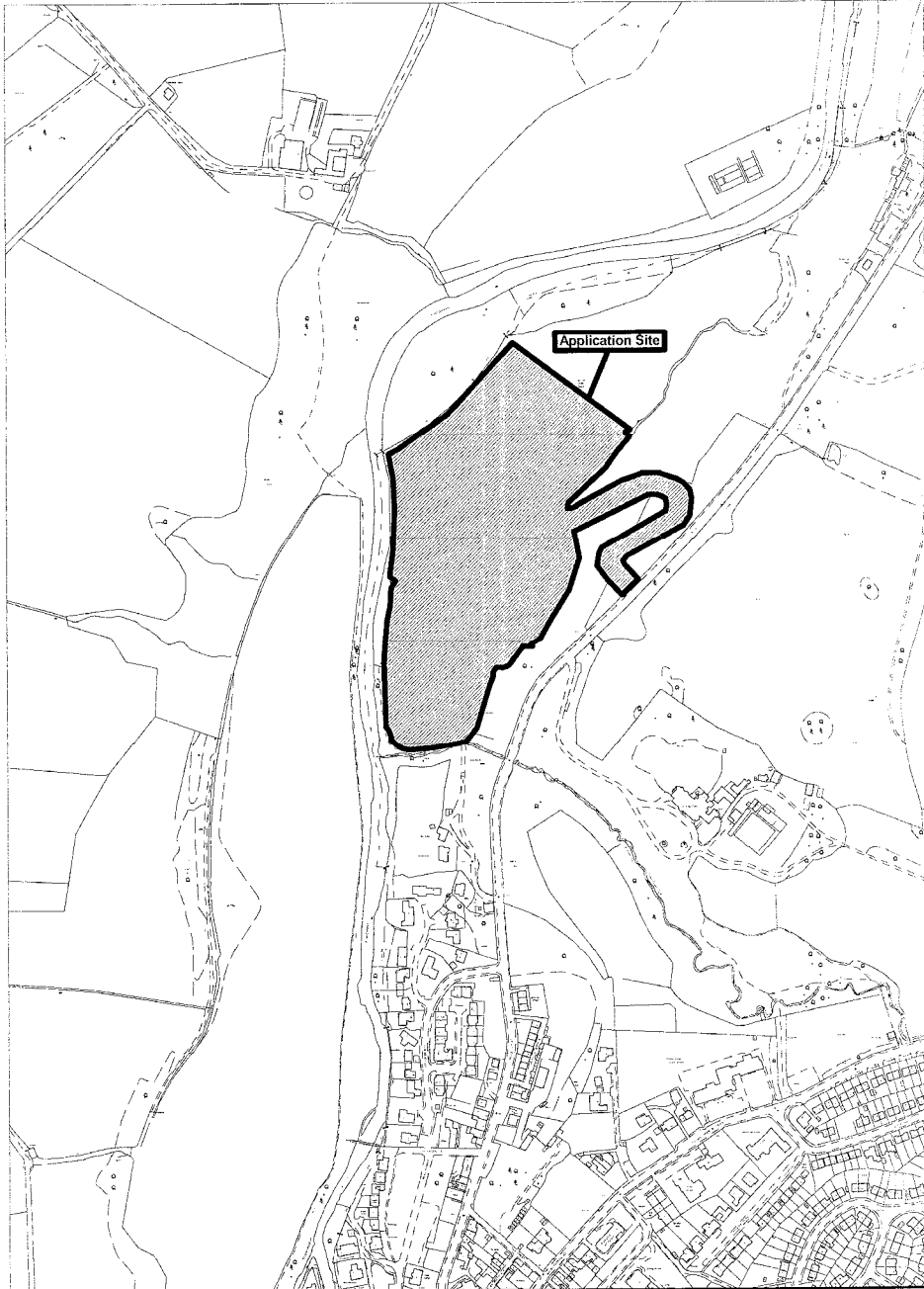
The proposed development would extend beyond the existing built up area of the settlement of Shotley Bridge and into the surrounding countryside. The development is not considered to be infill or rounding off of the settlement and if approved would set a precedent for similar inappropriate development. The proposal is contrary to PPS3 and Policy EN2 of the Derwentside District Local Plan.


The proposed development by virtue of its location within Shotley Bridge Conservation Area and being adjacent to Grade II listed buildings the development would have detrimental impact on the character of the area and would lead to the loss of setting of the listed buildings due to the

urbanised layout and character contrary to Policy GDP1 of the Local Plan.

The application has provided insufficient evidence to demonstrate the proposed development would not result in an increase risk of flooding and does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (Development and Flood Risk)

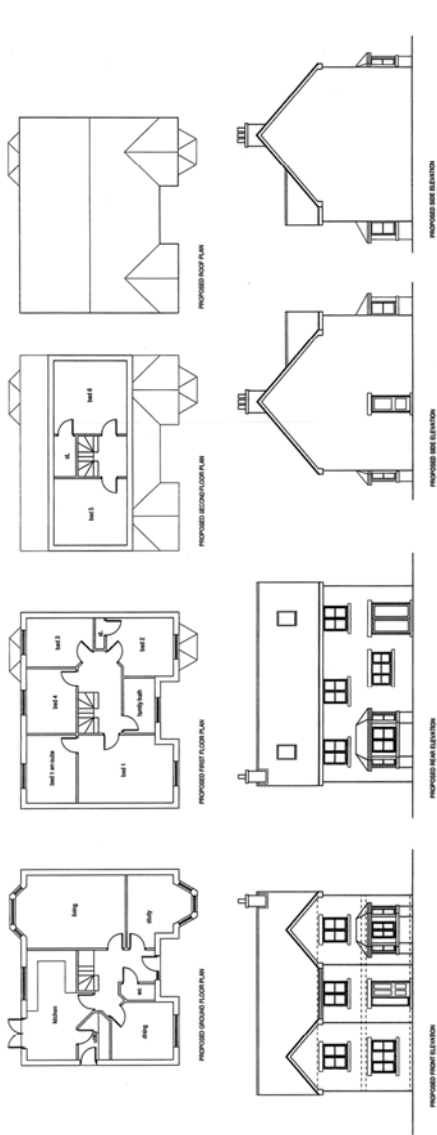
Report prepared by Jessica Taylor, Senior Area Planning Officer.



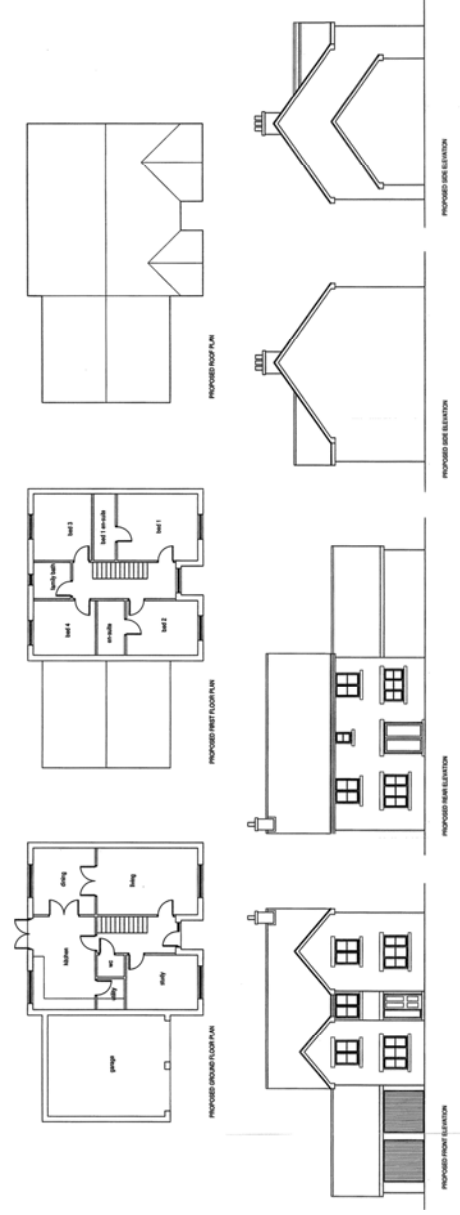
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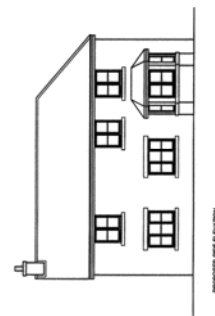
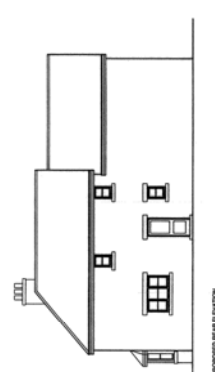
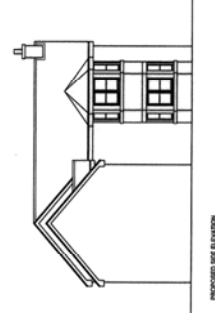
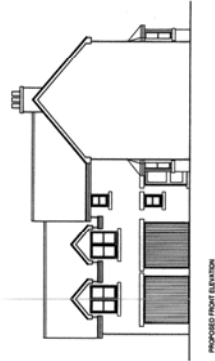
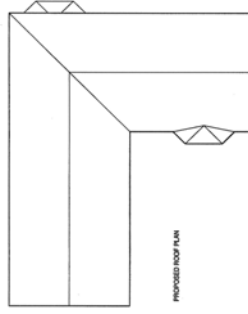
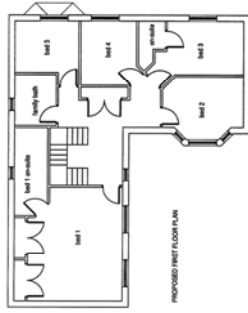
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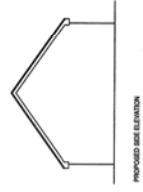
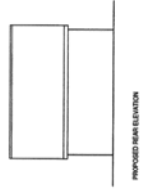
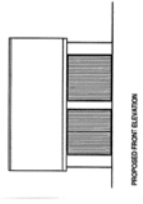
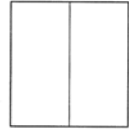
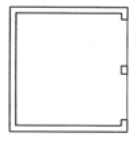
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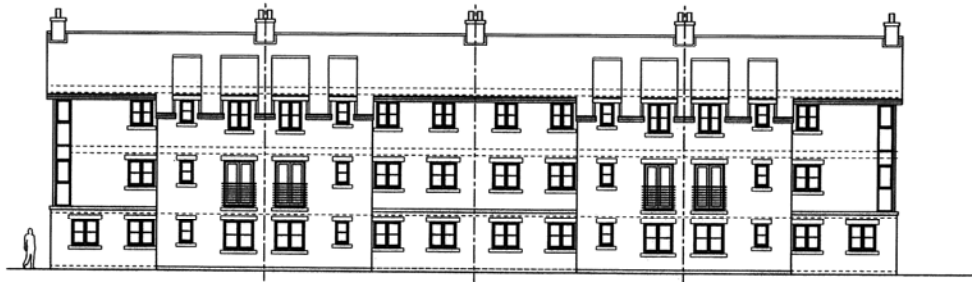


PROPOSED DETAIL ELEVATIONS

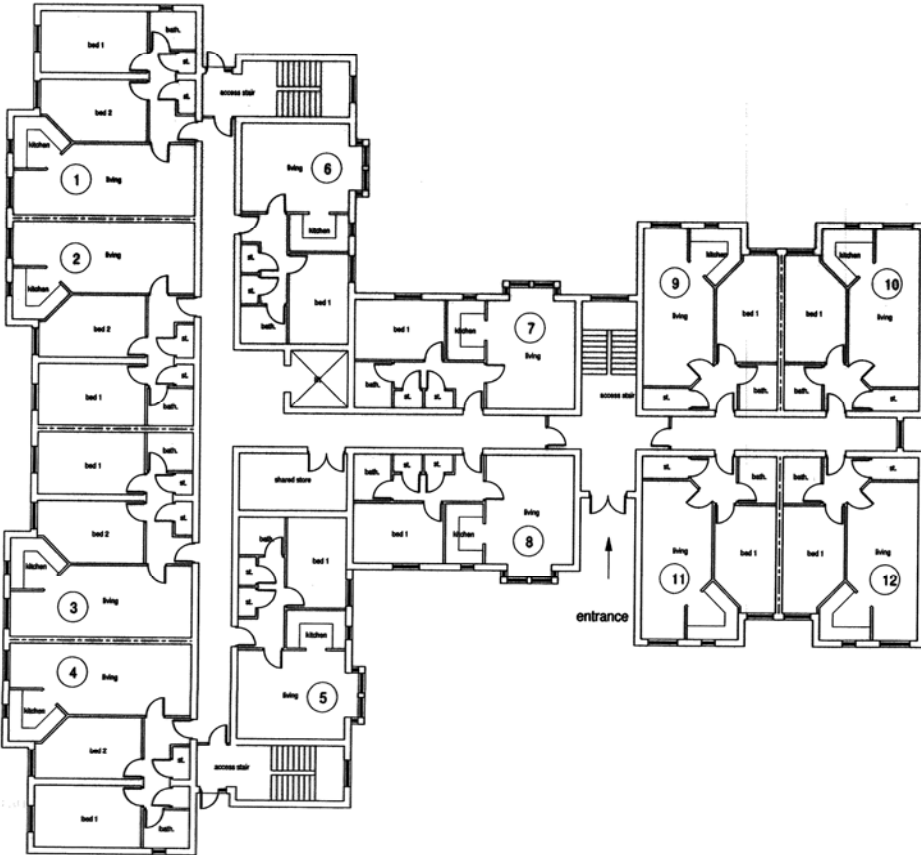


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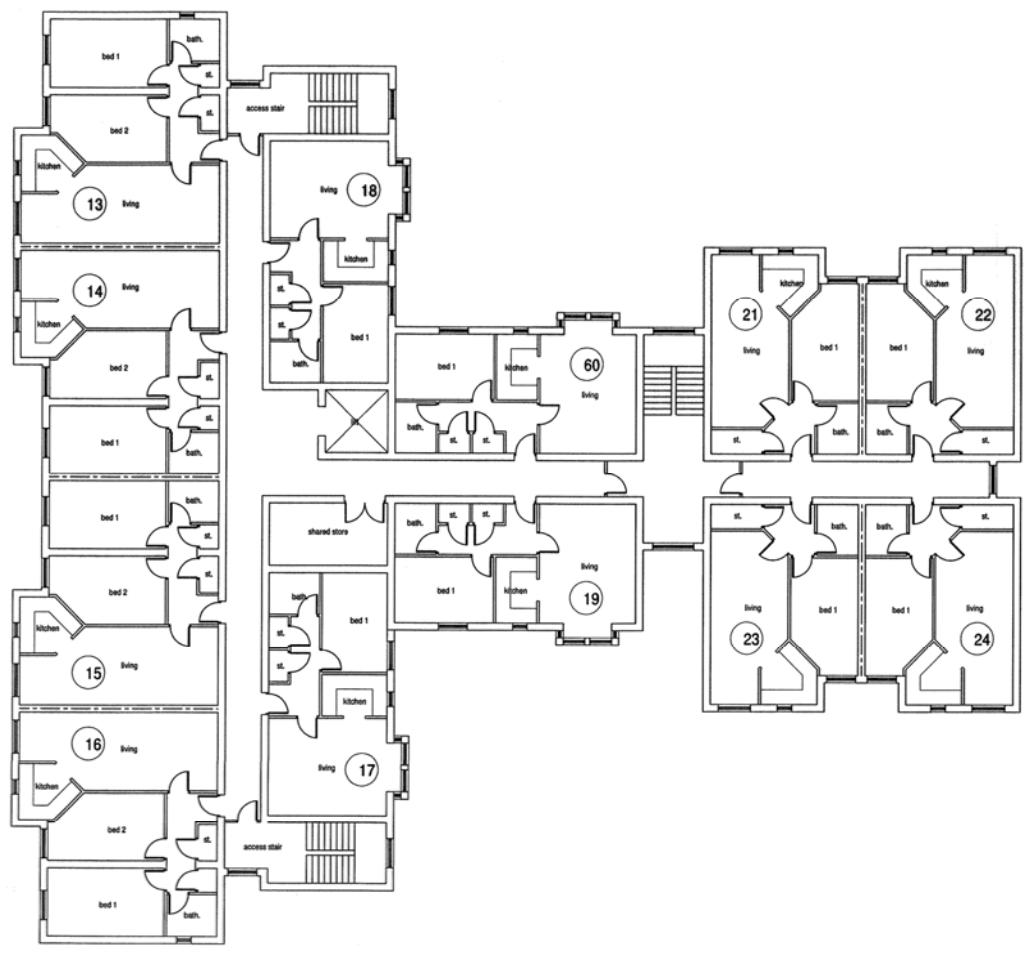
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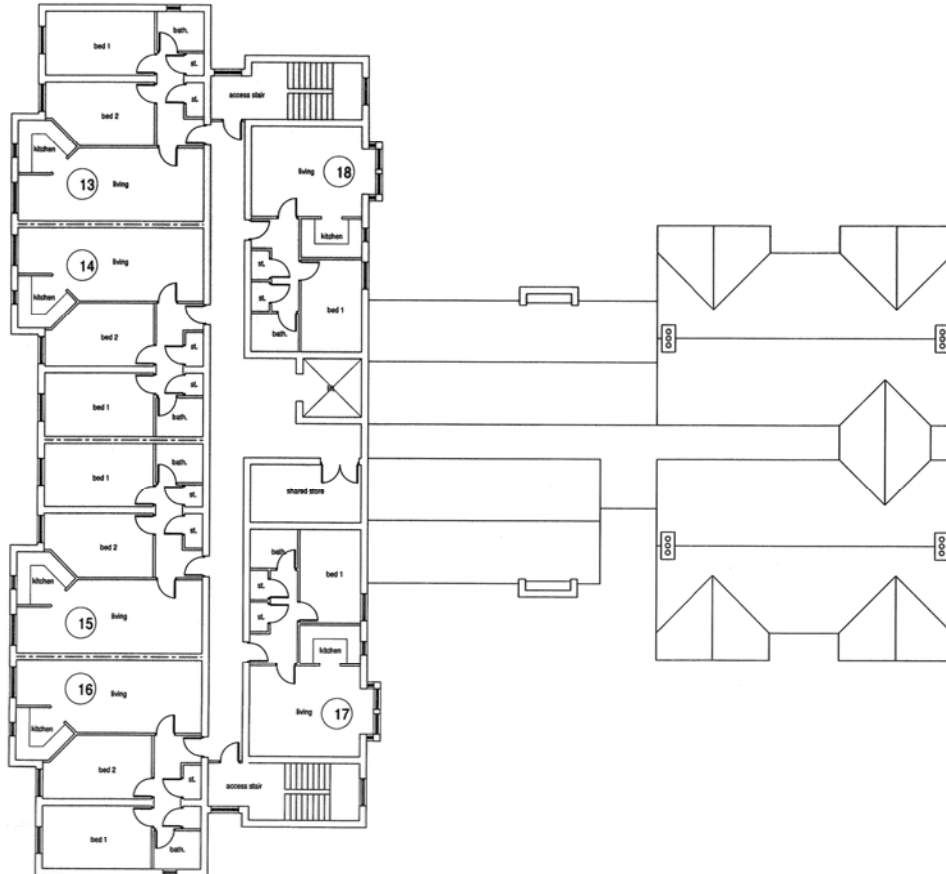
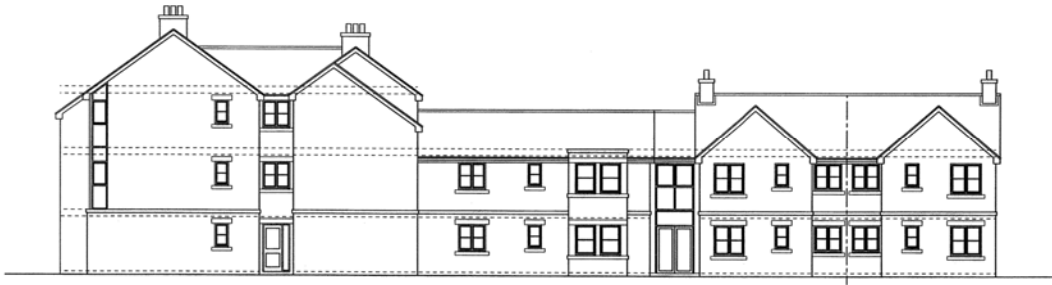
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Shotley Bridge. 08/884



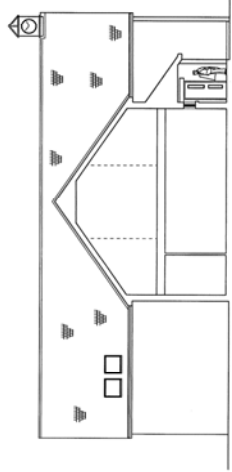
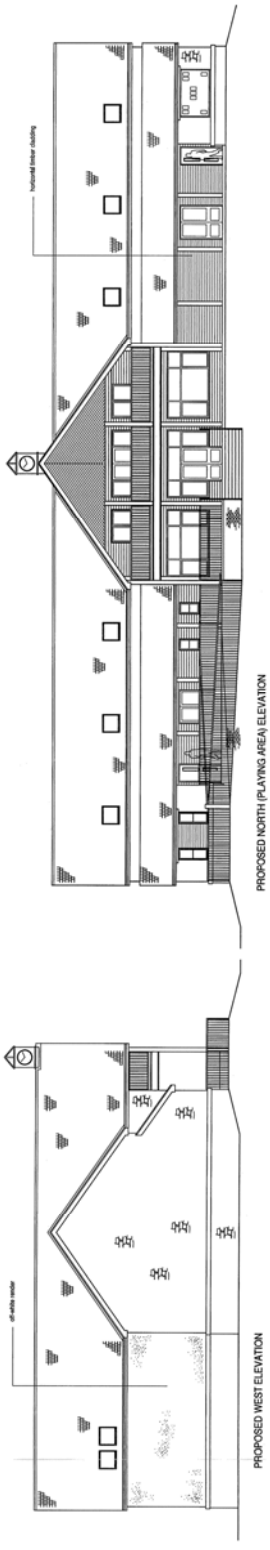
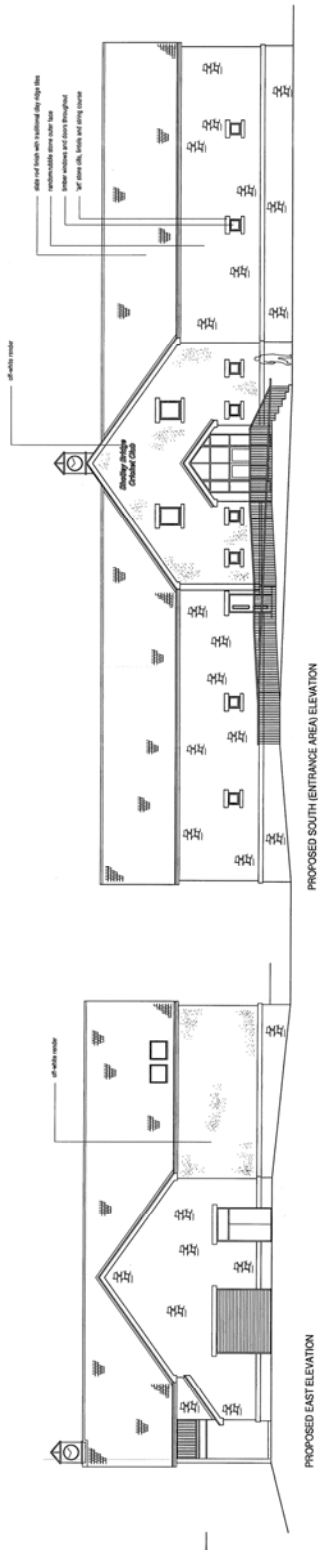
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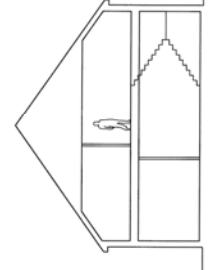
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Shotley Bridge. 08/884



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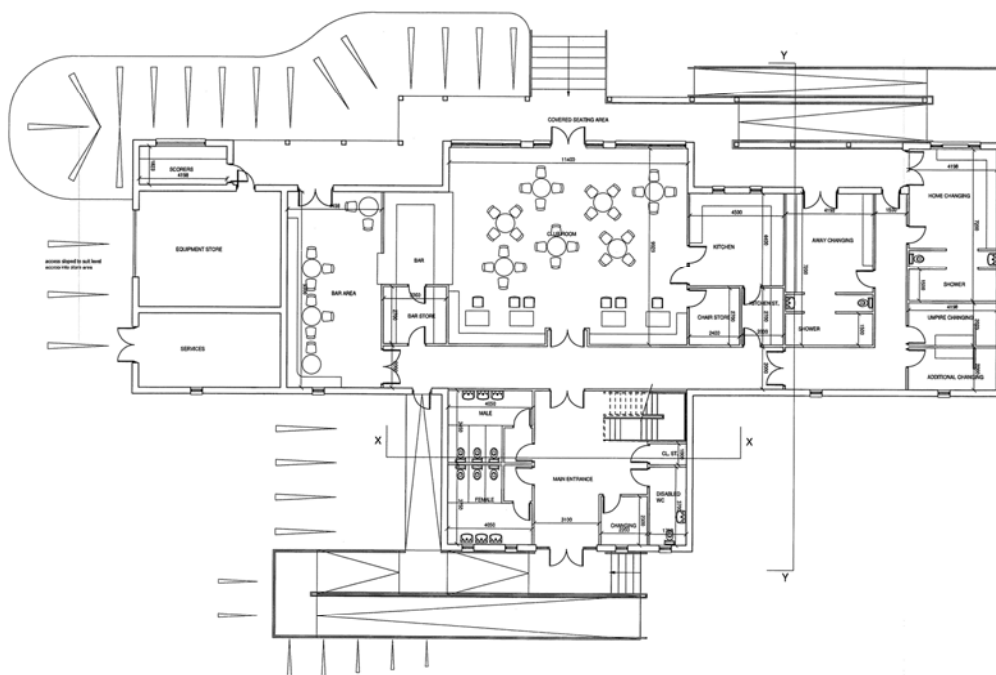
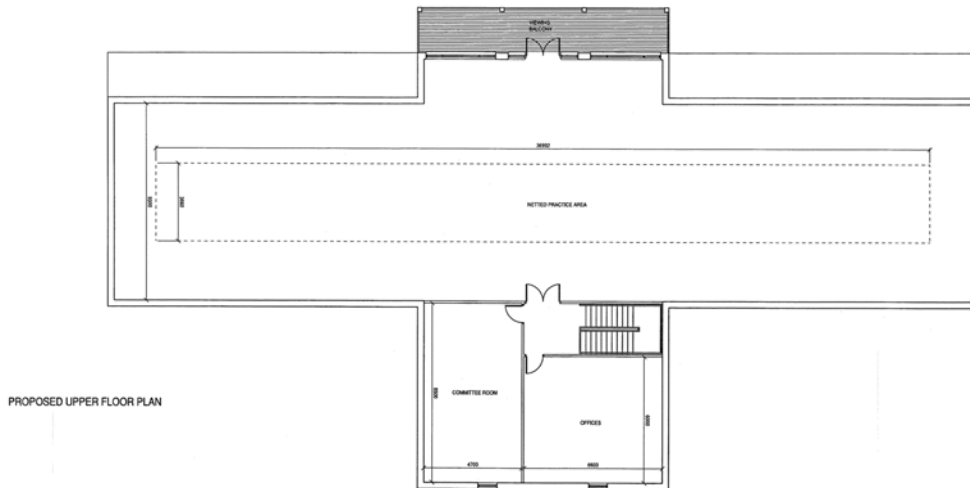


SECTION Y-Y

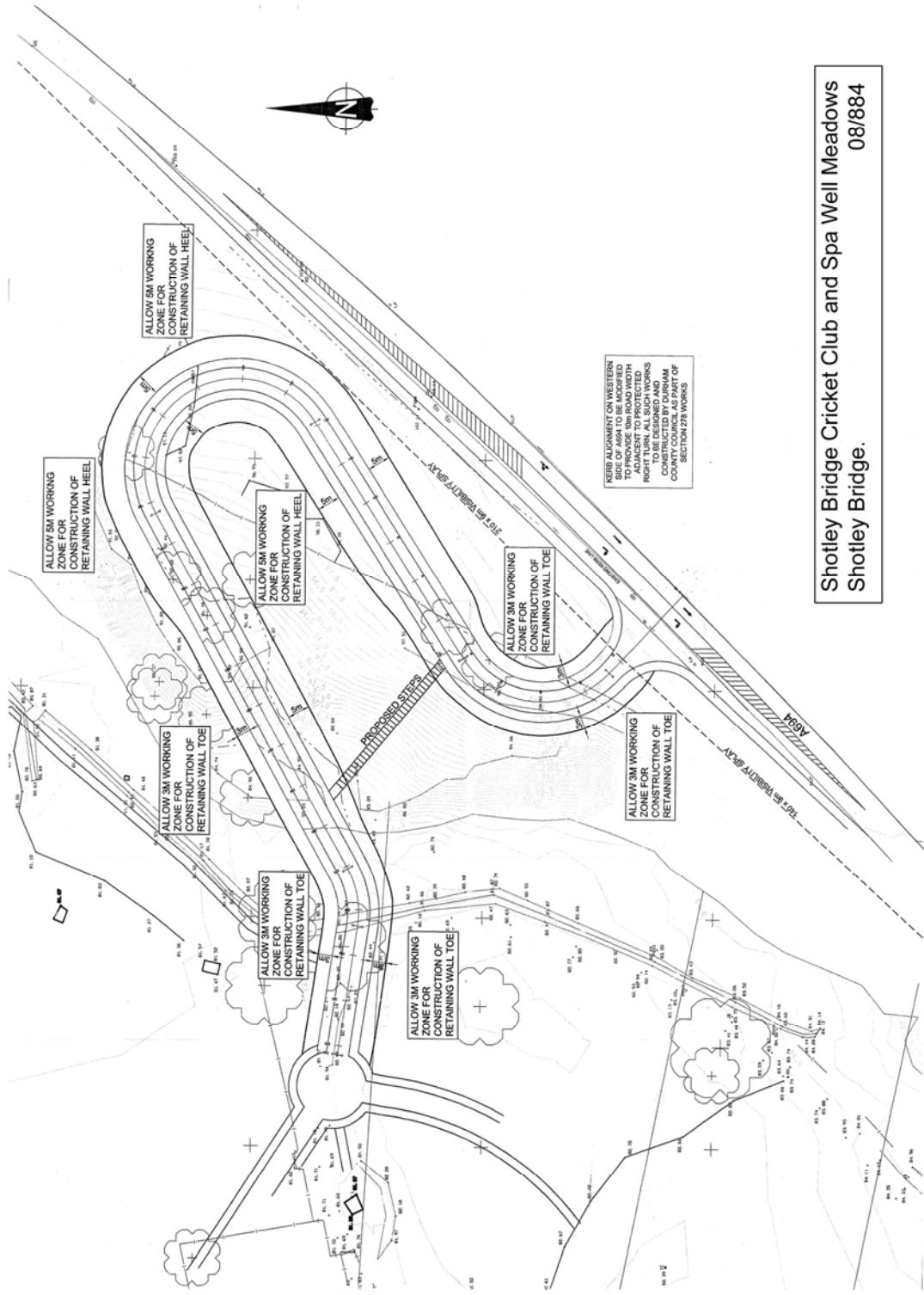


SECTION X-X

Shotley Bridge Cricket Club and Spa Well Meadows  
Shotley Bridge.  
08/884



Shotley Bridge Cricket Club and Spa Well Meadows  
 Shotley Bridge. 08/884



Shotley Bridge Cricket Club and Spa Well Meadows  
08/884

## RECOMMENDATION FOR REFUSAL

08/0686

26/09/2008

Mr T Burnside

Land to south west of  
Peartree Terrace, Burnhope,  
County Durham

Erection of stable block

Burnhope Ward

### The Application

1. Planning permission is sought for the erection of a stable block and associated landscaping at land to the south west of Peartree Terrace, Burnhope. The proposed stable block would be situated on an area of hardstanding, of approximately 400 square metres, that was created in association with previous planning approvals for an Agricultural Barn and septic tank (reference 1/2004/1029/DM) and change of use of land from agricultural to gypsy site (reference 1/2007/0286/DM). The hardstanding is part of a smallholding of approximately 9 hectares that is currently used for grazing land for horses. The surrounding area is open countryside. A mature hedgerow bounds the site to the northern boundary with Holmside Lane.
2. The proposed stable block would measure 19.8 metres by 3.75 metres with a maximum height of 3.8 metres to the ridge of the roof. The stables would be of a similar construction to that of the existing barn at the site with grey block work to the walls and green profiled metal sheeting to the roof. The stable block would have four stables and a hay store.
3. The proposed landscaping would be positioned to the rear of the stable block and would measure 8 metres from the northern boundary with a depth decreasing from 4 metres at the boundary to 2 metres at the rear of the stables.
4. It is the applicant's intention to run a business from the proposed stables, with the breeding, training, buying and selling of mainly traditional agricultural and dray horses. Currently the applicant has around ten horses at the site, though this number would vary.

### History

5. Planning permission was granted 10<sup>th</sup> January 2005 for an agricultural building and septic tank (reference 1/2004/1029/DM)
6. Planning permission was granted on appeal 16<sup>th</sup> April 2008 for a change of use of land to gypsy site for one family (retrospective) (reference 1/2007/0286/DM).

### Policy

7.

The following policies of the adopted local plan are relevant in determining this application:

EN01	Protecting the Countryside
EN06	Development within areas of high landscape value
GDP1	GDP1 - General Development Principles

#### Consultations

8. County Highways Development Control Officer – No objections.

9. Neighbours have been consulted and a site notice posted with five letters of objection received. These are summarised as follows:-

- Query the necessity of the stable block given the presence of the barn and a low number of livestock present within smallholding and the appeal inspector's observations regarding the use of the barn at the time of the appeal for "storage and horse keeping allied to the residential use".
- The barn is stipulated for the use and storage in connection with horses and livestock on the land to which it is not being used for.
- The overall development was of no benefit to the rural economy, did not help maintain or enhance the landscape and that the harm to the countryside (in an area designated as being of High Landscape Value) weighed very heavily against the development.
- The use of the stables in connection with equestrian activities and the potential for a business to operate from the site (contravening a previous appeal decision) and a material change of use of the entire site from agricultural to business.
- Appeal decision stipulated that no commercial activity, including the storage of materials, be undertaken at the site.
- Further detrimental impact of buildings within the smallholding upon the landscape qualities of the area, against the inspectors appeal decision.
- Granting of permission for stables and landscaping would increase the level of permanency at the site despite the appeal decision granting only a 3-year temporary permission with the site to be returned to its previous state.
- Should planning approval be granted, would the stable block be removed in line with appeal decision at the end of the temporary permission?
- Informal meeting between the applicant and some residents of Peartree Terrace to at which reassurances were made that no further building work would be undertaken at the site.
- Field not used for hay for last two years.
- Overall piecemeal development of the site leading to greater establishment of residential and commercial activities at the site.

#### Officer Assessment

10. The establishment of the site with gypsy status was obtained through the



Inspector's appeal decision in connection with planning application 1/2007/0286, and as such is not for further consideration as part of this application. However, the Inspector's appeal decision report and its decision are a material planning consideration.

### Background

11. The site subject to this application initially saw planning permission granted in 2005 for the erection of an agricultural barn and septic tank in connection with the agricultural use of the smallholding. In 2006, it was discovered that the applicant and his family had taken up residence in a static caravan at the site. Subsequent Enforcement Notices were lodged and a Planning Application submitted and refused. The site was granted temporary planning permission at the site for three years from 16<sup>th</sup> April 2008 for residential gypsy use with the land to be returned fully to agricultural at the end of this period.

### Impact upon the Character and Appearance of the Area

12. The proposed stable block and associated landscaping would be located within the Whiteside Burn Area of High Landscape Value. As such the impact the proposed stable block would have upon the landscape qualities in terms of siting and design would need to be considered. The site is also seen as a sensitive location adjacent to the Whiteside Burn, a Site of Nature Conservation Importance and Ancient Woodland.
13. The previous application, and subsequent appeal, both highlighted concerns over the impact that the additional residential use at the site would have upon this sensitive location. Again these are being tested by this application, and the impact the development within the site is being called in to question.
14. The design and access statement submitted as part of the application suggests that the proposed development:

*"...is of a scale and nature that would be expected and would be absorbed within the general area. The site is well screened by hedgerows and by the barn."*

Policy EN1 states,

*"...proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources of the area".*

15. The proposed stable block would be related to the existing features within the site, and through the use of additional landscaping the proposals, would be shielded from view. In doing so it is hard to certify that the new landscaping is protecting the fabric of the original countryside that is part of the Area of High Landscape Value, as required by Policy EN6.
16. In terms of design, the stable block would be constructed from similar materials to that of the existing barn at the site. The use of block work

for the walls would produce a grey coloured appearance to the building with green sheeting to the pitched roof. The landscaping has been provided to screen the building which would be in conflict with the guiding principles of Policies EN1 and EN6 of the Local Plan which seek to ensure that landscape qualities are maintained.

17. As part of the Planning Inspector's decision in April 2008, there is a condition that the land that was subject to the change of use be returned to agricultural purposes and appearance three years from the date of the appeal decision. The potential installation of a stable block and associated landscaping would be a divergence from the decision of the Inspector and show signs of a degree of permanency to the site.

18. The appeal decision noted that the use of the barn at the time of the appeal had:

*"...no such purpose other than storage and horse keeping, allied to the residential use."*

Upon clarification of the use of the barn through this application, it was confirmed that it was:

*"...mainly used for the storage of hay, tack and maintenance equipment attached to the smallholding."*

19. In essence the use of the barn appears to not have changed between the appeal visit and now and is allied to the use of the smallholding with the potential of storing hay, tack and horses.

#### Equestrian and Commercial Activities

20. The design and access statement submitted with the application states that the proposed stable block would be used in connection with the *"breeding, training, buying and selling"* of horses at the site. Policy EN1 of the Local Plan does encourage enterprise within the countryside, however this should be in keeping with the rural context and should respect the character and appearance of the area. However, in reference to the appeal decision, April 2008, condition no. 4 states:

*"No commercial activity shall take place on the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site."*

In explaining his decision, the Inspector considered that:

*"...restrictions to one caravan, and of any commercial activity, are necessary to limit harm to the countryside. As for landscaping, the permission is for a temporary period so it would not be appropriate for that reason, and it may be out of place in the open, rural scene."*

21. The stables would undoubtedly be used in connection with a business use at the site, that is in essence related to the gypsy status of the applicant, however this needs to be carefully considered against the

intentions of Inspector's planning condition to limit commercial activity on the site to guard against further harm to the countryside.

### Conclusions

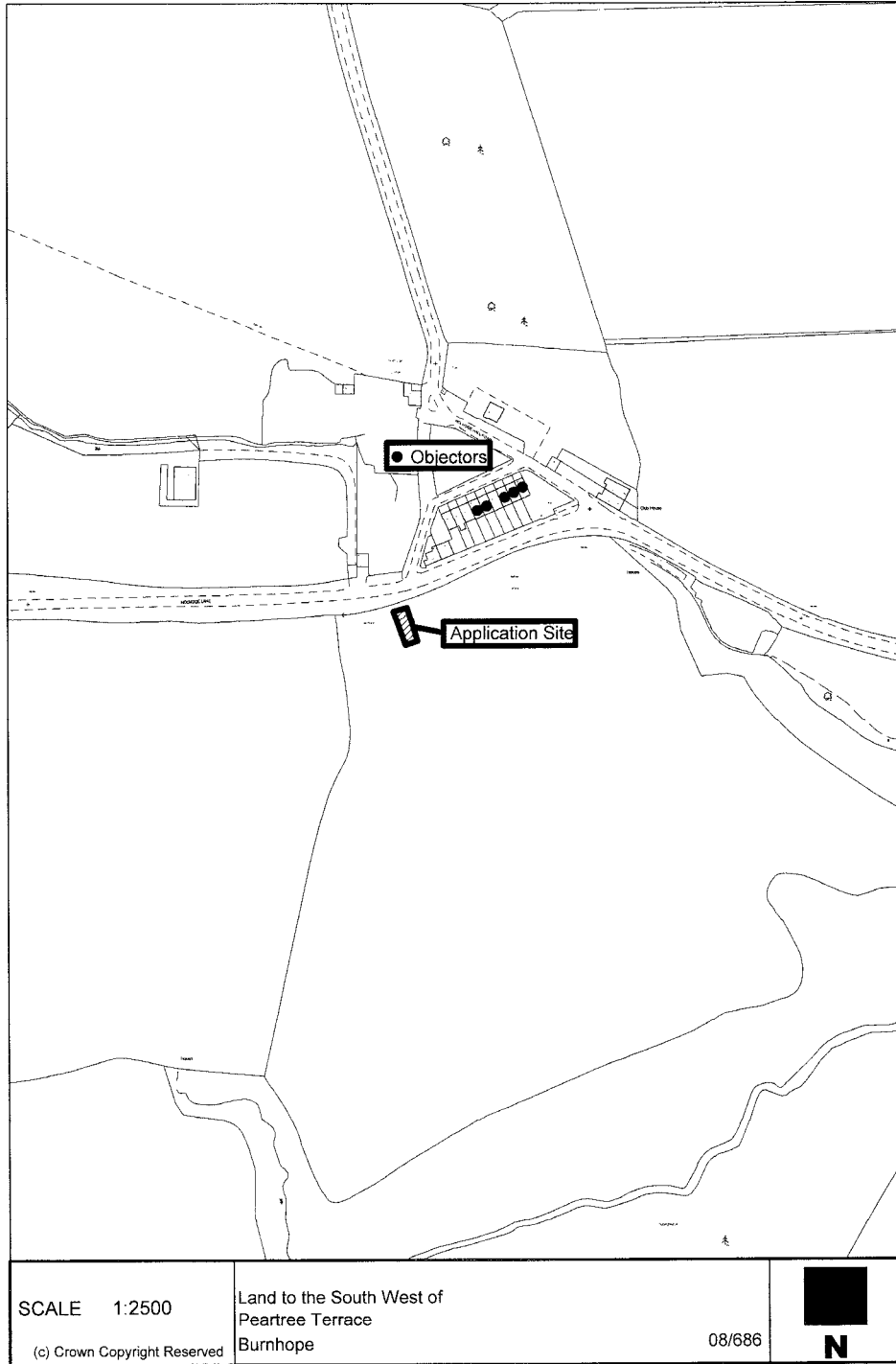
22. The proposed stable block and landscaping would be located within an Area of High Landscape Value, as part of an overall larger development including a barn and residential caravan. Unlike the Inspector's report, the permanency the proposed development would have would result in a greater cumulative impact upon the open countryside and thus carry further weight than attributed in the Inspector's report. To this end the development would be considered to be detrimental the landscape qualities of the Whiteside Burn Area of High Landscape Value, contrary to Policies EN1 and EN6 of the Local Plan; as well as being in conflict with the temporary nature of the appeal decision.
23. The commercial aspect of the proposals would be in direct conflict with the conditions of the previous planning permission and the temporary nature of the site. The impact that the running of a business at the site would have upon the permanency of the development would also be contradicting the appeal decision at the site and would therefore be unacceptable.
24. The further development of a site that has been granted temporary approval, that is to be returned to its previous agricultural use, would be at odds with the temporary status of the site. It is also of concern that the proposals would seek to contribute to a piecemeal development of the site that would ultimately lead to a continued degradation of the open countryside contrary to Policies EN1 and EN6 of the Local Plan.

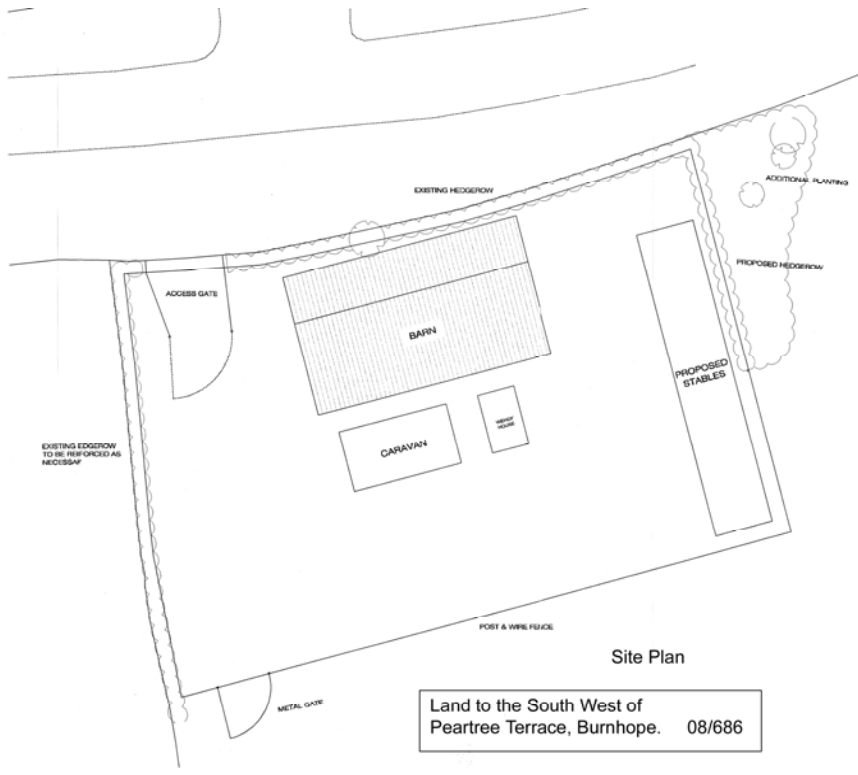
### Recommendation

25. Refuse

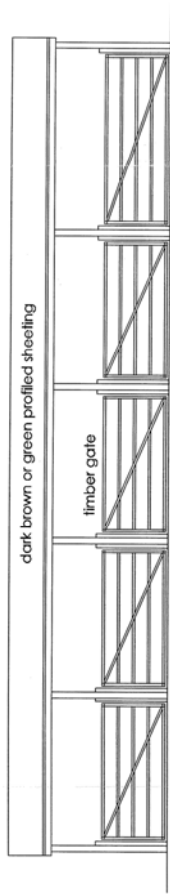
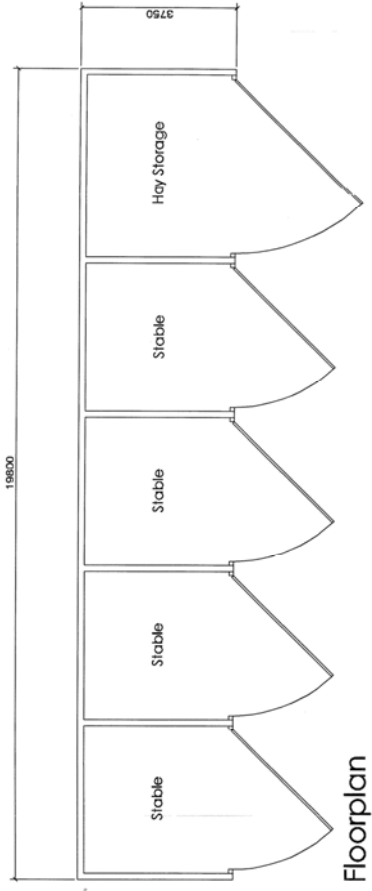
The proposed stable block and landscaping would have a detrimental impact upon the open countryside, an Area of High Landscape Value, and would result in a continued piecemeal development of the site contrary policies GDP1, EN1 and EN6 of the District Local Plan. The proposed development would also seek to establish commercial activity on the development thus leading to a degree of permanency at the development site that would be contrary to the decision of the Planning Inspector. No other material planning considerations outweigh the decision to refuse planning permission. A copy of the Committee Report is available upon request.

Report prepared by Graham Blakey, Area Planning Officer

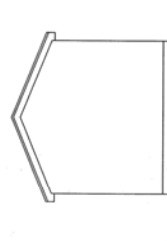




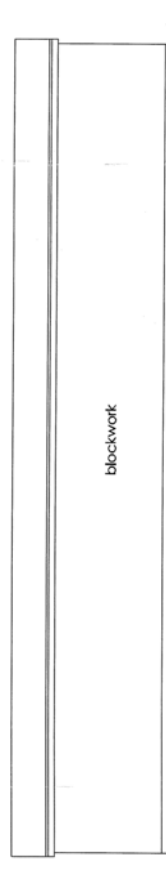
Land to the South West of  
Peartree Terrace, Burnhope. 08/686



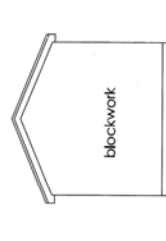
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

Land to the South West of  
Peartree Terrace, Burnhope. 08/686

## RECOMMENDATION FOR APPROVAL

09/0054

23/01/09

Vodafone Uk Ltd

Land to the North East of 283  
Medomsley Road,  
Consett

Prior approval application to erect a 12 metre high slimline streetworks monopole accommodating 3 antennas within a GRP shroud and 1 no 0.3 metre transmission dish (overall height of installation: 14.43 metres). Installation of one equipment cabinet and one electrical pillar.

Consett North Ward

### The Application

1. This application seeks prior approval for the erection of 14.43 metre high monopole accommodating three antennas within a GRP shroud and one 0.3 metre transmission dish, and the installation of one equipment cabinet and one electrical pillar on land to the north east of 283 Medomsley Road, Consett.
2. Given the nature of this application, the Council has 56 days from the date the application is received to determine if prior approval is required. If no decision is made within 56 days the proposed telecommunications development is automatically granted approval.

### History

3. No previous history for the site of the proposed monopole, however planning permission was refused on 15<sup>th</sup> March 2006 for a similar development which would have been 18 metres in height at Consett Rugby Club, Belle Vue Park, Consett.

### Policy

4. The following policies of the adopted local plan are relevant in determining this application:

GDP1	General principles of development
CF10	Telecommunications development
TR2	Development and highway safety

### Consultations

5. Durham County Council (Highways) –

3<sup>rd</sup> March 2009 – The Highways Section note the cabinet has been rotated 180 degrees and therefore that aspect is now fine. The Highways Section is satisfied that the hardstand tapers would be added as condition in any consent.

25<sup>th</sup> February 2009 - The site is fully within the public highway. The adjacent footway is less (i.e. 1.4 metres) than the current County minimum standard of 1.8 metres width. The Nortel equipment cabinet must be set back sufficiently, such that the doors do not open out over the footway and an operative working at the cabinet does not conflict with pedestrians on the footway immediately behind. To that end the cabinet must be shown to be a minimum of 1.0 metres setback distance from the edge of the footway, or alternatively turned around by 180 degrees.

With regard to the hardstanding on the grass verge this is acceptable subject to 45 degree tapers either end and subsequent agreement of the proposed 'hardstanding' material. Both the latter and the required lowered kerbs can be arranged through the Council's Area Maintenance Office.

Provided the above amendments are made to the application, no objection is made.

6. Nearby properties have been consulted and one site notice has been posted. Fifteen letters of objection have been received to date. The reasons for objection are summarised as follows:

- The proposed monopole would result in a loss of visual amenity, not only to neighbouring residents, but the wider community.
- At 14.43 metres, the installation would dwarf the existing 9 metre streetlamps.
- The proposed monopole and transmission dish would be entirely out of proportion to the existing street furniture and the adjacent roundabout.
- The actual health and safety of these masts is not conclusively proven and this is near a bus stop where the public and numbers of children wait for transport. There are too many examples from the past where the "experts" have got it very wrong.
- The proposed monopole would be in a prominent position on one of the main entry roads into Consett and is amongst the most attractive routes into the town and would detract from the appearance of the area and has the potential to deter prospective residents and businessmen looking to relocate to Consett.
- The monopole would be an 'eye-sore'.
- Industrial equipment such as this should be placed on industrial sites.
- The proposed monopole in this position is considered to be unnecessary when it would be almost unnoticed on the Consett Number One Industrial Estate and would be a more acceptable



- location to local residents.
- It is a pleasant residential area and the view across the road should not be spoilt and the residents are entitled to this given they purchased the properties before any suggestion of the monopole was raised.
  - The proposed monopole would result in the value of the nearby properties decreasing.
  - This site is adjacent to the land, which fell approximately three metres overnight; this land has a mining fault.
  - The proposed monopole and cabinet would restrict full view on the busy roundabout and would create a visual blind spot or a “visibility splay”. It would also be in close proximity to the public footpath.
  - Maintenance of the equipment would also be an inconvenience.
  - The road joining Medomsley Road between Bright Street and the roundabout have been omitted, therefore an accurate survey of the area and potential risks could not have been properly assessed.
  - There are already 36 vertical structures within the street scene.
  - Concerns that if the proposal is granted permission, with the growing demand more antennae would be added in the future.
  - Given the height of the monopole it would be visible above the rooftops of neighbouring properties.
  - Concerned the consultation carried out to determine what location to site the proposed monopole is not thorough enough.

#### Officer Assessment

7. The pole, which the antenna would be placed on, would be 12 metres in height and the antenna, which would be behind a GRP shroud, would measure 2.43 metres in height, giving the monopole a combined height of 14.43 metres. The pole would be slim and a similar diameter to the nearby streetlight. The GRP shroud around the antenna would be larger in diameter than the pole. A dish antenna, which would measure 0.3 metres in diameter, would be positioned below the antenna. The monopole would be painted to match the colour of the adjacent streetlights.
8. It should be noted that the Government’s stance, on applications for telecommunications is that “...*the planning system is not the place for determining health safeguards... that is the Government’s responsibility*” as outlined in Planning Policy Guidance 8; Telecommunications. It goes on to advise, that if a mast’s base station meets ICNIRP guidelines for public exposure, it should not be necessary for the Local Planning Authority to consider further the health aspects and concerns about them. The applicant has supplied a declaration confirmed the proposed monopole would conform with ICNIRP Public Exposure Guidelines, thus it is considered that health concerns should not be given any further consideration.
9. Therefore the purpose of this application is to determine the design, siting and impact upon amenity of the proposal.

#### Design, siting and location

10. It is acknowledged that a number of objectors consider the proposed monopole would be an 'eyesore' and would detract from the appearance of the area. However, the proposed monopole would be located within an urban environment, adjacent to a busy main road and consist of a slim line column, which whilst it is taller, would be seen in context with the nearby streetlight and would essentially be similar to the post of the streetlight. The monopole would be powder coated the same colour as the streetlights within the immediate street scene. Therefore it is considered that in this context the monopole would not be particularly intrusive to character and appearance of the area, and would blend into the existing street furniture of the immediate street scene in accordance with policies GDP1 and CF10 of the Derwentside District Local Plan.
11. The small scale nature of the equipment cabinet and electrical pillar would have a minimal impact on the visual amenity of the street scene given it is similar in appearance to that of a British Telecom cabinet which are commonly found adjacent to highways. Taking this into account, it is considered that similarly to the monopole the equipment cabinet and electrical pillar would blend into the street furniture of the immediate street scene in accordance with policies GDP1 and CF10 of the Derwentside District Local Plan.
12. The application details that the applicant considered thirteen different sites before deciding on the location, which is being determined by this application. Policy CF10 of the Derwentside District Local Plan and National policy PPG8 seek that every opportunity should be taken for mast sharing between operators or the use of existing buildings for the siting of the apparatus in order to keep the number of masts to a minimum.
13. Whilst it is acknowledged that the location of the monopole is not being shared with an existing mast, nor is it using an existing building, it is considered that that sufficient evidence has been provided either with the original application or following a request for further evidence, which demonstrates that there are no suitable telecommunications installations available for sharing and there are no suitable buildings or structures in the search area which could accommodate telecommunications equipment in accordance with policy CF10 of the Derwentside District Local Plan. Other sites were not viable because of design issues, the owner not granting permission, the owner and the applicant not reaching mutually acceptable terms or the site not being suitable due to coverage.
14. A number of objectors raised concerns that they do not consider the site selection process has been thorough enough or the Consett Number One Industrial Estate would be a more suitable location. However, the application states that "*an agreement on mutually acceptable terms could not be reached with the site owners*" and therefore the site was discounted. Whilst evidence has been provided that the owners of Consett Number One Industrial Estate have been prompted to review their group telecoms policy, they state that they cannot give an exact

date when this review may take place. This is considered to be sufficient evidence that the Consett Number One Industrial Estate is not a viable option for Vodafone. Therefore it would be unreasonable to refuse the application on the grounds that the site selection process is not adequate in accordance with policy CF10 of the Derwentside District Local Plan.

15. Members should note that a similar application for the erection of a 12.5 metre high monopole on land to the south west of 2 Humber Hill, Stanley (reference 1/2008/0371/DM), which was of a similar appearance to that of the monopole proposed by this application and sited just 25 metres from the nearest residential property. The application was refused permission at the Development Control Committee meeting of the 19<sup>th</sup> June 2008 contrary to your officers recommendation on the grounds that insufficient consideration had been given to alternative sites and the siting would be inappropriate. Following this decision the applicant appealed against the decision and it was reported to the Development Control Committee meeting of the 29<sup>th</sup> January 2009 that the Planning Inspectorate allowed the appeal on the grounds that the Inspector found that adequate consideration had been given to alternative locations, and the site and design of the proposed monopole could be taken as a clear attempt to minimise the impact of it on the area as a whole in accordance with policy CF10 of the Derwentside District Local Plan.

#### Amenity

16. The nearest residential property to the proposed monopole, 283 Medomsley Road is located approximately 60 metres away and there are a significant number of dwellings within 100 metres of the site. Whilst it is acknowledged that the monopole would be visible from a number of properties, given the nearest property is 60 metres away it is considered that this distance would mitigate the impact on the monopole on the outlook from these properties and would blend into the street furniture of the immediate street scene. Therefore it is considered that the proposed monopole would not result in a significant loss of outlook for any property in accordance with policy GDP1 of the Derwentside District Local Plan.
17. Concerns have been raised regarding the impact of the proposed monopole on the value of properties in the immediate vicinity. This is not a material consideration and therefore cannot be taken into consideration when determining this application.

#### Highway safety

18. It is acknowledged that a number of objectors consider the monopole would have an adverse impact on highway safety for both vehicles and pedestrians, however the Highways Officer has raised no objections to the proposals given position of the equipment cabinet has been rotated by 180 degrees and subject to it being conditioned that the hardstanding is tapered. Therefore it is considered that it would have a minimal impact on highway safety, in accordance with policy TR2 of the

Derwentside District Local Plan.

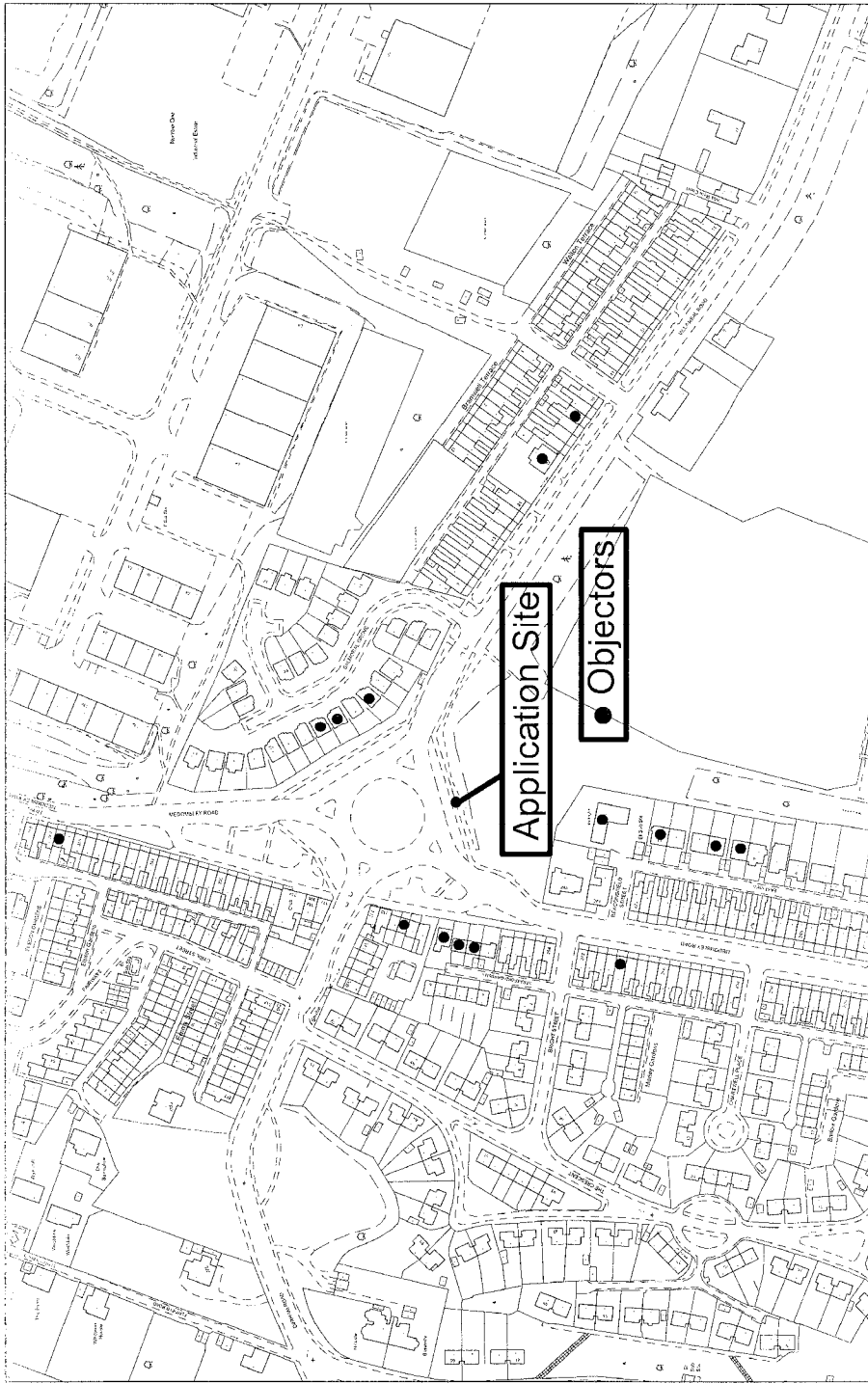
Recommendation

19. Prior Approval be granted.

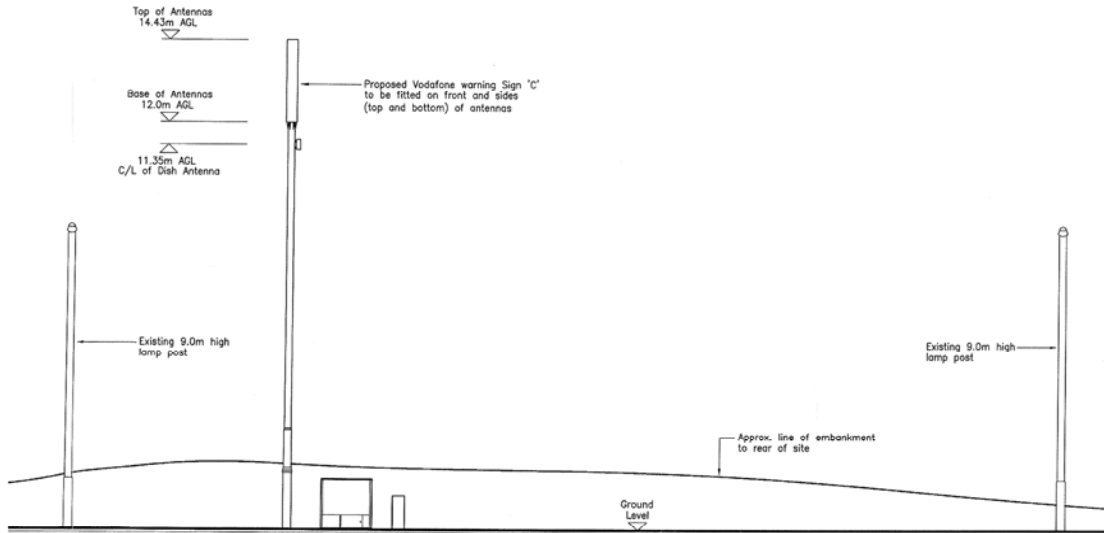
Reason for Approval

20. It is the opinion of the Local Planning Authority that the proposed 14.43 metre high monopole and associated equipment cabinet and electrical pillar would be sited in an appropriate location following an adequate site selection process, that would have a minimal impact on the amenities of neighbouring residential properties and would blend into the existing street furniture of the immediate street scene, therefore ensuring that it is in keeping with the appearance of the surrounding area, and would have a minimal impact on highway safety in accordance with policies GDP1, CF10 and TR2 of the Derwentside District Local Plan. On balance there are no material considerations which outweigh the decision to grant prior approval.

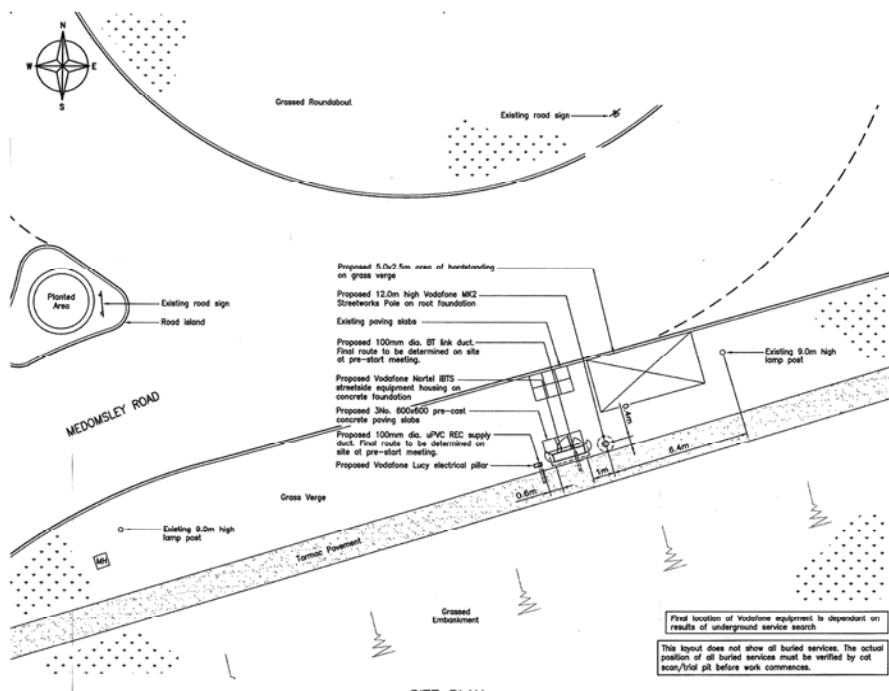
Report prepared by Thomas Armfield, Planning Officer



SCALE: 1:2500 Crown Copyright Reserved	Land 58 metres to the North East of 283 Mecomsley Road Consett	09/054	N
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Land 58 metres to the North East of  
283 Medomsley Road, Consett. 09/054



SITE PLAN  
Land 58 metres to the North East of  
283 Medomsley Road, Consett. 09/054

## RECOMMENDATION FOR APPROVAL

08/0806

13.11.08

Mr G Graham

Land to the north of Aged Miners  
Homes, Quebec,  
County Durham

Erection of agricultural store and  
shelter

Esh Ward

### The Application

1. This application seeks Planning Permission for the erection of an agricultural store and shelter on land to the north of the Aged Miners' Homes in Quebec.

### Update

2. Members will recall approving this application at the last committee meeting on the 19<sup>th</sup> February. However, before the decision was issued it came to light that neighbours had not been consulted with regards to an amendment to the scheme. The applicant submitted amended plans showing the store sunk into the slope of the site to reduce its massing in the landscape. The amended plans also showed the store would be located approximately 5m further north and at a greater distance away from neighbouring residential properties. Neighbours have now been reconsulted regarding the amended plans and the application is before members again for determination.
3. Seven further letters of objection has been received. The following comments, beyond those already reported, were made and are summarised as follows:
  - The size and position of the store is still an issue as to why it has to be such a large building based on the size of the field area and the number of animals grazing on the land; the applicant only has approximately 20 sheep.
  - Despite the fact that the new plans lower the building into the ground and position it a few metres from the original position it remains a concern that an agricultural building is being positioned close to residential housing and remains extremely obtrusive.
  - There is no mention as to what would be contained in the 'store' which is a concern based on events / materials which have been stored in the four metal containers located at the top of the field.
  - The tracks / roadways proposed for traffic are unable to cope with the heavy tractors as can be judged from the number of potholes and subsidence which has already occurred in the village since the applicant started using the field. Despite causing damage the applicant has never made any attempt to repair the damage.

- It should be noted that the applicant has already had complaints made against their actions to the Environmental Agency for the methods and total disregard for the welfare of others and the environment in Cornsay Colliery. If this is what can happen in a residential area of a village who knows what could occur 'out of sight'?
- If planning permission is granted it is felt that carte blanche will have been issued to this applicant to do whatever they want: based on aforementioned matters / issues this will be absolutely horrendous.
  - The destructive practices of the applicant have transformed the meadow in question from a site of exceptional natural beauty, rich in flora and fauna, into an illegal rural rubbish tip.
  - The applicant uses welding equipment to cut up scrap/machinery 'no more than 15 to 20 metres away from residential property'.
  - The owner has no intention of adhering to agricultural use of the land; car repairs have taken place on the land and complaints have been made to Derwentside District Council.
  - Access is not acceptable.
  - 3 containers on the site- these are obtrusive. These should have been removed. The containers have been painted but not finished.
  - Barbed wire has been put so close to garden fences that they cannot be maintained.
  - Hedges have been hacked with an industrial hedge cutter.
  - Stone and gravel was brought onto the site long before we had notice of the application.
  - This is not a proper farm, there is no farmhouse or large fields that could be used for access.
  - The sheep are in a field beside the main road because there is hardly a blade of grass- how are the sheep supposed to exist if he puts this shed up and a road.
  - All my life we have had a wonderful view of the church but if the applicant gets his way this will become a tipping ground for broken machines and garage rubbish.
  - The road to the field is all broken up with heavy tractors. It has broken my garage ramp up.
  - I object to the plans as the sheds will be used for the spraying of cars.
  - The applicant owns other buildings in the area that are used for the spraying and restoring of old cars.
  - Excessive tipping of rubbish

#### Officer Assessment

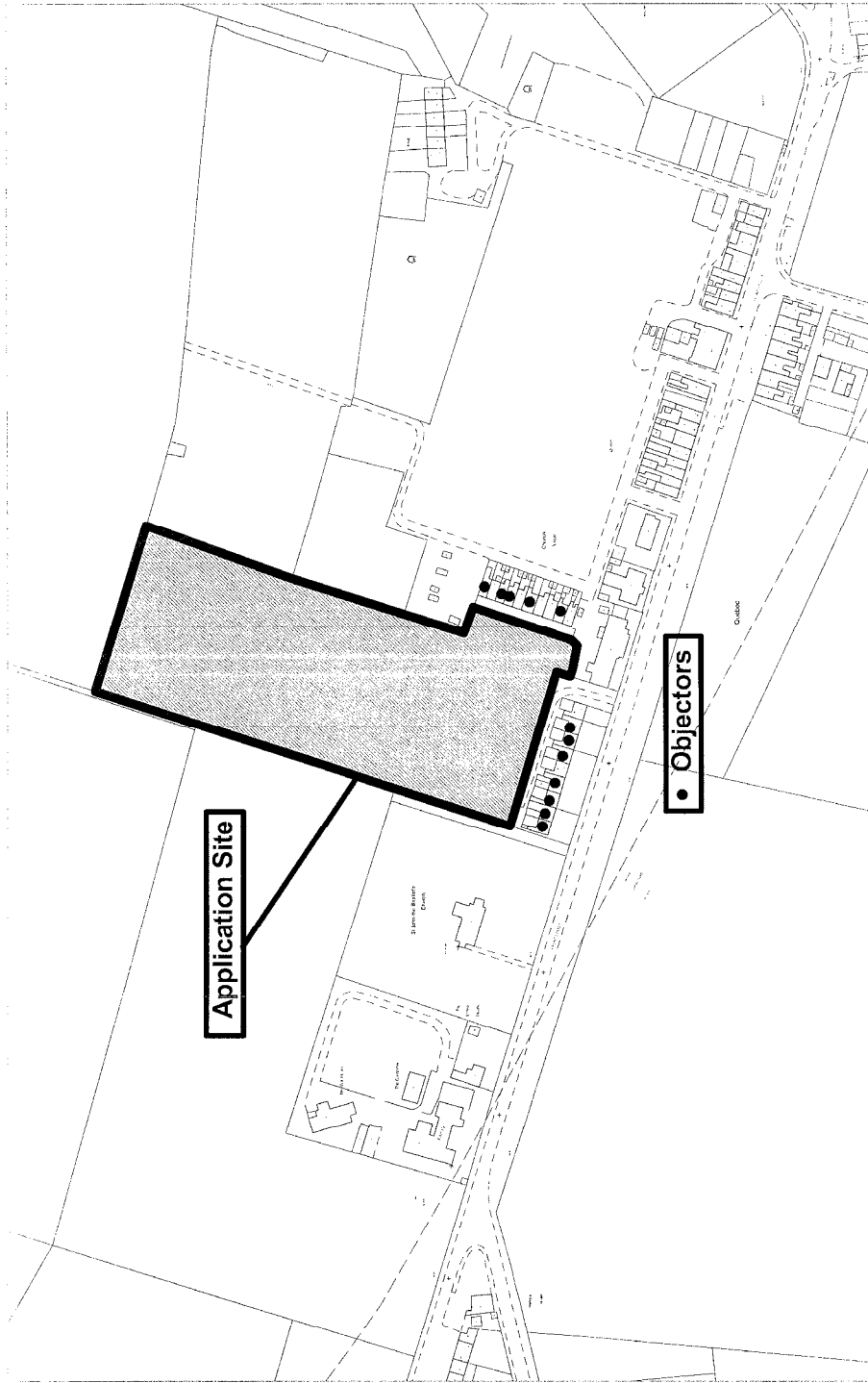
4. It is considered the comments of the objector do not raise any material issues that outweigh the acceptability of the scheme outlined in the previous report and therefore the recommendation remains for approval of the application, subject to the conditions outlined below.

#### Recommendation



## 5. Conditional Permission

- Three year time limit (ST)
- Approved Plans (ST01)
- The agricultural building hereby approved shall be used solely for uses ancillary to the agricultural holding.  
Reason: To define the consent and to ensure neighbour amenity in accordance with the objectives of Policy GDP1 of the Local Plan.
- Details of the two proposed gates shall be submitted to, and agreed in writing with, the Local Planning Authority prior to the commencement of the development. These details shall include the gate nearest to the Aged Miners' Homes being set further into the field to allow access to the site without blocking up the back lane. The agreed details shall be implemented prior to the development being brought into use.  
Reason: In the interests of the amenity of neighbours and Highway Safety in accordance with Policy TR2 of the Local Plan.
- The existing access adjacent to Church View shall be deleted and a new fence built to enclose this corner of the site.  
Reason: In the interests of defining the access arrangements for the scheme hereby permitted, to ensure neighbouring amenity in accordance with the objectives of Policies GDP1 and TR2 of the Local Plan.  
Notwithstanding the details of the submitted application, the walls and roof of building hereby approved shall be finished in muted colour tones that minimise reflection, with green coloured walls.  
Reason: To minimise potential visual impact upon the surrounding area, in accordance with the objectives of Policies GDP1 and AG3 of the Local Plan.
- The steel containers on the site shall be removed from the site within one month of the agricultural building hereby approved becoming operational.  
Reason: In the interests of neighbouring amenity and the appearance of the area in accordance with Policy GDP1 of the Local Plan.
- This permission relates only to the siting of the structure hereby permitted on the application site. No other structures are to be placed on the land without the further written approval of the Local Planning Authority.  
Reason: In order to prevent further buildings being sited on the land in the interests of the appearance of the area in accordance with Policy GDP1 of the Local Plan.
- Details of any services to the agricultural building shall be submitted to, and approved in writing by, the Local Planning Authority. The services shall be installed in accordance with the approved details. No services are to be provided in the form of overhead wires.  
Reason: In the interests of the appearance of the development in accordance with Policy GDP1 of the Local Plan.



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Land to the north of Aged Miners Homes  
 Quebec

08/0806

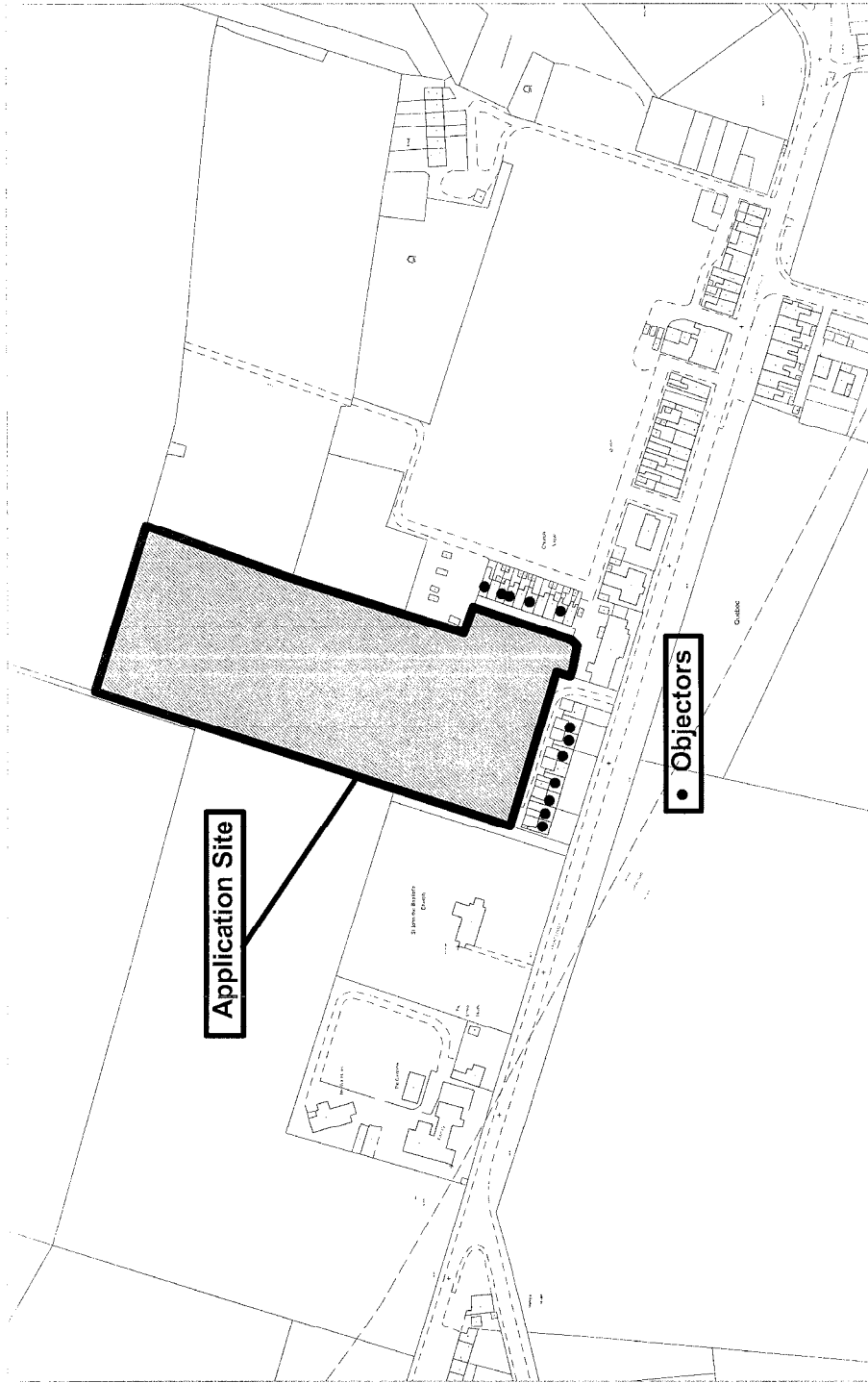
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### Reason for Approval

6.

The proposal is considered to accord with the aims of Policies GDP1, EN1, AG3 and TR2 of the Derwentside District Local Plan and is considered to be acceptable, having regard to all other material considerations. In particular the key material planning considerations relating to the scale, design and impact of the proposal on the amenity of adjacent occupiers and the visual amenity of the surrounding area were considered acceptable. The agricultural building would be located on a sloping site and be sunk into the ground to reduce its scale in the open countryside and when viewed from residential properties to the south. In relation to objections received regarding the environmental and economic impacts of the scheme, these were not considered of sufficient influence to refuse the application, as the building would be located far enough away from neighbouring properties to be of limited impact. Regarding the access it would be the applicant's responsibility to establish a right of access across the lane to the east of the Aged Miners' Homes; it is considered the access would be acceptable in planning terms. In the view of the Local Planning Authority no other material considerations outweigh the decision to grant permission.

Report prepared by Stuart Carter, Planning Officer.

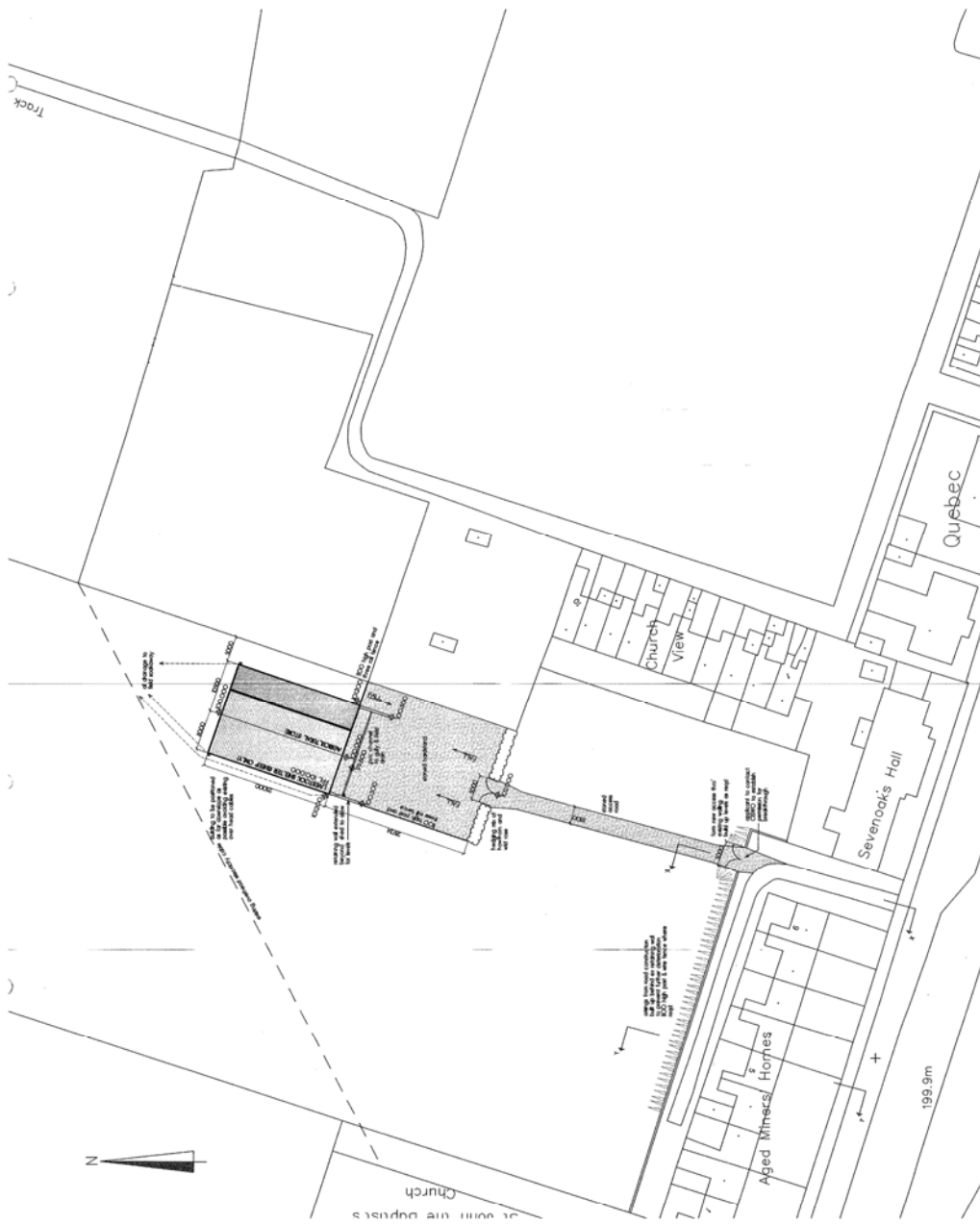


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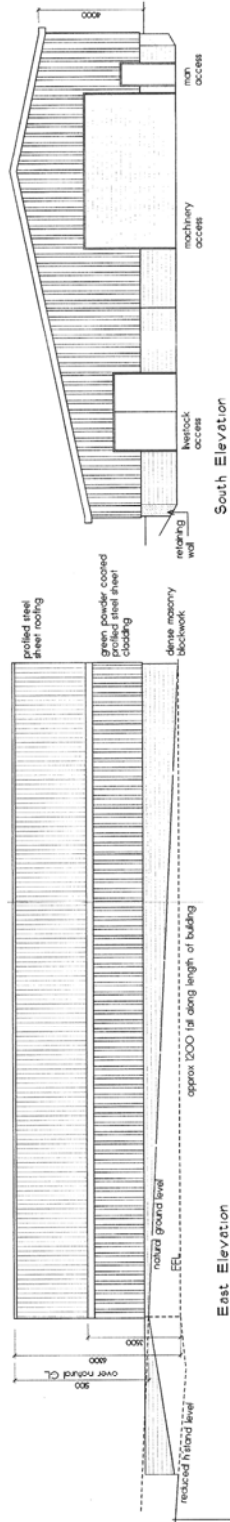
Land to the north of Aged Miners Homes  
 Quebec

08/0806

**N**

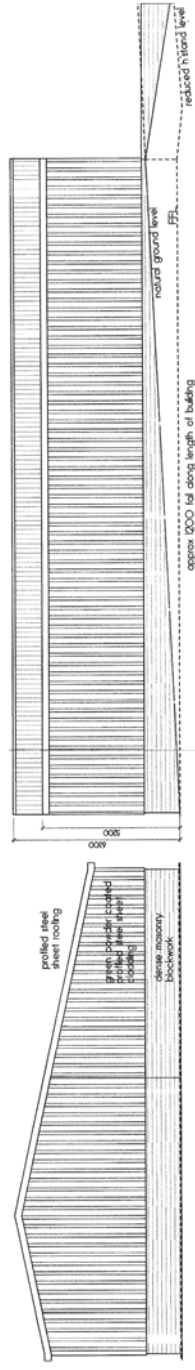


Land to the north of Aged Miners Homes, Quebec. 08/806



South Elevation

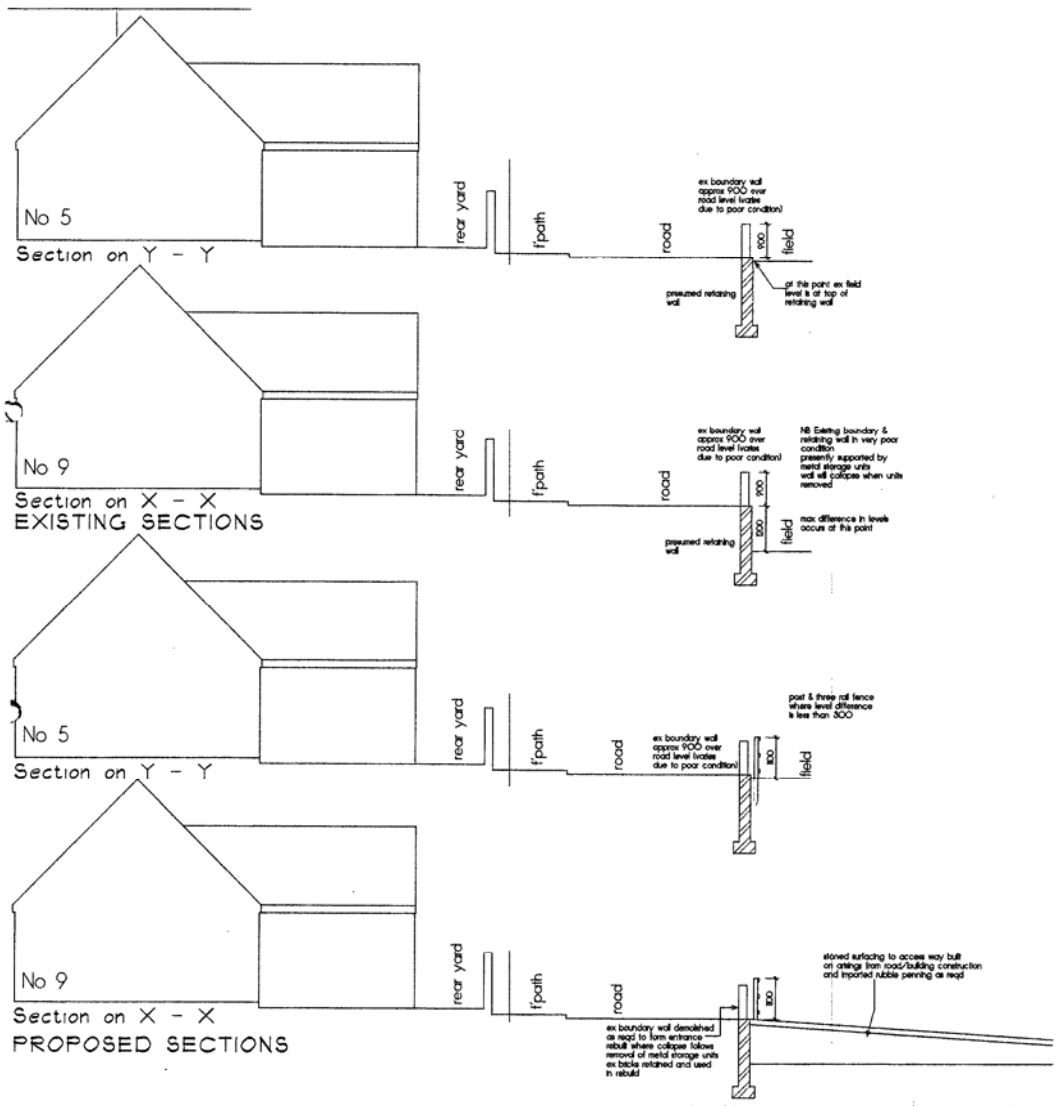
East Elevation



West Elevation

North Elevation

Land to the north of Aged Miners Homes, Quebec. 08/806



Land to the north of Aged Miners Homes, Quebec. 08/806

## RECOMMENDATION FOR APPROVAL

08/0336

29/04/08

Banks Development Ltd

Northern Site of Inkerman Colliery  
Inkerman Road, Tow Law,  
Bishop Auckland

Sustainable mixed use  
development including eco-office  
building, sixty-nine low carbon  
houses, sixteen live / work units  
and associated road, car parking  
and landscaping (Outline)

Cornsay Ward

### The Application

1. At the Development Control Committee meeting held on 11<sup>th</sup> September 2009 the Committee resolved: 'that the consideration of Planning Application 08/0336 be deferred until after a decision had been reached by Wear Valley District Council.'
2. Wear Valley DC resolved that their parallel application be approved conditionally. The application has been referred to the Secretary of State as a departure from the Wear Valley Local Plan. The Secretary of State has decided not to call the application in and thus Wear Valley are now in a position to issue their decision.

### Recommendation

3. The Committee is therefore recommended to grant outline permission subject to the following conditions:
4. Conditional Outline Approval
  - Outline Permission (OTL)
  - Any development adjacent to the northern boundary shall not exceed two storeys in height and shall have a pitched roof.
  - Reason – In order to lessen the visual impact of the development within the surrounding countryside in accordance with the objectives of policies GDP1 and EN1 of the Derwentside District Local Plan.
  - The details of a tree planting scheme along the northern boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development and the said agreed scheme shall be implemented within the first planting season following the commencement of development. Any trees dying, being removed or becoming diseased within 5 years of planting shall be replaced with trees of the same species and size unless otherwise first agreed in writing by the said Authority.
  - Reason – In order to ensure that the any buildings along the northern



- boundary are not unduly prominent when viewed from the surrounding countryside and in accordance with the objectives of Policies GDP1 and EN1 of the Derwentside District Local Plan.
- Before any development is commenced a scheme for the archaeological investigation and recording and preservation / protection of the remains of the former coke ovens beneath the site shall be submitted to and agreed in writing by the Local Planning Authority and the said agreed scheme shall be wholly implemented / put into effect before any other development takes place on the land to which this particular permission relates.
  - Reason – In order to investigate, record, preserve and protect the archaeological remains that are known to lie beneath the application site in accordance with Policy EN19 of the Derwentside District Local Plan.
  - Demolition of buildings shall take only place between the months of October and March inclusive. Should any bat(s) be discovered during demolition, demolition must cease immediately and shall not be recommenced until an agreed course of protective measures have been agreed in writing with the Local Planning Authority. Thereafter, the said agreed course of protective action shall be wholly implemented before any further demolition takes place unless an alternative course of action has been first agreed in writing by the said Authority.
  - Reason – In order to protect any bats or breeding birds from undue disturbance and in accordance with Policy GDP1 of the Derwentside District Local Plan.
  - Prior to any development commencing, including any demolition, a survey of the pond to the north of the application site and of the ditch within the site into which it runs, shall be carried out to detect the possible presence of greater crested newts. The results of the survey shall be provided in writing to the Local Planning Authority and, if required by the said Authority, a scheme shall be submitted to and agreed in writing by the said Authority for the protection of greater crested newts and the said agreed scheme shall be implemented prior to development commencing.
  - Reason – In order to protect any greater crested newts – a protected species – that may be present in or adjacent to the site and in accordance with the objectives of Policy GDP1 of the Derwentside District Local Plan.
  - Unless otherwise agreed in writing by the Local Planning Authority, no development, including any demolition, shall take place until any known mine shafts and any known former underlying mine workings within 250 metres of the application site have been located and remediated in accordance with details which shall be first submitted to and agreed in writing by the said Authority.
  - Reason- In order to minimise the potential for subsidence of the land and in the interests of safety of users of the site and of its future occupiers and in accordance with the objectives of Policy EN27 of the Derwentside District Local Plan.
  - Before development is commenced, a scheme for the investigation of the site in order to identify any contaminated areas shall be submitted to and agreed in writing by the Local Planning Authority and the said agreed scheme shall be wholly implemented prior to

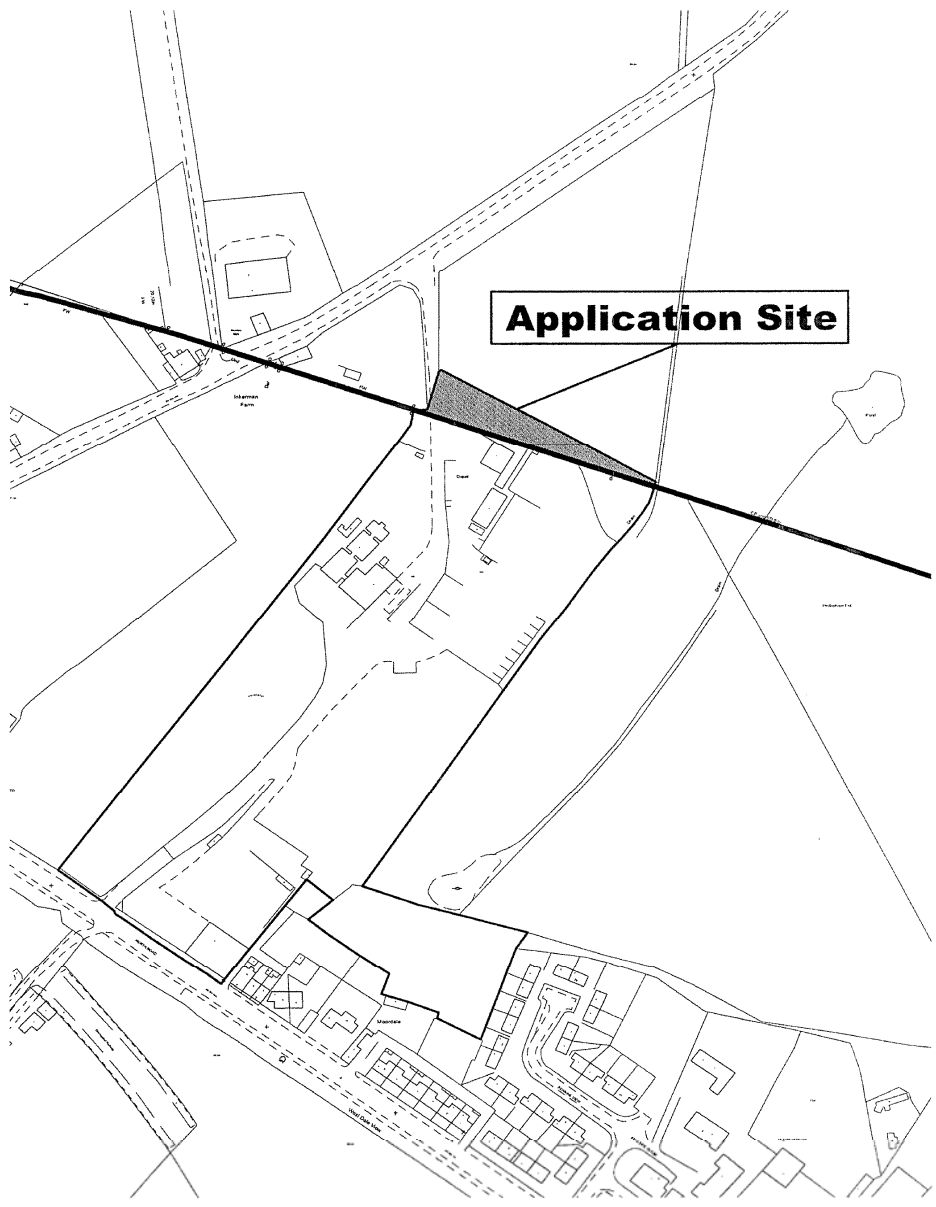
construction commencing. Moreover, any contamination found within the site resulting from the implementation of the said scheme shall be remediated prior to construction commencing in accordance with details which shall be first submitted to and agreed in writing by the said Authority.

- Reason - In the interests of safety of users of the site and of its future occupiers and in accordance with the objectives of Policy EN27 of the Derwentside District Local Plan.
- No development shall commence before a scheme for the discharge of surface water drainage from the site has been first submitted to and agreed in writing by the Local Planning Authority and the said agreed scheme shall be fully implemented and operational prior to any of the buildings to be constructed on the site are occupied.
- Reason- In the interests of proper drainage provision and of the amenities of the future occupiers and in accordance with the provisions of Policy GDP1 of the Derwentside District Local Plan.

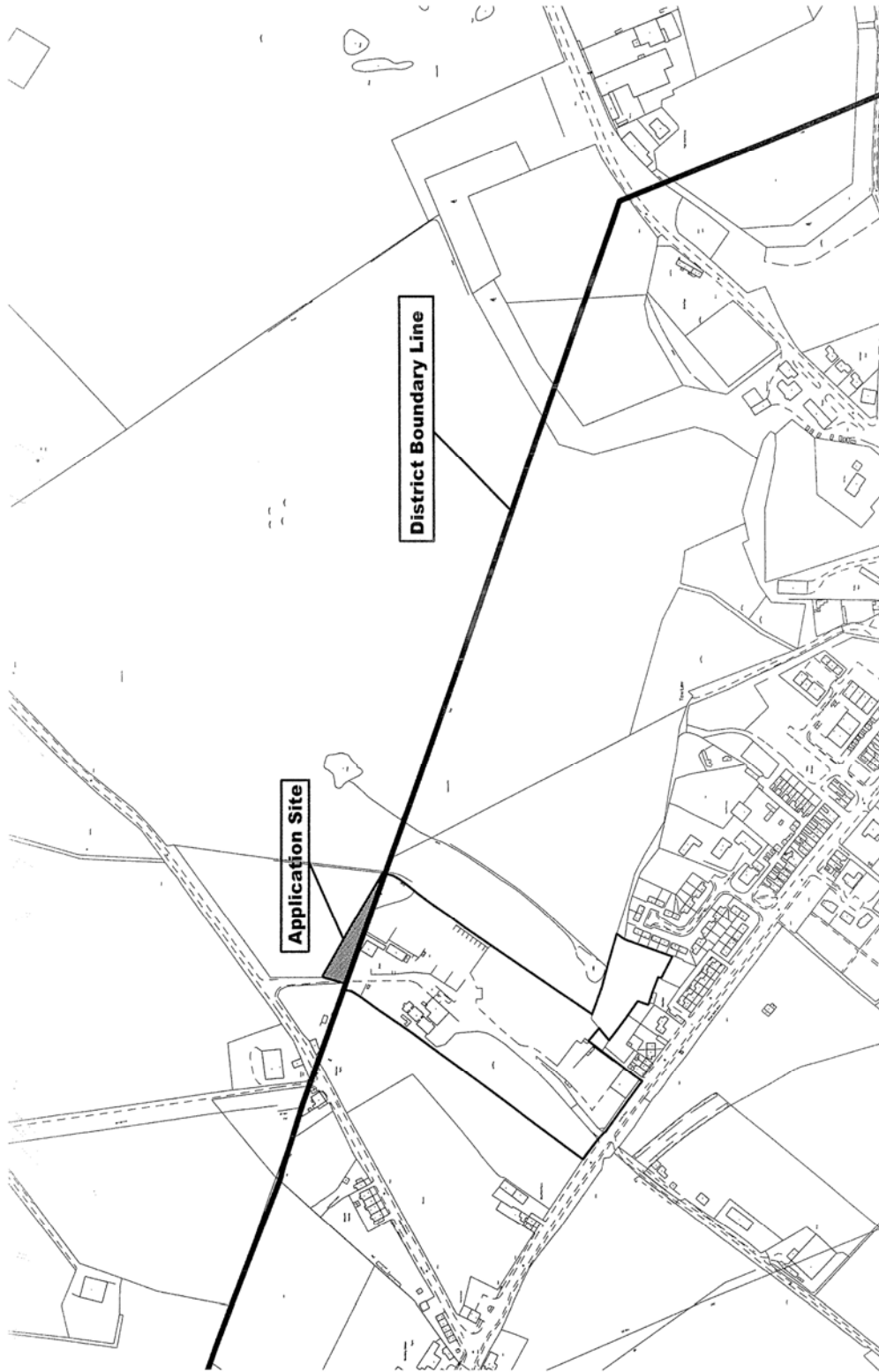
#### 5. Reason for Approval

The proposal is in accordance with the objectives of the Derwentside District Local Plan, including policies GDP1, EN1, EN19, EN27 and H03. It is also in accordance with all other key material considerations including those relative to housing development on 'White Land', visual impact, the Inkerman Coke Ovens Scheduled Ancient Monument, underlying archaeological remains, access, development scale, tree screening, brownfield land, employment generation, sustainability, affordable homes, impact on wildlife / protected species, mining safety, contamination issues and drainage. No objections were made against the proposal. A copy of the Committee report documenting the considerations in more detail is available on request.

Report prepared by Mike Hemsall, Senior Planning Officer



Northern site of Inkerman Colliery  
Inkerman Road, Tow Law. 08/336



Northern site of Inkerman Colliery  
Inkerman Road, Tow Law. 08/336

## **DEVELOPMENT CONTROL COMMITTEE**

**19<sup>th</sup> March 2009**

### **APPENDIX – DISTRICT LOCAL PLAN POLICIES**

The following local plan policies have been referred to in report contained in this Agenda:

#### **Policy GDP1**

When considering proposals for new development, the Council will not only assess each application against the policies in the following chapters, but will also expect, where appropriate, the following measures to have been incorporated within each scheme:

- (a) a high standard of design which is in keeping with the character and appearance of the area. The form, mass, layout, density and materials should be appropriate to the site's location, and should take into account the site's natural and built features;**
- (b) designed and located to conserve energy and be energy efficient;**
- (c) protection of existing landscape, natural and historic features;**
- (d) protection of important national or local wildlife habitats, no adverse effect upon, or satisfactory safeguards for, species protected by the Wildlife and Countryside Act 1981, no harmful impact on the ecology of the District and promotion of public access to, and the management and enhancement of, identified nature conservation sites;**
- (e) the protection of open land which is recognised for its amenity value or the contribution its character makes to an area;**
- (f) the provision of adequate landscaping within the design and layout of the site and where appropriate creation of wildlife habitats reflecting the semi-natural vegetation of the surrounding area and using native species wherever possible;**
- (g) designed and located to deter crime and increase personal safety;**
- (h) protection of the amenities of neighbouring occupiers and land users;**
- (i) adequate provision for surface water drainage;**
- (j) protection of areas liable to flood from development;**
- (k) protection of ground water resources and their use from development.**

#### **Policy EN1**

Development in the countryside will only be permitted where it benefits the rural economy or helps to maintain or enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources of the area.

### **Policy EN2**

Except where specific provision has been made in the Plan, development outside existing built up areas will not be permitted if it results in:

- (a) the merging or coalescence of neighbouring settlements; or
- (b) ribbon development; or
- (c) an encroachment into the surrounding countryside.

### **Policy EN6**

In the following areas of high landscape value development will be permitted provided that it pays particular attention to the landscape qualities of the area in the siting and design of buildings and the context of any landscaping proposals:

Beamish and Causey  
Browney and Smallhope Burn Valleys  
Hownsgill  
Lower Derwent and Pont Valleys  
Middle Derwent Valley  
Ushaw College  
Beggarside and Knitsley Burn Valleys  
Hedleyhope Fell and Hedleyhope Burn  
Newhouse Burn  
North Langley  
Pan Burn  
Whiteside Burn

### **Policy EN11**

Development will only be permitted which will not cause harm to, or result in the loss of:

- (a) trees protected by preservation orders; or
- (b) trees which contribute to the character and appearance of conservation areas.

Throughout the District existing trees should be retained and incorporated in new developments where possible. In determining planning applications consideration will be given to the effect of a proposed development on any existing trees, either on the site itself or on adjacent sites, which do, or which when mature will, contribute significantly to any of the following:

- (a) the landscape diversity**
- (b) the setting of nearby existing or proposed buildings**
- (c) a wildlife habitat**
- (d) visual amenity**

**This will be achieved by requiring the developer to provide a full tree survey to enable the trees to be graded according to their condition and amenity value.**

**Where the loss of an important tree or trees is considered acceptable, approval will be subject to a requirement that suitable replacement planting be carried out either within the application site or on related land within the applicant's control.**

#### **Policy EN14**

**Demolition of buildings, structures or features in conservation areas will only be permitted where:**

- (a) demolition of the existing building would preserve or enhance the character or appearance of the area; or**
- (b) demolition would enable a use or redevelopment which would enhance the character or appearance of the area and an acceptable replacement development has been granted planning permission.**

#### **Policy EN19**

**Where nationally important archaeological remains, whether scheduled ancient monuments or not, and their settings would be affected by a proposed development, there will be a presumption in favour of their physical preservation in situ.**

**Other known archaeological remains of more local importance will be protected from damage to their features of archaeological interest.**

**Where a proposed development is likely to affect a site of archaeological interest or its setting, the Council may request an archaeological assessment, prior to determining an application.**

**Where development is to be approved that could affect known archaeological remains, the Council will require the developer to ensure that adequate provision has been made for the excavation and recording of the remains before development commences. This will normally be a condition of planning permission.**

#### **Policy EN22**

**Development will only be permitted which would not lead to the loss of or cause significant harm to sites of nature conservation**

importance. The following are currently sites of nature conservation importance:

#### **SNCI's of County Importance**

Beckley Wood  
Black Plantation  
Briardene Meadow  
Broomhill Dene  
Burnhope Burn Wood  
Burnhope Pond  
Burnopfield Meadow  
Butsfield And Quick Burn  
Causey Burn  
Causey Burn Wood  
Craghead Crag  
Derwent River Gorge  
Ewehurst Wood  
Greenwell Ford Meadow  
Harelaw Heath  
Harperley And Pea Woods  
Hedleyhill Colliery Wood  
Hedleyhope Fell  
Hellhole Wood  
Hisehope Burn Wood  
Horsleyhope Mill Meadow  
Howden And Sodfine Woods  
Knitsley And High House Woods  
Kyo Bogs  
Leapmill Burn Meadow  
Loves Wood And Malton Nature Reserve  
Middles West  
Morrow Edge Heath  
Muggleswick Common  
Muggleswick Marsh  
Nanny Mayers Railway  
Pan Burn Woods  
Pontburn Woods  
Pontop Fell  
Ragpath Heath  
South Stanley Wood  
Stoney Heap/Bantling Lime Kiln  
Stuartfield Moor  
Tanfield Marsh  
Upper Deerness Valley  
West Wood  
Westlaw Wood And Spa Well Paddock  
Whitehall Moss  
Whiteside Burn Wood

#### **SNCI's of District Importance**

Brooms Pond



**Harehope Burn  
Harry Collinson Memorial Wood  
The Grove Ponds  
West Billingside Meadow**

**Where development is permitted the retention and protection of wildlife habitats may be secured through planning conditions or obligations.**

### **Policy EN23**

**When considering development proposals, regard will be had to the need to maintain the nature conservation value and integrity of the following wildlife corridors of strategic importance:**

**The Derwent Valley  
The Browney Valley  
Derwent/Browney Link  
Beamish/Greencroft Link**

**Wherever possible, development proposals which would impinge on a wildlife corridor should include compensatory measures to enhance or restore the nature conservation interest of the area.**

### **Policy EN27**

**Planning permission will only be granted for new development within a 250 metre radius of a landfill site, mine workings, or on or adjacent to a contaminated site, if the developer:**

- (a) provides the results of an expert investigation to detect and monitor the presence and likely effects of any gases, leachates, corrosive materials, groundwater areas of permeable sub strata and the potential for subsidence within and around the site; and**
- (b) identifies a detailed programme of remedial works to resolve known and potential problems, covering site preparation, design and building construction, protection for workers and all other measures required to make the site, proposed development and surrounding area safe and stable.**

### **Policy HO5**

**Housing development on small sites will only be permitted in the settlements listed below, where the development:**

- (a) is appropriate to the existing pattern and form of development in the settlement; and**

- (b) does not extend beyond the existing built up area of the settlement; and
- (c) represents acceptable backland or tandem development; and
- (d) does not exceed 0.4 hectares in size if taken together with an adjoining site.

**Annfield Plain (Including Catchgate And West Kyo)**

**Blackhill**

**Burnhope**

**Burnopfield**

**Castleside**

**Consett**

**Cornsay Colliery**

**Craghead**

**Crookgate**

**Delves Lane (Including Crookhall)**

**Dipton (Including Flinthill)**

**Ebchester**

**Esh**

**Esh Winning**

**Greencroft**

**Hamsterley (Including Low Westwood)**

**Hamsterley Mill**

**Harelaw**

**Hobson (Including Pickering Nook)**

**Iveston**

**Lanchester**

**Langley Park**

**Leadgate**

**Maiden Law**

**Medomsley**

**Moorside**

**New Kyo**

**No Place**

**Oxhill**

**Quaking Houses**

**Quebec**

**Satley**

**Shotley Bridge**

**Stanley (Including Shield Row)**

**Tanfield**

**Tanfield Lea (Including Broomhill)**

**Tantobie**

**The Dene**

**The Grove**

**The Middles**

**South Moor (Including Oxhill)**

**White-Le-Head**

**Policy HO10**

**Where it is necessary to meet rural housing requirements, small scale developments in villages may be permitted on land that would not normally be released for development, provided that:**

- (a) the developer can show a demonstrable need for affordable housing within the locality; and**
- (b) the development meets the need of local people who are unable to afford the cost of property on the open market; and**
- (c) the site is within or immediately adjoining the village; and**
- (d) the development is small in scale and respects the character of the settlement; and**
- (e) the development would not lead to the coalescence of settlements or the narrowing of an important open break between settlements.**

**Any permission granted in accordance with this policy will be dependent on the prior completion of a legal agreement or an alternative mechanism to:**

- (a) ensure that initial and subsequent occupancy of the dwellings is restricted to households who are in need of low cost housing; and**
- (b) establish a mechanism for the management of the scheme by an appropriate housing association, village trust or similar organisation.**

### **Policy CF10**

**Planning permission for the erection of telecommunication equipment will be approved where:**

- (a) it is located at an existing mast site; or**
- (b) a new mast site is proposed, due to technical and operational constraints of the use of an existing mast site. Operators will be required to provide evidence that they have explored the possibility of alternative sites. This is of particular importance where the site falls within the AONB, an AHLV or where its visual impact would be such that it would normally be refused because of siting or appearance considerations; and**
- (c) it is sited and designed so as to minimise its impact on a building, structure and/or the area as a whole, subject to technical and operational requirements.**

### **Policy TO2**

**Planning permission will only be granted for the development of appropriate new or the extension of existing tourist attractions if the development:**

- (a) respects the natural and physical characteristics of the area; and**

- (b) does not detract from the visual environment of the area;  
and
- (c) is adequately served by the road network; and
- (d) does not result in any loss of amenity to surrounding occupiers or land users.

### **Policy TO3**

Recreational paths will be developed along the following routes:

Between Beamish And Causey  
Between Lintzford And Mountsett  
Bowes Railway  
Cong Burn  
Derwent Walk (Extension)  
Harperley Burn  
Lanchester Valley Walk (Extension)  
Nanny Meyer's Incline  
River Derwent  
Stanley Burn

### **Policy AG3**

Planning permission for agricultural development will be granted provided it:

- (a) is required for the operational needs of the agricultural unit and is designed for the purposes of agriculture within the unit; and
- (b) is sited and designed to be in scale with, and not form an intrusive element within, the landscape; and
- (c) does not result in a loss of amenity to surrounding occupiers through noise, smell and general disturbance; and
- (d) incorporates adequate landscaping where appropriate.

### **Policy IN2**

Development on the following Business Parks will only be approved if it includes business uses (Class B1) on the majority of the site:

Berry Edge, Consett  
Villa Real, Consett

Planning permission will only be granted if:

- (a) units are of high specification and attractive; and**
- (b) very high quality landscaping and aesthetic features are incorporated; and**
- (c) there is no external storage.**

# The North of England Plan/Regional Spatial Strategy

## Policy 2 - SUSTAINABLE DEVELOPMENT

Planning proposals and Local Development Frameworks should support sustainable development and construction through the delivery of the following environmental, social and economic objectives:

### 2.1 Environmental Objectives

- a. to ensure good local air quality for all;
- b. to protect and enhance the quality of the Region's ground, river and sea waters;
- c. to protect and enhance the Region's biodiversity, geodiversity and soil quality;
- d. to reduce the amount of waste produced and increase the amount recycled;
- e. to make better use of our resources, including the built fabric;
- f. to mitigate environmental and social costs of developments, and encourage efficient resource use;
- g. to protect and enhance the quality and diversity of the Region's rural and urban land and landscapes;
- h. to prevent inappropriate development in flood plains;
- i. to reclaim and reuse derelict land to make more productive use of land;
- j. to protect and enhance the Region's cultural heritage and diversity; and
- k. to promote the concept of green infrastructure, a network of linked, multifunctional green space in and around the Region's towns and cities.

### 2.2 Social Objectives

- a. to tackle the social, economic and environmental impacts of multiple deprivation;
- b. to raise educational achievement across the Region and improve the skills of the workforce and of adults who are currently economically inactive, through training and skill development;
- c. to ensure everyone has the opportunity of living in a decent and affordable home;
- d. to improve the quality and choice of housing through market renewal and new development;
- e. to reduce crime and the fear of crime, particularly through good design;
- f. to improve health and well-being while reducing inequalities in health;
- g. to ensure good accessibility for all to jobs, facilities, goods and services in the Region particularly by public transport, walking and cycling;
- h. to reduce the need to travel by private car; and
- i. to increase public involvement in decision-making and civic activity.

### 2.3 Economic Objectives

- a. to ensure high and stable levels of employment so everyone can share and contribute to greater prosperity;
- b. to achieve high and sustainable levels of economic growth by focusing on the Region's strengths and alleviating weakness; and
- c. to reduce adverse impacts of economic growth on global communities by supporting the use of local labour, materials and produce.

## **Policy 4 - THE SEQUENTIAL APPROACH TO DEVELOPMENT**

Local Development Frameworks should adopt a sequential approach to the identification of land for development to give priority to previously developed land and buildings in the most sustainable locations. All sites should be in locations that avoid areas at the highest risk from flooding, having particular regard to the vulnerability of the proposed development to flooding. Locations should be selected in the following priority order:

- a. Suitable previously-developed sites and buildings within urban areas, particularly around public transport nodes;
- b. Other suitable locations within urban areas not identified as land to be protected for nature or heritage conservation or recreational purposes;
- c. Suitable sites in locations adjoining urban areas, particularly those that involve the use of previously-developed land and buildings; and
- d. Suitable sites in settlements outside urban areas, particularly those that involve the use of previously-developed land and buildings.

For the purposes of this policy, urban areas are defined as the Conurbations, Main Settlements, Regeneration Towns and Rural Service Centres, as defined in this RSS, and Secondary Settlements identified in Local Development Frameworks as providing a significant opportunity in terms of previously developed land and buildings.

All sites should be in locations that are, or will be, well related to homes, jobs and services by all modes of transport, particularly public transport, walking and cycling.

## **Policy 7 - CONNECTIVITY AND ACCESSIBILITY**

Strategies, plans and programmes, and planning proposals should seek to improve and enhance the sustainable internal and external connectivity and accessibility of the North East by:

- a. Reducing the impact of travel demand particularly by promoting public transport, travel plans, cycling and walking;
- b. reducing the need to travel long distances, particularly by private car, by focusing development in urban areas that have good access to public transport and for cyclists and pedestrians, and by encouraging home-working and improving electronic communications;
- c. minimising the impact of the movement of people and goods on the environment and climate change;
- d. making best use of resources and existing infrastructure;
- e. ensuring safe transport networks and infrastructure;
- f. maximising the potential of the International Gateways of the ports and airports and strategic transport infrastructure in supporting regional economic growth and regeneration; and
- g. improve and enhance the sustainable internal and external connectivity and accessibility of the North East region by improving accessibility and efficiency of movements with emphasis on promoting sustainable modes and reducing travel demand along the four key transport corridors set out in Policy 49.

## **Policy 8 - PROTECTING AND ENHANCING THE ENVIRONMENT**

Strategies, plans, programmes, and planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment throughout the North East by:

- a. promoting a high quality of design in all development and redevelopment;
- b. promoting development that is sympathetic to its surroundings;
- c. protecting the special qualities of the environment in the nationally designated areas of the Northumberland National Park, and the North Pennines and Northumberland Coast AONBs and upholding their statutory purposes, while recognising their role in a living, working and vibrant countryside. Major development should not take place in these areas other than in exceptional circumstances when it can be demonstrated that there is an overriding national need and it could not be located elsewhere;
- d. seeking to conserve and enhance historic buildings, areas and landscapes;
- e. identifying and giving an appropriate degree of protection to historic parks and gardens, battlefields, ancient field systems, green lanes trackways, industrial monuments and other unscheduled archaeological sites, which reflects their national or regional importance;
- f. identifying and giving appropriate protection to the Region's internationally and nationally important sites for biodiversity and geodiversity, including full assessment of the potential impacts of development on Internationally Designated Nature Conservation Sites;
- g. identifying and protecting existing woodland of amenity and nature conservation value, particularly ancient woodlands;
- h. encouraging and facilitating the implementation of the Regional Forest Strategy, Great North Forest and Tees Forest community forestry strategies, related biodiversity initiatives and other woodland planting;
- i. paying due regard to the needs of the aquatic and marine environment including taking into account the potential risk of coastal squeeze, and considering measures to address this; and
- j. encouraging and supporting the establishment of green infrastructure including strategic wildlife corridors.

### **Policy 13 - BROWNFIELD MIXED-USE LOCATIONS**

13.1. Strategies, plans and programmes should support brownfield mixed use developments in sustainable locations throughout the Region.

13.3. Local Development Frameworks should make provision for regeneration schemes within the above brownfield mixed-use locations. Provision for the employment element of proposals at these locations will be met from the General Employment Land Allocation in Policy 18. LDFs and planning proposals should ensure that the development of each site:

- a. is subject to the preparation of a detailed masterplan prior to the commencement of development;
- b. adopts an appropriate phasing and monitoring framework to ensure alignment with changing local and wider city-region objectives so that housing development does not exceed the respective local authority's housing provision;
- c. mitigates any potential exacerbation of housing market failure in the respective local authority and surrounding districts;



- d. ensures that the respective adjacent town centres are not adversely affected by the proposed development of town centre uses associated with the mixed use scheme;
- e. is served by high levels of public transport, walking and cycling, particularly through the development of workplace travel plans;
- f. secures any necessary improvements to the strategic and local road network required to accommodate traffic generated by the development, taking account of the likely use of public transport to the site;
- g. seeks to maximise the employment opportunities for residents of surrounding wards, particularly from the more deprived wards;
- h. ensures that the necessary utilities infrastructure is coordinated with new development; and
- i. protects and enhances environmental, historic and resource assets.

### **Policy 15 - INFORMATION AND COMMUNICATIONS TECHNOLOGY NETWORKS**

Strategies, plans and programmes, and planning proposals should seek to provide flexible responses to rapidly changing physical and social demands for ICT business and in particular should:

- a. seek to ensure that broadband infrastructure is available to all communities, particularly within the more rural and peripheral areas;
- b. encourage flexi-working patterns in order for people to achieve a better work-life balance and quality of life overall;
- c. promote e-tailing, working from home and e-business to contribute to a better environment by reducing the need to travel, particularly by private car;
- d. seek investment into ICT training and skills in schools and the workplace;
- e. establish strategic priorities for providing access from rural areas in order to guide investment decisions;
- f. ensure the roll out of ICT networks to existing urban areas, rural communities, business parks and industrial estates;
- g. ensure ICT infrastructure needs are incorporated into the development of sites and premises and enabled at an early stage;
- h. establish a targeted programme to promote broadband-enabled small and medium-sized business accommodation in every district in the Region, including possible refurbishment and improvements to existing premises; and
- i. promote the use of telecommunications technology in traffic management and in improving information available to public transport users.

### **Policy 16 - CULTURE AND TOURISM**

Strategies, plans and programmes and planning proposals should promote culture and tourism, including provision for sport and leisure and the resources which support these, by:

- a. improving the first impressions gained by visitors arriving and passing through the Region, including supporting environmental improvements to gateways and transport corridors;
- b. ensuring that the development of culture, sports, leisure, recreation and tourist facilities and attractions protects, invests in and enhances and maintains the Region's natural, built and heritage environments, and that adverse effects on internationally designated nature conservation sites are avoided or mitigated;
- c. ensuring that the planning and development of cultural, sports, leisure, recreation and tourism facilities of regional or sub-regional significance is taken forward in a coordinated way, including working across local authority boundaries;
- d. encouraging cultural, sports, leisure, recreation and tourism developments that benefit the local economy, people and environment without diminishing the attractiveness of the place visited;
- e. ensuring that the identification and development of cultural, sports, leisure, recreation and tourist facilities is guided by the principles of sustainability and information on market demand, including maximising opportunities to travel by means other than the private car;
- f. ensuring all major cultural, sports, leisure, recreation and tourism attractions and services are accessible by a range of transport modes to improve links to develop the Region as an integrated visitor destination; and
- g. encouraging the creation of concentrations of , cultural, sports, leisure, recreation and tourism related development within sustainable locations to contribute to wider regeneration objectives.

#### ***Policy 24 - DELIVERING SUSTAINABLE COMMUNITIES***

Strategies, plans and programmes and planning proposals, should assess the suitability of land for development and the contribution that can be made by design in relation to the following criteria:

- a. the nature of the development and its locational requirements;
- b. concentrating the majority of the Region's development within the defined urban areas;
- c. the need to utilise previously developed land wherever possible;
- d. locating development to reduce the need to travel, journey length and fuel consumption;
- e. the ability for movement needs and accessibility of development sites to homes, jobs, services and facilities to be well served by all modes of transport, particularly walking, cycling and public transport;
- f. linking development to appropriate provision of infrastructure including green infrastructure, water supply and wastewater treatment, energy supplies;
- g. linking development to provision of educational, health and other social facilities and services;
- h. the impact that the development of sites and its design will have on the Region's natural resources, biodiversity, landscapes, environmental and cultural assets, and people's health; and its potential to contribute to enhancement of these;
- i. physical constraints on the development of land including the level of contamination, flood risk and land stability, incorporating flood protection and alleviation mechanisms such as Sustainable Drainage Systems;

- j. the potential contribution of development to reducing health and social inequalities including fuel poverty, and to meeting the needs of an ageing population and the disabled, through design and the provision of accessible health, sports, community, recreational, and other facilities including suitable provision of play space and greenspaces with accessible woodland, with new development;
- k. the promotion of mixed use developments, well served by public transport, to reduce journey lengths and ensure that the best use is made of land, transport infrastructure and services;
- l. the potential contribution of development to the strengthening of local communities and their social cohesion;
- m. the potential contribution of development to secure crime prevention and community safety by design;
- n. ensuring that development has low consumption of natural resources both in construction and in operation, and incorporates embedded renewable energy generation where appropriate;
- o. the potential contribution of development to the enhancement and creation of habitats and species populations and to the promotion of biodiversity and geodiversity; and,
- p. the use of local labour markets and materials.

### **Policy 25 - URBAN AND RURAL CENTRES**

Local Development Frameworks and planning proposals should ensure that:

- a. in the Conurbations and Main Settlements development of retail, commerce; entertainment, leisure, community, cultural and religious facilities, recreation, education, health services, business, public services and other high trip generating uses 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;
- b. within the Tyne & Wear City-Region, the majority of new retail and leisure floorspace should be located in Newcastle (Regional Centre) and Sunderland (Sub-Regional Centre). Durham City will continue to have an important role in servicing its hinterland;
- ...
- d. in other centres, additional retail, commerce; entertainment, leisure, community, cultural and religious facilities, recreation, education, health services, business, public services development should be consistent with their scale and function to maintain and enhance their health and vitality;
- e. where a need for retail-led regeneration has been identified for Regeneration Towns and for Rural Service Centres, retail and leisure development may be allowed above the scale that would be required for the centre to maintain its role; provided that it would support the sustainable regeneration of these centres without compromising the vitality and viability of other town centres; and
- f. The design of development in centres should contribute to the creation of sustainable communities and be in harmony with and enhance the built environment.

### **Policy 28 - GROSS AND NET DWELLING PROVISION**

28.1. Total dwelling construction (Gross completions)

Local Development Frameworks should make provision for the following average annual level of total dwelling construction in the period 2004-2021.

Gross Dwelling Provision				
Figures Rounded (Oct 2005)	2004-11	2011-16	2016-21	2004-21
Tees Valley	2,860	2,695	2,280	2,640
Durham	1,890	1,620	1,225	1,615
Northumberland	945	930	900	925
Tyne & Wear	3,580	4,200	4,670	4,080
NORTH EAST	9,270	9,450	9,070	9,265

(Regional totals rounded to the nearest 5)

### 28.2. Improving the housing stock

Strategies, plans and programmes and planning proposals should develop an integrated package of measures to address low demand and abandonment that:

- a. maximises the improvement of existing properties where sufficient demand exists for their continued residential use and reduces or maintains vacancy rates at or below 3%;
- b. increases the average annual level of demolitions, particularly in the housing market restructuring areas, to the indicative estimated level identified below:

Demolitions					
Figures Rounded		2004-11	2011-16	2016-21	2004-21
Tees Valley	Replacement	580	575	460	545
	Demolition	920	635	440	695
Co Durham	Replacement	220	285	190	230
	Demolition	355	360	145	295
Northumberland	Replacement	45	35	50	45
	Demolition	70	35	55	55
Tyne & Wear	Replacement	1,005	820	715	865
	Demolition	1,595	780	750	1,110
NORTH EAST	Replacement	1,845	1,720	1,410	1,680
	Demolition	2,940	1,815	1,395	2,155

(Regional totals rounded to the nearest 5)

- c. considers, in areas of older high-density housing, replacement at lower densities where this would improve the living environment and quality of life, and achieve a better mix of dwelling type, size and tenure.

### 28.3. Net dwelling provision

Local Development Frameworks and planning proposals shall:

a. provide for average annual net additions to the dwelling stock, by District, for the financial years 2004-2021, as identified below:

Net Dwelling Provision				
(Figures Rounded)	2004-11	2011-16	2016-21	2004-21
Chester-le-street	100	130	130	120
Derwentside	320	270	200	270
Durham	250	220	190	225
Easington	370	215	70	235
Sedgefield	280	260	225	260
Teesdale	70	80	75	75
Wear Valley	280	160	145	205
County Durham	1,670	1,330	1,035	1,385
<b>NORTH EAST</b>	<b>7,425</b>	<b>7,725</b>	<b>7,660</b>	<b>7,580</b>

Figures for the other sub-regions are included below:

Hartlepool	390	400	400	395
Redcar & Cleveland	325	365	330	340
Middlesbrough	440	485	300	410
Stockton-on-Tees	600	530	525	555
Darlington	525	340	265	395
Tees Valley	2,280	2,120	1,820	2,100
Alnwick	105	95	85	95
Berwick-upon-Tweed	85	85	75	80
Blyth Valley	250	290	290	275
Castle Morpeth	140	130	120	130
Tynedale	140	115	100	120
Wansbeck	180	180	180	180
Northumberland	900	895	850	885
Gateshead	435	585	775	580
Newcastle upon Tyne	700	940	1,070	880
North Tyneside	400	500	500	460
South Tyneside	340	415	540	420
Sunderland	700	940	1,070	880
Tyne and Wear	2,575	3,380	3,955	3,220
<b>NORTH EAST</b>	<b>7,425</b>	<b>7,725</b>	<b>7,660</b>	<b>7,580</b>

(Sub-Regional and Regional totals rounded to the nearest 5)

The District Allocations set out above should not provide the justification for the refusal of windfall housing proposals that fall within the guidance set out for Strategic Housing Land Availability Assessments.

#### 28.4. Provision post 2021

a. To plan for the continuous delivery of housing for at least 15 years from the date of adoption, the first round of Local Development Documents should make the assumption that the annual average rate of provision during the early years after 2021 will be the same as the average for 2004 to 2021.

## 28.5. Housing markets and assessments

- a. Local Development Frameworks should identify and develop specific strategies and programmes in liaison with stakeholders and local communities, for each Housing Market Restructuring area;
- b. In preparing strategies, plans and programmes, and in determining planning proposals, local planning authorities should ensure that they have regard to the wider housing market area, including that beyond their local authority boundary and the potential impact that their proposals may have on that wider area;
- c. In preparation for future reviews of housing within RSS, the RPB and Local Planning Authorities should develop Strategic Housing Market Assessments. These should take into account of market information and have regard to housing market areas.

## **Policy 30 - IMPROVING INCLUSIVITY AND AFFORDABILITY**

30.1. In preparation for future reviews of housing within RSS, Strategic Housing Market Assessments will inform a review of the regional approach to addressing affordable housing needs, including an affordable housing target for the Region and each housing market area.

30.2. Strategies, plans and programmes and planning proposals should:

- a. make provision for a range of dwelling type, size and tenure to meet the assessed needs of all sectors of the community, including the needs of families with children, single person households, the disabled and older people. In doing so they should consider those elements of the housing stock which are currently under-represented and the contribution that could be made by replacement dwellings in the housing market restructuring areas;
- b. set local authority affordable housing provision targets informed by up to-date local housing assessments;
- c. address the problems of local affordability in both urban and rural areas, including ensuring a high provision of affordable housing is sought within the districts of Alnwick, Berwick-upon-Tweed, Castle Morpeth and Tynedale;
- d. have regard to the level of need for affordable housing, including the use of planning obligations in the development of all housing sites, including when considering the renewal of lapsed planning consents;
- e. ensure housing is served by public transport and is accessible to jobs, services and facilities by modes other than the car; and
- f. ensure the integrated and phased provision of new or improved schools, health, community and other services and facilities with new housing development.

30.3. Provision of sites for gypsies and travellers

- a. Local authorities should carry out an assessment of the housing needs of Gypsies and Travellers and Showpeople. Collaboration between authorities on these studies is encouraged to more fully understand the patterns of need and the adequacy of current provision; and
- b. Local development frameworks / documents should provide the criteria following the plan, monitor and manage and sequential approaches for the provision and release of pitches for the Gypsy and Travelling and Showpeople communities and, where appropriate, identify locations for these pitches.

## **Policy 32 - HISTORIC ENVIRONMENT**

32.1. Strategies, plans and programmes and planning proposals should seek to conserve and;

- a. enhance the historic environment of the Region by: clearly identifying and assessing the significance of any heritage assets and their vulnerability to change;
- b. using the process of characterisation to understand their contribution to the local environment and to identify options for their sensitive management;
- c. encouraging the refurbishment and re-use of appropriate disused or under-used buildings and incorporating them into regeneration schemes;
- d. seeking to preserve, in situ, archaeological sites of national importance and, where appropriate, other archaeological remains of regional and local importance;
- e. recognising the opportunities for heritage led regeneration to be used in a constructive way to help bring about social and economic regeneration, and to encourage its potential for business, education and tourism; and
- f. encouraging and supporting the preparation and review of the management plans for Hadrian's Wall Military Zone World Heritage Site, Durham Cathedral and Castle World Heritage Site, and the candidate World Heritage Site at Jarrow and Monkwearmouth and incorporating their principles and objectives.

32.2. Local authorities should:

- a. prepare, and regularly maintain registers of Grade II listed buildings 'at risk'; for their areas, and pursue policies and measures which seek to repair and remove all grades of building from 'at risk' registers through repair;
- b. consider preparing, and regularly maintaining, lists of locally important buildings for their areas, and set out policies in LDFs, which seek, as far as possible, their protection against inappropriate change;
- c. consider preparing Conservation Area Appraisals for existing and proposed conservation areas, and proceed to the preparation of Management Plans for the delivery of improvements to those areas;
- d. consider preparing lists of locally important registered landscapes, Historic Landscape Assessments and Conservation Management Plans for historic designated landscapes; and
- e. consider preparing urban surveys of historic towns and other substantial settlements, to improve knowledge of their entire historic fabric as a guide to ensure future development maximises the potential for preservation, protection and enhancement.

### **Policy 33 - BIODIVERSITY & GEODIVERSITY**

Strategies, plans and programmes, and planning proposals should ensure that the Region's ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels by:

- a. continuing to promote the protection and enhancement of internationally and nationally important sites and species;
- b. reversing habitat fragmentation and species isolation particularly in Biodiversity Target Zones;
- c. developing habitat creation / restoration projects particularly in the priority Habitat Creation and Enhancement Areas;

- d. providing for the expansion and linking of existing habitats and species populations including the creation of semi-natural green spaces in and around urban areas and for habitat restoration;
- e. contributing to improving the Region's SSSIs to a favourable condition, by 2010;
- f. preparing biodiversity and geological audits;
- g. preparing and implementing Local Biodiversity Action Plans and Local Geodiversity Action Plans;
- h. supporting proposals for biodiversity and geodiversity within Sustainable Community Strategies; and
- i. including proposals for action to stop the spread of, and eliminate, invasive species.

### **Policy 35 - FLOOD RISK**

B. In developing Local Development Frameworks and considering planning proposals, a sequential risk-based approach to development and flooding should be adopted as set out in PPS25. This approach must be informed by Strategic Flood Risk Assessments prepared by planning authorities in liaison with the Environment Agency to inform the application of the Sequential Test and, if necessary, the Exception Test, in development allocations in their LDDs and consideration of planning proposals.

### **Policy 38 - SUSTAINABLE CONSTRUCTION**

Strategies, plans and programmes, and planning proposals should:

- a. ensure that the layout and design of new buildings and developments minimise energy consumption;
- b. encourage and promote opportunities for new developments or the redevelopment or refurbishment of existing buildings to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes;
- c. encourage and facilitate homeowners and businesses in improving their energy efficiency and reducing consumption; and
- d. promote and secure greater use of local renewable energy in new development, including through Development Plan Documents, setting local level size thresholds for major new development and require all relevant developments, particularly major retail, commercial and residential developments, to secure an ambitious but viable percentage of their energy supply from decentralised and renewable or low carbon sources. In advance of local targets being set in DPDs, major new developments of more than 10 dwellings or 1000m<sup>2</sup> of non-residential floorspace should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.

### **Policy 36 - TREES, WOODLANDS AND FORESTS**

Strategies, plans and programmes, and planning proposals should:

- a. in line with the North East Regional Forest Strategy, seek to maximise the social, economic and environmental opportunities that trees, woodlands and forests present, particularly in regeneration areas and on derelict, damaged and underused sites;
- b. support the expansion of community forestry;



- c. facilitate the expansion of tree cover, particularly in urban centres and the rural urban fringe, to provide accessible leisure, recreation and environmental education opportunities;
- d. support the establishment of integrated timber processing facilities, including related industries such as renewable energy, close to existing facilities and timber resources;
- e. seek to maximise the tourism development opportunities presented by woodlands and forests, particularly in rural areas; and identify and ensure strong protection of areas of ancient woodland; and
- f. ensure that proposals for expansion of tree cover do not have adverse effects on internationally designated sites of nature conservation importance.

### **Policy 37 - AIR QUALITY**

Strategies, plans and programmes and planning proposals should:

- a. contribute to sustaining the current downward trend in air pollution in the region;
- b. consider the potential effects of new developments and increased traffic levels on air quality; and
- c. consider the potential impacts of new developments and increased traffic levels on internationally designated nature conservation sites, and adopt mitigation measures to address these impacts.

### **Policy 38 - SUSTAINABLE CONSTRUCTION**

Strategies, plans and programmes, and planning proposals should:

- a. ensure that the layout and design of new buildings and developments minimise energy consumption;
- b. encourage and promote opportunities for new developments or the redevelopment or refurbishment of existing buildings to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes;
- c. encourage and facilitate homeowners and businesses in improving their energy efficiency and reducing consumption; and
- d. promote and secure greater use of local renewable energy in new development, including through Development Plan Documents, setting local level size thresholds for major new development and require all relevant developments, particularly major retail, commercial and residential developments, to secure an ambitious but viable percentage of their energy supply from decentralised and renewable or low carbon sources. In advance of local targets being set in DPDs, major new developments of more than 10 dwellings or 1000m<sup>2</sup> of non-residential floorspace should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.

### **Policy 39 - RENEWABLE ENERGY GENERATION**

Strategies, plans and programmes, and planning proposals should:

- a. facilitate the generation of at least 10% of the Region's consumption of electricity from renewable sources within the Region by 2010 (454 MW minimum installed capacity);

- b. aspire to further increase renewable electricity generation to achieve 20% of regional consumption by 2020;
- c. facilitate the achievement of the following minimum sub regional targets to 2010:

Northumberland	212MW
Durham	82MW
Tyne & Wear	22MW
TeesValley	138MW
	454MW