

Item no.



District of **easington.**

Report to: **Extraordinary District Council of Easington**

Date: **28 July 2005.**

Report of: **Head of Planning and Building Control Services**

Subject: **Application under the Town and Country Planning Act 1990:
05/81 – Retail development at land between South Terrace,
Foundry Road and Link Road, Seaham for Modus (Seaham) Ltd.**

Ward: **Seaham Harbour**

1. Purpose of the report

A planning application has been submitted for a large retail development on an area of land bordered by South Terrace, Foundry Road and the New Cliff Top Boulevard. The application is for a retail scheme consisting of Use Class A1 (shops) with associated car parking.

The Council needs to determine whether to grant or refuse planning permission for this proposal.

2. Consultation

As part of the planning application process, a number of statutory and non-statutory consultations have been undertaken, including press and site notices. A full reconsultation exercise has also been carried out on the amended plans received.

On the original submission, the following representations were received:

One representation has been received from a local resident and the salient comments have been summarised as:

- The proposed re-alignment of Foundry Road will impact upon the vehicular access to Adolphus Place that has been enjoyed for the past 35 years. The proposal is without an alternative arrangements being put forward as to how this significant and long standing loss of personal amenity is to be addressed.
- The removal of land to the front of my property will result in an adverse material impact upon the past and existing benefits of parking on this land. This will result in the removal of the only off street parking to the front of the property and family and visitors will have to find alternative on street parking elsewhere.
- The industrial/warehousing massing of the proposal will adversely impact upon the enjoyment of the property in Adolphus Place in terms of loss of amenity, over shadowing and light.

Item no.

- The submitted Design Statement does not address the impact of proposed development or its contributions to the surrounding built environment and its relationship to key future redevelopment areas specifically St John's Square or the one hectare new housing development.
- Neither the Design Statement nor the Supporting Planning Statement make reference to alternative options for the development part of the site accommodating the proposed bus station in the event that this element of the proposal does not proceed.
- The creation of 12,000 square metres of retail in close proximity to the Adolphus Place properties will give rise to potential problems of noise and nuisance.
- 24 hour operation of the proposed retail and external service areas seven days a week would be to the detriment and well being of my family in respect of noise and nuisance.
- It is proposed to place the access to the service yard on South Terrace, which is closed to traffic at one end. All service and goods vehicles will use South Crescent or Foundry Road. This will result in vehicles passing directly by Adolphus Place into and from the service area. This will create noise and air pollution throughout the day and at unsociable hours. The applicants have provided no indication of the anticipated level of goods and service vehicles.
- The external service area will also give rise to noise as unloading occurs and the storage of waste materials may give rise to environmental nuisance such as attracting vermin.
- The applicants have submitted a preliminary transport assessment, although they have indicated that a full one will be submitted at a later date. Critical issues such as traffic analysis, junction assessment and road traffic survey are not currently addressed. Nor is the proposed impact of the development of 700 new homes currently being developed at Vane Tempest
- Using Durham County Council and PPG13 guidelines, a development of this size should make provision for 500 plus parking spaces. The application provides for under 400 taking account for car ownership levels and public transport in the area. The transport assessment makes no reference to customer catchments areas or current and future housing developments, nor does it refer to how the parking complies with Policy 50 of the Local Plan that requires provision to serve the local commercial/retail area.
- Insufficient parking could result in customers parking on the streets in the locality adding to congestion and highway safety.
- The application has a lack of detail in respect of landscaping, boundary and screen treatments, employment data.
- There is a lack of pre-application consultation with the community notwithstanding PPG 6 Creating Sustainable Communities.
- Lack of an assessment of need or impact for the retail on the existing town centre where there are existing vacant shops. Also the need for a food store, as there are existing outlets within 10 miles of the proposed development.
- The current application is being considered by the Council on part of the site from another applicant unconnected to the Modus application.
- The application states that no demolition will take place, yet the supporting documents refer to buildings on site.
- The Scouts building remains open to question and has implementations for the development of the site.

East Durham Business Services, comments summarised as:

Item no.

- No objections to the application that would add to the regeneration of the town, secure further investment, and create employment opportunities for local residents and the wider population of the district.

Easington District Council, Landscaping Officer, comments summarised as:

- Suggest general landscaping advice.

Easington District Council, Regeneration Unit, comments summarised as:

- Support the principle of the development but have concerns:
- Due to the late addition of the ASDA store, there are a number of design issues that have been overlooked to accommodate its inclusion.
- The repositioning of Foundry Road gives rise for concern. The roadway passes extremely close to a residential property on Adolphus Place. The negative impact on these properties is likely to be significant.
- No details are given to the opening hours of the ASDA. If ASDA is open late or if servicing takes place evening/early morning there is also likely to be a negative impact upon residential amenity enjoyed by the properties on Adolphus Place.
- If the impact upon these properties is enough to warrant refusal, then compulsory purchase order proceedings be initiated to ensure the development proceeds.
- Traffic problems may occur in the dead end nature of South Crescent and request this be addressed by the Highway Authority.
- The smaller of the two car parks does not have any landscaping buffer.
- The western edge of the development faces on to residential streets I would expect that fencing to be erected on top of the dwarf wall to eliminate views in to the service areas. Residential amenity will not be reduced by the development any more than is necessary.
- The retention of the Scouts building and the impact this will have on the proposed bus station (earmarked on the same site) is not clear. If approval is granted for the scheme we should be clear what will be delivered.
- Modus won the development rights for the site and included the bus station relocation within its submission. If a bus station is not delivered than a Section 106 agreement to ensure the value of the bus station in monetary terms is safeguarded as this will help regenerate other areas in Seaham.

Durham Constabulary, salient comments summarised as:

- All landscaping should have a maximum height of one metre and trees should be pruned to a minimum of two metres.
- The south element of retail unit 1 gives no natural surveillance to persons using the pedestrian walkway or for people parking/loading their cars. This gives a thief an opportunity to commit a crime without being detected or being identified.
- Street lighting should cover all vulnerable areas and not cast shadows.
- It has become a recent craze for 'boy racers' to use car parks for to perform manoeuvres to the annoyance of other users or local residents. The entrance should be closed at the end of trading by raising bollards or strong closing gates.
- A CCTV system should be considered for use both internally and externally.

Durham County Council, Highways Authority, comments summarised as:

- The four-way traffic signal controlled junction shown to serve the proposed development is close to an existing traffic signal installation on the adjacent A182 Seaham Southern Link Road, which connects the sea front area with the A19.

Item no.

- The design of the traffic-controlled junction is critical in confirming that the resultant highway network can operate efficiently without detrimental effect to the A182 and other sections of the public highway.
- A 'Linsig' analysis should be carried out on the proposed junction arrangement, to provide the necessary Link Results and Results Summary. In view of the critical nature of this analysis a detailed assessment of the Preliminary Transport Assessment has not been carried out at this stage.
- The realignment of Foundry Road means that the main centre radius line appears to be approximately 70 metres which causes difficulty in achieving the visibility and stopping sight distance of 90 metres. The applicant will need to realign Foundry Road to meet the above. The radii on junction of Foundry Road with South Terrace should be increased to 12 metres.

Durham County Council, Conservation Officer, comments summarised as:

- The site has the best view of the harbour of any in the town. It lies directly behind the harbour entrance and across the road from the new promenade. The layout completely ignores the potential by placing the car park and the service pull in on this side of the site. The roadside location could be better used for public space, or a key building with viewing platforms and restaurants or for a residential use. Such a prime sight is too valuable an asset for a proposal that does not require or make use of the seafront location.
- The views along the coast road will be of cars and the frontage of the shopping service area. These will have a negative impact on the recently created promenade. There are no strong features to announce the start of the town.
- The corner of the site facing the police station is likely to be degraded by the proposed bus station. This seems an entirely inappropriate use for such a key position in front of the main elevation of the proposed building and the apex of the site.
- Is the Scout hut to remain? It is not an attractive building and will look incongruous in its isolated position. Is this simply because a new location cannot be found? The angling club gives rise to similar problems.
- Consideration should be given to the link with St John's Square to encourage movement between the two or add vitality to St John's Square.
- Consideration should be given to links with the potential north dock development.
- The link with Church Street is poor. Church Street requires a termination feature to perform the same function as the church does with the western end. The space needs enclosing and landscaping in a comprehensive way.
- In design terms the buildings are very ordinary. The lighted towers are the only elements that show any imagination. A design statement should have accompanied the application to give design and urban form a higher priority.
- Seaham is having a resurgence of fortune. This proposal requires vision to make the seafront a really special place and the links with the town strong.
- I cannot support the proposal as I do not consider it does justice to the site nor the town.

Durham County Council, Planning Policy Unit, comments summarised as:

- Policy 48A of the Structure Plan states that the principal location for major new shopping should be in the centre of main towns.
- Policy 49 reflects the sequential approach in PPG6 where there is an identified need for major new retail, the first preference is for town centres than edge of centres.
- The local Plan Policy 31 allocated the site for mixed uses including retailing. Provided the District Council is satisfied that there is no alternative site in the town centre and the vitality and viability of the existing centre is not compromised, the

Item no.

edge of centre proposal would accord in principle with Structure Plan policies 3, 48A and 49 and is a welcome improvement to the range of retail facilities in Seaham.

- The site occupies a prominent location. Structure Plan Policy 48 encourages new development that enhances the attractiveness of the existing town centre. Policy 65 states that the character and appearance of the built environment should be enhanced and protected where appropriate. The submitted scheme is disappointing. The structure is bland and unimaginative, particularly along the New Cliff Top Boulevard. The proposed access arrangements for the service area are a concern especially along this important approach.
- There are concerns regarding the relationship of the northern end with views from Church Street. Whilst the scheme links well with Church Street, pedestrian links with are weaker from the south western area.
- The bus area would lend itself to a more imaginative layout or area of public open space.
- The scheme is disappointing, and does little to enhance the character and setting of the adjacent conservation area.
- The District Council needs to satisfy itself that the proposal meets Structure Plan policies 43 and 44A which require new development incorporate pedestrian, cycle and public transport.
- The adjacent housing application (05/83) is next to the proposal and they need to respect each other.

English Heritage: They do not consider it necessary to notify English Heritage on this scheme.

Environment Agency, salient comments summarised as:

- No objections in principle but suggest conditions relating to oil interceptor for car park drainage.
- Suggests that the Local Planning Authority should be satisfied that a flood risk assessment fully considers the impact of surface drainage from the site.

Seaham Town Council, comments summarised as:

- The Town Council fully support the proposals from Modus.

Northumbrian Water:

- Gives general advise on developing the site and details of the sewers and pipes that run through the site.
- Advise that water run-off from the car parking should be through a oil interceptor of suitable capacity before discharging into the sewers.

Commission for Architecture and the Built Environment (CABE), salient comments summarised as:

- We are taking the unusual step of writing direct to the client and development agency as well as yourselves, since we regard the scheme as being one of the worst ones we have seen for a long time.
- The proposals are of unacceptably low quality worth neither of Seaham nor Asda in its current form. We do not believe it should be granted planning permission.
- The basic premise of creating an introverted mall surrounded by a sea of cars on the main boulevard appears to us to be highly suspect and the scheme fails to acknowledge any basic urban design principles. The elevations are poor, but given out underlying concerns, the architecture is almost beside the point.

Item no.

- We think that fundamental reappraisal of design principles is essential if this proposal is to proceed in any form.

On the amended scheme, the following additional comments have been received:

One representation has been received as a result of re consulting local residents. The salient comments of the representation have been summarised as:

- No rear servicing is possible to the existing shops on south terrace and can only be achieved via the front doors.
- Provision should be made for a loading/unloading bay near to 4 Church Street.

East Durham Business Service, comments:

- I have no objection in principle to the above application that will further contribute to the regeneration of the town centre and assist in attracting business investment to the area.

Durham County Council, Highways Authority, comments summarised as:

- The full transport assessment has been examined and found to be acceptable.
- An indicative traffic calming scheme has been shown on the realigned Foundry Road which is acceptable but will need to be looked into in more detail.
- The indicative traffic calming is intended to reduce speed to 20mph and address the sight visibility concerns raised in my previous comments.
- The radii at the proposed junction between Foundry Road and South Terrace is now acceptable.
- The principle of six new bus stops in the vicinity of South Crescent is acceptable, the final locations will need to be agreed.
- The entry/exit arrangement for the buses onto A182 is acceptable but will need to be developed at a detail stage.
- The pedestrian crossing on the A182 will need to be a 'Toucan' type crossing.
- The 'out only' direction arrow on the roof plan adjacent to the disabled persons parking is better suited for 'entry only' to avoid the coming together of two lines of existing traffic attempting to leave the site, one of which would be impeded by on coming traffic.
- The proposal is acceptable from a highways point of view although matters will need to be agreed at a detailed stage.

County Durham Development Agency: No further comments to add.

Northern Electric Distribution Limited: No objections.

Northern Gas Networks (United Utilities): No objections.

Northumbrian Water:

- Gives general advise on developing the site and details of the sewers and pipes that run through the site.
- Advise that water run-off from the car parking should be through a oil interceptor of suitable capacity before discharging into the sewers.

Durham Constabulary: Refer to earlier comments made (reported above).

Easington District Council, Environmental Health Unit, comments:

Item no.

- The applicant should provide a noise impact assessment regarding vehicles loading and offloading and in terms of vehicle reversing alarms and the provision of turning circles.

Easington District Council, Landscaping Unit, comments:

- Refer to previous comments made.
- The number of parking spaces should be reduced to enable soft landscaping adjacent to the New Cliff Top Boulevard

Environment Agency, comments:

- No objections
- Suggest condition relating to oil interceptor for parking area drainage.

Durham County Council, Conservation Officer, comments summarised as:

- Seaham is having a resurgence of fortune. High standards can be achieved (Seaham Hall, Marquess Point) and they should be delivered in this prominent location. This proposal above all requires vision to make the seafront a really special place and the links with the town strong.
- I cannot support the proposal as I consider it does not do justice to the site or to the town.
- The overall concern is that the proposals have been made in isolation without regard to the public realm work already in place. The space should flow through from the seafront to Church Street and provide a consistent public realm.
- Reference should be made to the blue colour of street furniture and the robust seats, bollards and lighting columns already in place along the seafront. Junctions with the spaces outside the site should generally be more considered to achieve a consistent and understandable public realm.
- I am pleased to see the site enclosed by a wall with railings. As a condition we need to see details of the finished appearance. The railings should reflect the seafront railings in colour and appearance.
- Plants and trees will need to be chosen with care in view of the exposed location and a condition imposed that they are maintained for a number of years.
- The general design is acceptable but it is very disappointing that we have been presented with a scheme that is not comprehensive and has no details to show how it relates to the public realm around it. There should be a consistent public realm that flows from the seafront to Church Street. This is essential.
- The area at South Crescent shown as resin bond should be surfaced to match the rest. This is part of the whole space and should be read as such.
- The other area of resin bond where the scout hut currently stands appears as the bit left over. We need some positive proposals for this land and at least a commitment to make it a good space within this proposal.
- The continuation of Church Street marked by the granite setts is a recognition of the importance of the link with Church Street and is good. However the straight line joint between the two is not. Some blending is required.
- The street furniture along this strip should take reference from that already in place along the seafront for continuity. The samples shown have no resemblance to any existing features.
- The road table is also good as it will be level with the pedestrian area. However we need more detail about how it will function and whether it meets highway standards for safety and strength. If it doesn't then the whole concept of the shared space may be flawed. We feel that the bollards may look incongruous in the space.

Item no.

- The white granite paving strips add interest but we suggest that they should be omitted from the Church Street extension area. They become particularly confusing when seen with the tactile paving and granite setts at the point where the road table crosses the space.
- The white granite paving mat to mark the entrance to the shops should also not intrude into the Church Street extension. It could be extended to fill in the whole space created by the different strips at the entrance to the shopping mall.
- The raised planter is an intrusion into the open character of the plaza. Trees planted directly into the street would be a more simple way of adding them.
- We should see samples of the materials so that we know exactly what we are approving. With regard to the Marshalls conservation paving, we prefer the ground rather than the textured surface. The colour will be important. We feel it should contrast with the building.
- The proposed lighting could be very successful with the lit towers and the floor lights. There could be a blue theme developing here to complement the street furniture. A scheme of lighting would be useful as a separate topic.
- In conclusion , we consider that the proposed scheme should be a starting point for further discussion to agree the treatment of the public realm both inside and outside the site to ensure continuity with the existing public realm. A meeting would be worthwhile.

3. Background

Planning applications are normally determined by the Development Control and Regulatory Panel, or by Officers through delegated powers. In exceptional circumstances, it is considered appropriate to refer matters to the Full Council for determination. The situation with this application is that the proposal is on a site identified for redevelopment which would contribute to the wider regeneration strategy for Seaham Town Centre.

ONE NorthEast have supported the delivery of the Seaham Regeneration Strategy, securing the relocation of the Dock Company to a reclaimed site south of the town, and the extension of the A182 South of Seaham link road from the A19 into the town centre.

As part of the delivering regeneration strategy the Council passed a resolution in February 2001 to utilise, if necessary, their compulsory purchase powers to acquire land within and around the application site to facilitate the comprehensive development of Seaham Town Centre, if they could not be purchased by agreement by the proposed developer.

The application site has two club buildings on it, the Sea Anglers Club and the Scout Club. As part of the application, these Club buildings will be relocated and there is a current planning application that has been recently submitted for the scout club and the angling club to be located on land adjacent to Sylvia's Public House on South Terrace. It is anticipated that this application will be submitted to the next available Development Control and Regulatory Panel.

In addition to the joint application for the scout club and the angling club, there is also a current, undetermined application to relocate the club adjacent to the former police station. Seaham Regeneration Panel have expressed concern about the impact of this application on the listed police station. Concern was also expressed about the existing scout building remaining in its original location in front of the new proposed retail development. It is on the basis of this concern that the new joint planning application for both a new scout club and

Item no.

angling club has been submitted. It is understood that the applicant intends to withdraw the single application for the single angling club adjacent to the police station.

The planning applications referred to above has been submitted to enable the retail development to go ahead (if Members are minded to approve it). These are not being dealt with at this stage and will be dealt with by the Development Control and Regulatory Panel.

4. Position Statement and Option Appraisal

The proposal is for a 3.2 hectare retail development. The salient elements of the proposal comprise:

- A retail development consisting of a supermarket with an adjacent retail unit and a covered shopping mall serving 10 units. Some of the units will incorporate mezzanine levels. The total floorspace of the retail development will amount to 13,410 square metres (144,345 square feet). The shopping mall will also incorporate public toilets. The retail uses being applied for are A1 under the Town and County Planning Use Class Order.
- 358 car parking spaces located to the south of the application site, taking its access off Foundry Road. The car parking will incorporate 14 disabled parking bays.
- The creation of a hard landscaping area from the bottom of Church Street to the front of the retail development (in the area where the current Scout Club is positioned).
- Six on-street bus stops/shelters for dropping off and picking up of passengers located on South Terrace, adjacent to the bottom of Church Street.
- The repositioning and realignment of Foundry Road, incorporating traffic calming measures and a speed limited of 20 mph.

The assessment of this application falls into four principle areas:

- 1. The general principle of a retail development.**
- 2. The design of the proposal.**
- 3. The highway and transportation issues.**
- 4. The amenity impact of the proposal.**

These issues will be dealt with in turn:

1. The general principle of a retail development.

The application site lies within land identified in the Local Plan Inset map as being 'Town Centre Expansion'. Policy S31 (Town Centre Expansion) of the District Local Plan applies. This policy states:

“3.2 hectares of land between South Crescent, South Terrace and Foundry Road and the proposed Dawdon to Seaham Town Centre road is allocated for a mixed use development. Acceptable uses within such a scheme would include retailing, leisure, offices or residential. Retailing will only be approved where it would not conflict with policies 101 and 104 of the plan.”

The supporting text states: **“The strategic role played by Seaham town centre in providing shops and services to both the town and its neighbouring villages, and the consequent priority of maintaining and enhancing its vitality is recognised within the Durham County Structure Plan...”**

Item no.

And;

“One of the main issues addressed within the regeneration strategy was an assessment of the existing retail stock and the potential need for new retail floorspace to be provided. The study revealed that the town centre possesses a relatively low level of representation among the multiple retailers and that although this is in part due to the catchment area and the proximity of higher order centres, the provision of a quality site or sites together with a comprehensive environmental enhancement programme would be likely to attract additional multiples to the town.”

And;

“...the relocation of the dock company offices will release an area of approximately 3.2 hectares immediately adjacent to the eastern part of the town centre and east of Foundry Road. Development here could potentially provide a greater link between the shopping area and North Dock, Terrace Green and the promenade. In accordance with PPG's 1 and 6 a mixed use scheme incorporating retail, office, leisure or residential development would be appropriate on the site.”

Policy 101 of the Local Plan details the role of Seaham Town Centre and that it will be protected and promoted. The policy adds that where sites within the defined town centre are unavailable, such development on the edge of town centre may be approved.

Policy 104 of the Local Plan states that where there is an identified need for retail development, the proposal should be located within the defined centres of Peterlee or Seaham. If it can be demonstrated that suitable sites are unlikely to be made available within a reasonable period, then proposals may be located on the edge of these centres, subject to:

- Not undermining the vitality or viability of Peterlee or Seaham.
- Being safe and convenient for access by car, public transport, cycle and foot.
- That the proposal is likely to make a multi purpose trip.
- The proposal would have no serious adverse effect on the amenity of the people nearby in terms of privacy, visual intrusion, noise pollution, car parking and traffic.

In addition to the Local Plan policy, national planning policy in terms of the recently issued Planning Policy Statement 6 (Planning for Town Centres) states:

“1.3 The Government’s key objective for town centres is to promote their vitality and viability, by:

- **planning for the growth and development of existing centres; and**
- **promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.**

1.4 There are other Government objectives which need to be taken account of in the context of the key objective in Paragraph 1.3 above:

- **enhancing consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially-excluded groups;**
- **supporting efficient, competitive and innovative retail, leisure, tourism and other sectors, with improving productivity; and**
- **improving accessibility, ensuring that existing or new development is, or will be, accessible and well-served by a choice of means of transport.**

Item no.

1.5 The following of the Government's wider policy objectives are also relevant, insofar as they would not be inconsistent with the key objective in Paragraph 1.3 above:

- **to promote social inclusion, ensuring that communities have access to a range of main town centre uses, and that deficiencies in provision in areas with poor access to facilities are remedied;**
- **to encourage investment to regenerate deprived areas, creating additional employment opportunities and an improved physical environment;**
- **to promote economic growth of regional, sub-regional and local economies;**
- **to deliver more sustainable patterns of development, ensuring that locations are fully exploited through high-density, mixed-use development and promoting sustainable transport choices, including reducing the need to travel and providing alternatives to car use; and**
- **to promote high quality and inclusive design, improve the quality of the public realm and open spaces, protect and enhance the architectural and historic heritage of centres, provide a sense of place and a focus for the community and for civic activity and ensure that town centres provide an attractive, accessible and safe environment for businesses, shoppers and residents."**

The proposed retail development is on the edge of the existing main Seaham shopping area: Church Street, on an allocated site for uses including retailing, and on previously developed land. The size of the retail units provides for retailers requiring larger retail outlets unlike those currently offered along Church Street and its neighbouring retail streets. The proposal is therefore considered to assist Seaham by providing outlets that are preferred by multiple retailers, which are currently under represented in Seaham. Planning Policy Statement 6 reflects the thrust of the relevant Local and Structure Plans policies referred to earlier.

The proposal incorporates six bus stops/shelters as part of the application, along with car parking. The proposal therefore incorporates means whereby people can access the retail development by a range of different transport choices, including walking.

It is considered that the proposed retail scheme generally accords with the Government's main aims for Town Centres as stated above. In addition to the quoted paragraphs above, Planning Policy Statement 6 also advises that there should be:

- Quantitative and qualitative need for additional retail.
- A sequential approach to site selection for additional retail.
- Assess the impact of the proposal.
- Other matters including: physical regeneration, employment, economic growth and social inclusion.

The applicant has submitted a supporting statement that takes the above issues into account. Whilst the supporting statement predates PPS6 by a few months, the contents of the statement are considered to be relevant to PPS6, as the draft PPS6 was taken into account when the applicants produced the supporting statement. The salient points of the applicant's submitted statements in relation to these issues are outlined below.

Quantitative and qualitative need for additional retail.

Quantitative need is the conventional way of assessing capacity in terms of whether there is sufficient available expenditure within the catchment area capable of supporting new floorspace. The application site is an allocated site in the Local Plan for uses including retail. As the plan is up to date, it is considered that there is no need to submit a quantitative need.

Item no.

Qualitative need is the comparative assessment of the existing provision within the catchment area against the proposed new facilities. It requires assessment of the existing facilities and the consideration of the likely benefits of the new retail proposal. As the site is allocated in the Local Plan for town centres uses, a qualitative need is not needed.

Notwithstanding this, the applicant has submitted a qualitative need and in summary the proposed development represents a change in the quality of comparison and convenience retailing within Seaham. The Local Plan highlights the need for new quality provision in identifying the application site as a retail allocation. There is a qualitative need for modern retail facilities within Seaham Town Centre.

Sequential approach to site selection for additional retail.

The applicant has identified two potential sites that the proposed retail scheme could be possibly be accommodated upon. These sites are the existing bus station and north dock.

The existing bus station: The applicant consider that the bus station area is not suitable because of its site area and land use considerations. The Council is currently seeking alternative uses for this site and recently underwent a public consultation exercise for uses including a library, health centre and housing.

North Dock: The applicant consider that this site is not suitable as it is situated 100 metres across the current application site and is sequentially less preferable as it is further away from the existing Seaham Town Centre.

Assess the impact of the proposal.

One of the key aims of government planning policy for town centres is to sustain the vitality and viability of existing Town Centres. Vitality is a term which reflects how busy different parts of the town centre are during different times of the day. Viability reflects the ability of the town centre to attract continuing investment so it can be maintained and improved to meet new needs.

Based on the County Durham Economic Partnership Seaham Summary Report of May 2004 research, the applicant concludes that Seaham is a centre that is currently under performing. This is evidenced by the poor retail representation, possibly caused by a lack of suitable floor space to attract major retailers. Seaham has a substandard number of multiple retailers, 25% compared to 34% across the north region and has more vacant outlets than average. Customer views of the centre reveal that the vast majority of in centre shoppers would like to see improvements in both the retailer representation, frequency of big name retailers, and environmental improvements. The applicant considers that the proposed retail development will offer these investments and will provide floor spaces which are attractive to multi-national retailers and will significantly upgrade the offer of the town.

The applicant considers that the proposal will compliment the existing retailers within Seaham Town Centre. It represents an opportunity to provide retail floorspace which meets modern retailer requirements which will be attractive to national retailers not currently present in Seaham Town centre.

The applicant anticipates that this proposal will claw back expenditure currently leaking into the area in terms of direct expenditure and linked trip expenditure in other retail, business and services. The additional expenditure within the town centre would increase the vitality and viability of the town centre. The applicant's state that there would be no harm to Seaham, indeed the proposed development would have a beneficial impact upon the town centre in qualitative and quantitative terms.

It is considered that the proposal will offer a retail environment whereby the multiple retailers attracted by larger retail units will have the opportunity to trade in Seaham.

Item no.

Currently the existing retail environment in Seaham consists of small retail units and consequently there is the under representation of the larger retailer often seen in other towns and cities.

Other matters including: physical regeneration, employment, economic growth and social inclusion.

The applicant has not directly addressed these issues in their submitted statements. However, the proposal is considered to assist in the physical regeneration of Seaham. The proposed retail development is part of a wider regeneration exercise involving ONE North East to relocate the docks and bring in a town centre use. The multiple retailers will introduce employment opportunities and a stronger retail core for Seaham will assist in economic growth for the area. Planning Policy Statement (PPS) 6 states that for social inclusion, this can be defined in broad terms and may include other considerations, such as increasing the accessibility of a range of services and facilities to all groups. The proposal is considered to increase accessibility to facilities and will introduce improved pedestrian links for people who may not be able to access a car and leveled access for wheel chair users. In addition, the covered mall will create a shopping environment where people are protected from the north coast inclement weather.

It is considered that the planning support statement issues by the applicants address the key issues highlighted in PPS6. It is also considered that there are no other suitable sites within Seaham that could accommodate the proposal and that the proposal will introduce facilities that are aimed at multiple retailers. With regard to the existing town centre, the proposal is bound to introduce competition between existing retail outlets along Church Street and the new retailers that will occupy the proposed retail development. However, it is firmly recognised that Seaham lacks multiple retailers and that the proposal will actually accommodate the multiple retailers that are not currently represented in Seaham. There is a risk that existing retailers on Church Street may relocate into larger premises within the retail development, but without any firm evidence that the proposal will have an undue impact upon the vitality and viability of the existing town centre, it is difficult to resist the proposal. On balance, it is considered that the proposal will compliment the existing town centre and attract trade that currently visits other locations to access a larger range of retail opportunities.

The proposed retail development is therefore considered to be in accordance with both national, regional and local planning policy. The general principle of retail is therefore considered acceptable for the reasons discussed above.

2. The design of the proposal

As can be seen from the representations received, the proposed design of the retail development is considered by some to be poor. CABE, the government's design advisors, have made some particularly strong comments about the proposal.

The District has suffered from economic decline since the closure of the mining industry. For a long time the District remained static with very little new development taking place. More recently, has there been a resurgence in development with, for example, national house builders taking an interest in the District that would not have been the case a few years ago. Large scale planning applications recently received in different parts of the District suggest that the area is regenerating. However, the current economic climate does not yet dictate a top quality design that might be expected in major city centres. It is considered difficult to request a top quality design for an area where regeneration is only now taking hold. Whilst ideally a better quality scheme would be preferred, a realistic balance needs to be struck

Item no.

between what can be delivered on the site within Essington's District's economic circumstances.

There have been a number of amendments to the scheme to achieve a better design. This has included additional tower on the western elevation to create a visual link between St John's Square and the shopping centre. St John's Square is expected to be redeveloped shortly and therefore it is considered relevant to have a link between the two. Other amendments include railings and walls to the perimeter of the development.

Whilst the Council's Landscaping Unit consider that the proposal should include soft landscaping, it is considered that due to the close proximity of the sea and its wind, landscaping might struggle to become established. Therefore it is considered that hard landscaping should be used around the development comprising different surface treatments, street furniture etc. This is in keeping with the urban environments found in town centres.

The north elevation of the development provides the main entrance to the shopping centre and directly links the development with the bottom of Church Street. This area currently houses the Scout Club building which will be relocated. The application presents the opportunity to secure a new public 'square' and to link Church Street to the development. The applicant has submitted a scheme that shows a continuation of the pedestrian surfacing across South Terrace and into the new public 'square'.

The Conservation Officer at Durham County Council has commented on the scheme and has made several suggestions to improving it. It is considered that the use of a Grampian style condition can be used to achieve a better surface treatment to the public square. Durham County Council Design team have prepared guidelines for the developer to produce details of a suitable design for the public square. This matter can be dealt with by condition. Although the treatment to the public square will continue beyond the application site onto South Terrace, it is possible to carry out works on the public highway as this land is under the control of Durham County Council which has agreed that it can be altered.

Taken as a whole, the development is considered to comprehensively address the redevelopment of the site and its surroundings and makes a positive impact on the centre of Seaham creating a strong focus and new heart for the town where none previously existed.

3. The highway and transportation issues.

The proposal will be served by a 358 spaced car park and access for this will be taken from a (realigned) Foundry Road. The access to the car park will be controlled by a set of traffic lights, which will also control traffic into the adjacent site to the south that is designated in the District of Easington Local Plan for housing. Two planning applications have been submitted for housing on this site (one in outline and one in full).

Along South Terrace six bus stops will be provided where buses can drop off and pick up passengers. This will be located by the bottom of Church Street and the northern entrance to the shopping mall. Placing the bus stops in this location has the benefit of serving both the shops on Church Street and the proposed shopping centre.

Buses will travel along South Terrace and will join the New Cliff Top Boulevard by a new access that will be created at the end of South Terrace (currently a dead end). These accesses will be for buses only and will allow buses to enter and leave South Terrace. The buses will travel across the bottom of Church Street on South Terrace. As discussed earlier, this area will be subject to a new surface treatment so that there is a visual continuation between Church Street and the front of the shopping mall.

Item no.

The applicant has submitted a transport assessment to assess the impact of the proposal upon the surrounding existing road network. It should be noted that Durham County Council Highway's Authority have commented that the assessment is acceptable.

Foundry Road will be redirected to enable the development. The realigned road will run roughly parallel with the current route of the road, but moved to the south. The realigned road will have a new junction with South Terrace. The road will be restricted to 20 mph and will incorporate traffic calming measures to ensure that the speed limit is adhered to. The reduced speed limit is necessary due to the radius of the realigned Foundry Road that would not be suitable for vehicles travelling at 30 mph. The applicants will need to make an order under Section 247 of the Town and Country Planning Act to divert Foundry Road into its realigned position.

The scheme as originally submitted had a number of outstanding highway issues that required addressing. The applicants have since addressed these issues and the Highway Authority consider that the proposal is generally acceptable from a Highways perspective. There are a number of details that require attention and these can be dealt with by way of conditions. For example, a representation has been made regarding access to some of the existing shops on South Terrace. The final location of the bus stops will need to be agreed with the Highways Authority and the access to the shops taken into account when agreeing the final position of the bus stops.

4. The amenity impact of the proposal.

National, regional and local planning policy is to focus new retail development within or next to existing town centres. These policies concentrate retail development in the most accessible and sustainable locations leading to concentrations of higher density and mixed uses.

Policy 104 of the Local Plan states that where there is an identified need for retail development, the proposal should be located within the defined centres of Peterlee or Seaham. If it can be demonstrated that suitable sites are unlikely to be made available within a reasonable period, then proposals may be located on the edge of these centres, subject to having no serious adverse effect on the amenity of the people nearby in terms of privacy, visual intrusion, noise pollution, car parking and traffic. Policy S31 of the Local Plan specifically provides for the expansion of the town centre at this location.

The northern and eastern side of the application site extends towards the commercial part of Seaham where uses include, retail, banks, car parking and open space. To the south, the proposal is currently adjacent to an area of brownfield land (allocated for housing under Policy S10 of the District of Easington Local Plan). The eastern side overlooks the port.

Negotiations have taken place to secure integration of the proposed development with the surrounding land uses: locating the bus stops along South Terrace and creating a central pedestrian focus and link between the town and the application site.

Directly to the south west of the application site is an allocated housing site (Policy S10) where it is considered that a high density development would compliment the newly expanded town centre.

The closest residential properties to the proposal is a single pair of semi detached dwellings on Adolphus Place. The application proposes to realigned Foundry Road and one of the implications of this is that the road will be closer to the front elevation of these dwellings.

Item no.

Directly opposite these properties will be an area of landscaping with an enclosed service yard wall beyond. The service yard wall will be positioned between 18 to 20 metres away, across the realigned Foundry Road. To the front of the semi detach properties is an open area of unused land and a high wall which until recently, separated the properties from the former dock warehouses.

This part of Seaham has seen a lot of changes over the last few years including relocating the dock warehouses and its associated traffic to an alternative site. The retail proposal and the associated housing proposal to the south west of the application site represent the final stages in the regeneration of this part of Seaham, as anticipated by the Seaham Regeneration Strategy and the regeneration agency ONE North East.

It is considered that the proposal will have a degree of impact upon the amenity of Adolphus Place, primarily due to the realignment of Foundry Road and the traffic that will use it and also from the visual impact from the service yard wall.

The use of conditions can mitigate this impact. The service yard is under cover and has been designed to create an enclosed service area to contain noise and disruption created by the loading and unloading of vehicles serving the proposed development. A noise impact survey would be undertaken to secure adequate mitigation measures (such as noise insulation panels) to limit the noise emanating from the enclosed service yard. Additionally a condition can be imposed to ensure that the doors to the service yard are kept closed at all times when not in use. A special condition can be used to secure mature landscaping, including trees as shown on the plan, to the front of the service yard wall opposite Adolphus Place to soften the visual impact.

The representations received refer to the loss of on street parking to the front of Adolphus Place. This parking has been taking place on land that is not within the control of the owner(s) of Adolphus Place and therefore this is essentially a private matter.

Traffic using Foundry Road will be restricted to 20mph and this will be enforced by traffic calming measures. Adolphus Place is located by the junction of Foundry Road and South Terrace and therefore most vehicles will have slowed, stopping at the junction. Nevertheless, the traditional character of the area has been heavy industrial use mainly associated with the former dock warehousing and its associated freight movements.

Notwithstanding the above, the applicant (Modus) has made some additional suggestions to alleviate the amenity and impact on Adolphus Place, including possibly:

- Modus to supply and fit double glazing to the front of the properties.
- Modus to supply and fit a new boundary treatment to the front of the properties i.e. new brick wall, fencing or landscaping to the owners preference.
- Modus offer to replace land on the adjacent residential site for the owner to park his/her car/s upon - we could also consider building a garage upon the same.
- Modus offer to acquire the properties.
- Modus offer to swap the current properties for a brand new house on the new residential site.
- Modus simply offer a cash payment.

At the time of writing, the applicant was undertaking further negotiations, similar to those outlined above. It is hoped that the outcome of these negotiations can be reported to Members at the meeting and the methods by which these can be delivered.

Item no.

5. Implications

5.1 Financial

There are no direct financial implications for the Council arising from a decision on the planning application. Financial implications may result if planning permission is refused and an appeal submitted, or if a legal challenge is mounted against an approval.

5.2 Legal

The proposals have been duly considered in the context of planning legislation, Central Government advice, and the Human Rights Act etc.

5.3 Policy

Policies contained in the County Durham Structure Plan: Policy 1 (General Principles), Policy 48 (Town Centre and shopping) and the District of Easington Local Plan: Policy 1, (General Principles), Policy 35 (amenity), Policy 101 (Protection and promotion of town centre sites), Policy 104 (out of centre retail development), and Policy S31, (Town Centre Expansion) are considered relevant to the proposal. Several government planning policy guidance and statement notes are considered relevant to the assessment of this application, namely Planning Policy Statement 1 (Delivering Sustainable Development) and Planning Policy Statement 6 (Planning for Town Centres).

5.4 Risk

A risk assessment has been carried out. It is considered that the potential for risk arises from a challenge or appeal to the decision, with risk of associated costs. This risk should be minimised where a decision is made in accordance with the recommendation.

5.5 Communications

The applicant will be notified of the Council's decision by issuing the decision notice.

5.6 Corporate

There are no corporate implications

6. Conclusion

The proposed development will meet the objectives of the District of Easington Local Plan, the long term objectives of the Seaham Regeneration Strategy by delivering a comprehensive retail development on the town centre expansion site. The application addresses the design and highway issues. Whilst it is acknowledged that there is some residential amenity impact, the use of appropriate mitigation measures and the offers from the applicant to assist in this mitigation, can address these concerns. The wider regenerative benefits that the proposal will deliver for Seaham and beyond would be considerable. On balance, it is not considered that these particular amenity impacts are sufficient to justify a refusal.

7. Recommendations

Item no.

That the application be granted, subject to the following conditions:

Conditions relating to materials, Storage of waste materials, Car park oil interceptor, Flood risk assessment, Details of Traffic calming to be agreed, Details of Pedestrian crossing to be agreed, Positions of bus stops to be agreed, loading and unloading areas to be agreed, Entry/exit onto A182 for buses to be agreed, Entry only adjacent to disabled parking to be agreed, Noise impact assessment for loading unloading area to be agreed, Cycle parking facilities, Service doors to be kept close at all times, Secure details of new square to county council design guidelines to be agreed, Demolition of Scout Hut, Means of Enclosure, Details of surface treatment to be agreed. All retail uses to be A1, unless otherwise agreed by the LPA.

8. Background Papers

The following background papers have been used in the compilation of this report.

Durham County Structure Plan.

Easington District Local Plan.

Planning Policy Guidance/Statement Notes.

ODPM Circulars.

Individual application forms, certificates, plans and consultation responses

Seaham Regeneration Strategy.