

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/14/02769/FPA |
| FULL APPLICATION DESCRIPTION | EXTERNAL ALTERATIONS TO THE EXISTING RETAIL UNIT AND SITE, INCLUDING REMOVAL OF BUILDERS YARD ROOF, GROUND WORKS TO BUILDERS YARD, ERECTION OF LIGHTING COLUMNS, TROLLEY SHELTERS, BOLLARDS, SERVICE YARD GATES AND FIRE EXIT DOORS. |
| NAME OF APPLICANT | B&Q AND MORRISON SUPERMARKETS |
| SITE ADDRESS | UNIT 1, DURHAM CITY RETAIL PARK, MCINTYRE WAY, DURHAM |
| ELECTORAL DIVISION | BELMONT |
| CASE OFFICER | Barry Gavillet 03000 261958 barry.gavillet@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

- 1 This application site lies within the Durham City Retail Park on the part of the Dragonville Industrial Estate. The unit is currently occupied by B&Q Warehouse and is surrounded by other retail stores selling non-food goods. The Durham City Local Plan designated this area under policy S8 for retail warehousing units. The policy specifically allowed for the sale of DIY home improvement goods, general building merchandise, furniture, bedding, floor coverings, office equipment, electrical goods, motor accessories, pet products and garden centre products.

Proposal:

- 2 This application has been submitted by B&Q plc (who currently occupy the site) and Wm Morrison Supermarkets plc for external alterations to the existing retail unit and site, including removal of the builders yard roof, ground works to builders yard, erection of new lighting columns, trolley shelters, bollards, service yard gates and new fire exit doors on the building's northern elevation.
3. The alterations to the retail unit and the site sought by this planning application will enable the creation of a new format B&Q DIY store of 5,268 square metres, securing approximately 115 existing jobs. A new Morrisons foodstore of 6,098 square metres,

creating approximately 300 new jobs and a shared car park of 536 spaces including the provision of 26 disabled and 26 parent and toddler spaces.

4. No additional retail floorspace is proposed as part of this application; only the range of goods to be sold will differ.
5. The application is being reported to committee at the request of a local member.

PLANNING HISTORY

6. Planning permission for the retail park was granted on appeal in December 2003. The condition attached to this permission which controlled the type of goods which are sold on the retail park was varied in 2004. This permission has been implemented by Argos who occupy Unit 6 on the site.
7. In 2012 a lawful development certificate was granted for unrestricted A1 Use at Unit 4, currently occupied by PC World which allowed the sale of food.
8. In August 2014 a Certificate of Lawfulness was granted confirming that the proposed use of the land and buildings for retail purposes within Class A1 (without restriction on the types of goods that can be sold) was lawful for Unit 1 which is currently occupied by B&Q.

PLANNING POLICY

NATIONAL POLICY:

9. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

The following elements are considered relevant to this proposal:

11. *Part 1* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. *NPPF Part 2*- Ensuring the vitality of Town Centres Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
13. *NPPF Part 4* - Promoting sustainable transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable

transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

14. *NPPF Part 7 - Requiring Good Design* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

LOCAL PLAN POLICY:

City of Durham Local Plan

15. *Policy Q1 - General Principles - Designing for People* - Requires all new development to take into account the requirements of users in respect of layout and design.
16. *Policy Q2 - General Principles - Designing for Accessibility* - Expects account to be taken of sustainability.
17. *Policy Q4 - Pedestrian Areas* - Pedestrian areas should be laid and designed with good quality materials.
18. *Policy Q5 - Landscaping - General Provision* - A high standard of landscaping should be incorporated in the design and layout of new development.
19. *Policy Q7 - Layout and Design - Industrial and Business Development* - Requires high standards of layout and design and regard to the character of surroundings.
20. *Policy Q11 - Shop fronts- Provision of New* - New shop fronts should respect the scale, proportion, materials and character of the building and area in which they are located.
21. *Policy S1A - Retail Hierarchy* - Identifies Durham City Centre at the top of the local retail hierarchy in terms of the protection of vitality and viability, followed by District Centres at Dragon Ville and the Arnison Centre, then designated Local Centres.
22. *Policy S8 – New retail warehouse development, selling DIY and home improvement goods, general building merchandise, furniture, bedding, floor coverings, office equipment, electrical goods, motor accessories, pet products and garden centre products* will be permitted on Dragonville Industrial Estate.
23. *Policy T1 - Traffic Generation - General* - Resists development that would lead to traffic generation levels prejudicial to highway safety.
24. *Policy T10 - General Provision* - Promotes sustainable transport choices by limiting off street parking provision.

EMERGING PLAN POLICY:

25. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:
26. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
27. *Policy 18 (Local Amenity)* – In order to protect the amenity of people living and/or working in the vicinity of a proposed development, permission will not be granted for development proposals which would have a significant adverse impact on amenity such as by way of noise, vibration, odour, dust, fumes, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
28. *Policy 26 (Retail Hierarchy and Development in Commercial Centres)* – The Council will protect and enhance the following hierarchy of sub regional, main town, small town, district and local retail centres in the County.
29. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. Belmont Parish Council do not object to the proposals but have some concerns relating to the potential increase in traffic and the potential for disturbance to residents of Eden Terrace due to service delivery vehicles.

INTERNAL CONSULTEE RESPONSES:

30. Highways Officers have no objections to the proposals but have offered informal advice to the applicant. They have also requested a condition relating to electric car charging points.
31. Environmental Health Officers have no objections to the proposals as the delivery times would remain the same and therefore there would be no additional impacts in

terms of noise. In addition, it is noted that the proposed lighting is a considerable distance from residential properties.

PUBLIC RESPONSES:

32. The application has been advertised by way of a press notice, site notice and letters to surrounding residents. No correspondence has been received as a result of this consultation.

APPLICANTS STATEMENT:

33. This Statement is submitted in support of a full planning application (LPA ref: DM/14/02769/FPA) by B&Q plc and Wm Morrison Supermarkets plc ('Morrison's') for external alterations to the existing retail unit (Unit 1 Durham City Retail Park) and site, including removal of builders yard roof, ground works to builders yard, erection of new lighting columns, trolley shelters, bollards, service yard gates and new fire exit doors on the building's northern elevation.
34. No additional retail floorspace is proposed as part of this application and a Certificate of Lawfulness was granted on 04 August 2014 that confirms that the proposed use of the land and buildings for retail purposes within Class A1 (without restriction on the type of goods that can be sold) is lawful (LPA ref: DM/14/01588/COL).
35. The application site is currently occupied by a large B&Q DIY Warehouse store, but following a nationwide review of its properties, B&Q has taken a business decision that the current size of the existing store at Durham City Retail Park is no longer viable as a retail operation. It is therefore necessary for B&Q to 'Right Size' its operations and find an alternative retail use for the remainder of the store.
36. There would be numerous benefits associated with the proposed development that would be enabled by the granting of the planning application that this Statement has been submitted in support of. The benefits include, job retention (circa 115 jobs) and creation (circa 300 jobs), enhanced consumer choice and maintenance of B&Q's presence at Durham City Retail Park.
37. B&Q is taking proactive steps to address the issue of surplus floorspace within the business, which roughly equates to Waitrose's entire estate. Its intention is to make the business estate fit for the future, securing existing jobs and maintaining customer service and choice.
38. None of B&Q's colleagues employed at the Durham City Retail Park store (in both full and part time roles) are at threat of redundancy as a result of the proposals. However, B&Q would have no choice but to review all other options for the store if the current application is refused.
39. Accordingly, we respectfully request that this application is approved.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=111394>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

40. As this application seeks full planning permission for external alterations to an existing retail unit, the main planning considerations are the principle of the development, the layout of the development and impact on surrounding occupiers and highways issues.

Principle of the development

41. Firstly, it should be noted that this application is purely for the external alterations noted above and should not be confused with an application for a new Morrisons foodstore. The Local Planning Authority have recently issued a certificate of lawful use to confirm that Unit 1 does not require planning permission for the sale of food. Fundamentally this planning application is submitted to provide alterations to the existing building and site that will enable B&Q to continue trading at Durham City Retail Park in the long term. The DIY market has suffered due to the economic downturn and as such a strategic business response is necessary to ensure that B&Q can continue to remain within the city and trade in a successful and viable manner to meet both current and future customer's needs.
42. Following a nationwide review of its properties, B&Q has taken a business decision that the current size of the existing store at Durham City Retail Park is no longer viable as a retail operation. The existing store is a product of its time and over the last few years the DIY market as a whole has moved on with the combined impact of the recession and changing customer shopping habits. It is a market-wide issue that has been evidenced by Focus DIY going into administration in 2011, plus the ongoing Homebase store closure programme. It is therefore necessary for B&Q to 'downsize' its operations and find an alternative use for the remainder of its store at Durham City Retail Park.
43. Although as noted above, this application is for external alterations and not for a new food store, approval would facilitate the opening of the store which would create approximately 300 new jobs as well as retaining the 115 staff currently employed by B&Q.
44. Part 1 of the National Planning Policy Framework seeks to ensure that the planning system creates a strong, competitive economy and advises that local planning authorities should operate to encourage and be proactive to meet the development needs of businesses. This theme is reflected in saved policy S1a of the Durham City Local Plan which states that the Council will seek to protect and promote the vitality and viability of all centres within the local retail hierarchy of the City of Durham Area. Finally, the overarching priority of the Council is to improve the economic performance of the County Durham, this is a priority which is strongly reflected in the Emerging County Durham Plan. On this basis it is considered that the proposal would facilitate the creation and retention of a significant number of jobs in accordance with the aims of planning policy and guidance and therefore the principle of the development can be accepted.

Layout, impact on surrounding occupiers

45. Environmental Health and Pollution Control Officers have been consulted as part of the application process and have commented that on the basis that the delivery times have not changed the proposed alterations will not cause any adverse noise impact to the nearest residential properties on Eden Terrace. In addition the proposed lighting is a considerable distance from residential premises therefore this would not cause any adverse light impact to these occupiers. Officers confirm that it

is unlikely that the development has the potential to cause a statutory nuisance, as defined by the Environmental Protection Act 1990. On this basis it is considered that the proposals are in accordance with part 11 of the National Planning Policy Framework.

Highways Issues

46. Highways Officers have considered these proposals on the correct basis in that the impact of a new Morrisons store is not being assessed but simply the external alterations to the existing building and car parking area. Officers have no objections to the proposals but have offered informal advice relating to minor alterations to the car park which would improve traffic flows, the applicant has agreed to incorporate these amendments. In addition, Highways Officers have requested the installation of electric vehicle charging points which would be secured by an appropriate planning condition. Overall, it is considered that the proposals are acceptable from a highways perspective and are in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the National Planning Policy Framework.

CONCLUSION

47. It is considered that the approval of this application would be in accordance with the aims of both National and Local Plan Policy which aim to secure a prosperous economy and improve the economic performance of the County. The proposals both would facilitate the opening of a new foodstore, creating approximately 300 jobs and retaining 115 jobs at the existing B&Q store. The principle of the development has been accepted and there are no amenity or highways issues that would warrant refusal of planning permission.

RECOMMENDATION

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

Conditions:

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

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

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

Reason: To meet the objectives of saved Policies 1, 35 and 36 of the Easington District Local Plan and parts 1 and 4 of the NPPF.

3. No development shall begin until a scheme for the provision of electric car charging points have been submitted to and approved in writing by the Local Planning Authority. The charging points approved shall be available for use prior to the

additional car parking spaces hereby approved being brought into use and shall be maintained throughout the lifetime of the development.

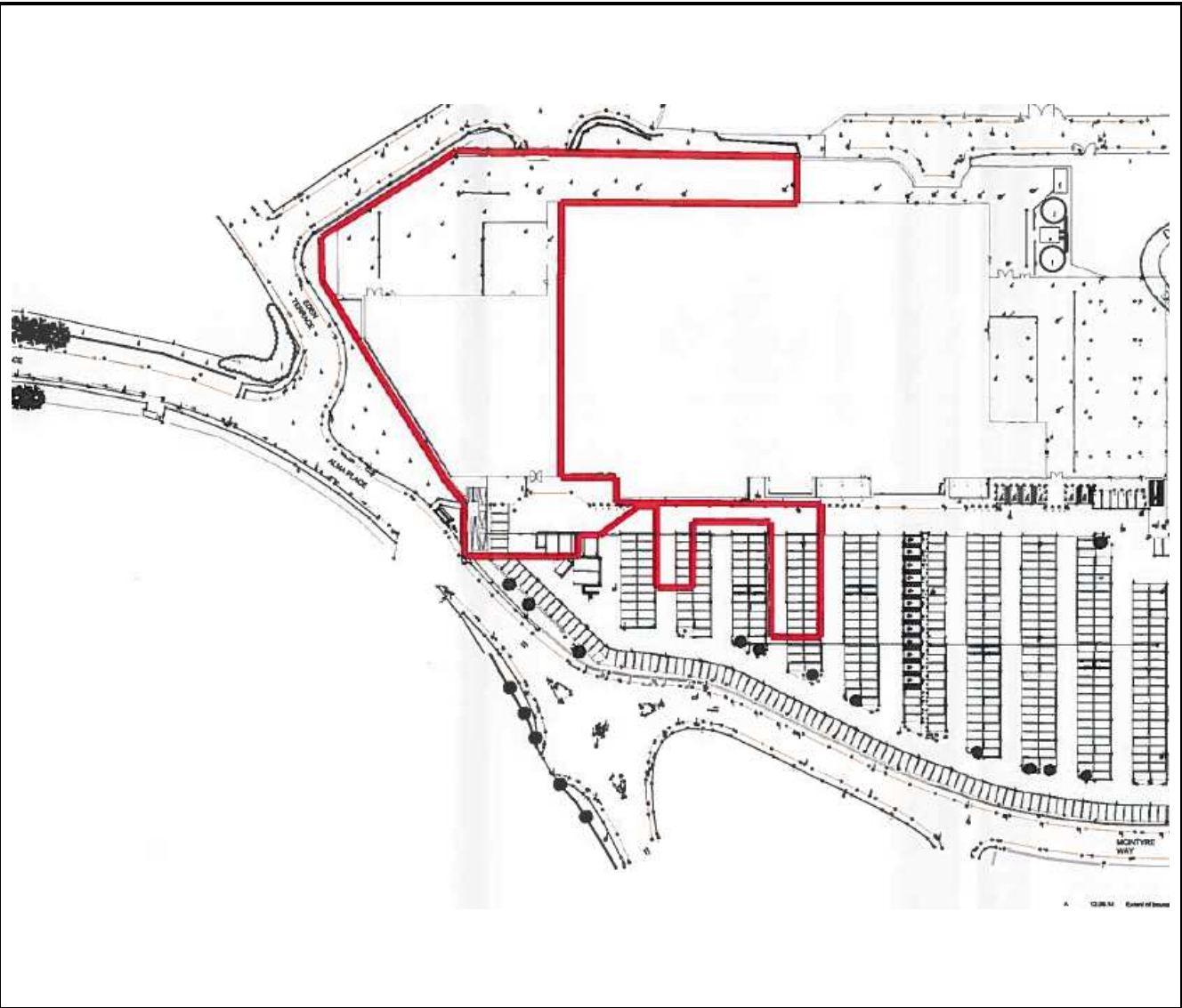
Reason: In order to encourage sustainable means of travel in accordance with part 4 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Emerging County Durham Plan
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

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B&Q – DURHAM CITY RETAIL PARK

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Comments

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