

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7 April 2010

Page

APPLICATION REF. NO:	09/00775/FUL
STATUTORY DECISION DATE:	4 February 2010
WARD/PARISH:	PARK EAST
LOCATION:	Sainsbury's Supermarket, Victoria Road, Darlington
DESCRIPTION:	Alterations and extensions to existing superstore, construction of a decked car park, erection of a petrol filling station, alterations to access and egress arrangements and associated landscaping (revised scheme) (Amended Phase 1 and 2 Geotechnical report received 22.12.09 and amended plans and additional information received 15.2.10)
APPLICANT:	SAINSBURY'S SUPERMARKETS LIMITED

APPLICATION AND SITE DESCRIPTION

This application relates to proposals to alter and extend the existing Sainsbury's store on Victoria Road to provide an additional 4,857m² of gross internal floorspace. Part of the additional floorspace would be provided on a newly created first floor. The proposed extensions will take place to the north and west sides of the existing store, with the proposed extension to the northern side providing stairs and lift areas to a new first floor customer restaurant and domestic area. The proposed extension to the west elevation would provide a new glazed entrance atrium with two travelators, lifts and stairs between the ground and first floor levels, together with an extended checkout line. A smaller extension is also proposed to the rear (east elevation) of the store to incorporate an existing open dock into the building with a new canopy above. A new online delivery service would also operate from the store, with a loading area created internally within the store at the rear of the building.

It is also proposed to construct a decked car park on the site of the main car parking area to the west of the store. The decked car park will provide a total of 570 car parking spaces over two levels, with ramped access to the top level of the car park being provided at the southern side of the site, adjacent to Polam Lane. The application also proposes to erect a petrol filling station and kiosk on part of the existing car park at the northern side of the site, close to the existing entrance/egress to the site on Victoria Road. The parking spaces lost as a consequence of this part of the development will be provided for within the new decked car park.

New vehicular access and entrance arrangements are also proposed, with the existing single access/egress into the site becoming the site entrance and a new site exit onto Victoria Road

created between the new petrol filling station and the recently built apartment block at Kirklee House. A new retaining wall would be built in the northwest corner of the site, adjacent to the Baptist Church to accommodate a wider lane for traffic accessing and exiting the new decked car park. A new disabled access and cycle ramp would be provided adjacent to the existing stepped access to the site at the corner of Grange Road and Polam Lane.

The existing recycling facilities will be relocated from a site adjacent to the entrance to the site to a new location on the eastern boundary of the site, close to Pease Cottages on South Terrace, and would be enclosed by a new 2.4 metre high acoustic fence.

This is a revised application. A previous application (09/00254/FUL) was withdrawn in June 2009 to enable the applicants and their agent to consider a number of revisions to the details of the proposals.

The following information has been submitted with the application:

- Design and Access Statement
- Geotechnical and Environmental Report
- Transport Assessment
- Travel Plan
- Planning and Retail Statement
- Noise Impact Assessment
- Tree Survey and Planting Plan
- Arboricultural Impact Assessment and Arboricultural Method Statement
- Summary of Consultation

The application site is bounded by Victoria Road and Grange Road on its north and west boundaries respectively, by residential properties on Quaker Lane and Polam Lane to the south and by Feethams Cricket Ground and residential properties at Pease Cottages and South Terrace on its eastern boundary. Mature tree planting separates the cricket ground and the properties at Pease Cottages and South Terrace from the application site and a 1.8 metre high brick wall runs along part of this boundary. A recently built apartment block known as Kirklee House and Grange Road Baptist Church are also located along the northern boundary of the site.

Part of the site lies within the Stanhope Road/Grange Road Conservation Area, although this excludes the store itself but relates to the car park area to the north and west of the store. There are also a number of trees protected by Tree Preservation Order (TPO) outwith the application site, but in close proximity to its south and northwest boundaries.

PLANNING HISTORY

The site has a lengthy planning history, the most relevant of which is listed below:

84/00486/DM - Erection of a retail DIY warehouse and associated car parking in outline.
WITHDRAWN 19.11.1984

85/00536/MISC – Construction of a retail unit for the sale of building materials and DIY home improvement goods and car park. REFUSED 21.8.1986

86/00086/DM – Erection of a superstore (65,950 sq ft gross) and associated car park (505 customers, 22 staff) in outline. GRANTED 23.7.1993

87/00590/DM – Erection of a retail store (51,000 sq ft gross) within Class A1, petrol filling station and associated car parking (472 customer spaces and 14 staff spaces) GRANTED 3.5.1988

88/00172/DM – Erection of a food retail superstore, access and car park. WITHDRAWN 30.6.1988

93/00260/DM – Erection of a food superstore and associated car park (505 customer and 22 staff spaces) in outline (duplicate application). GRANTED 1.2.1994

94/00437/DM – Variation of condition (9) of planning permission reference number 8/93/86/DM dated 23.7.93 for erection of a superstore and car park in outline, to permit deliveries by service vehicles on Sunday between 9am and 5pm. GRANTED 23.9.1994

94/00808/MISC – Development of a petrol filling station. REFUSED 10.2.1995

01/00828/FUL – Erection of extension (2033 m2) to existing superstore (as amended by additional information – retail statement and amended plans) WITHDRAWN 6.8.2002

02/01001/FUL – Erection of extension (2033m2) to existing foodstore. WITHDRAWN 7.2.2004

04/00559/ADV – Display of advertisements to premises. SPLIT DECISION 22.6.2004

04/00642/FUL – Erection of an extension to superstore (648 square metres) GRANTED 8.9.2004

04/01007/ADV – Erection of 5 no. fixed spoke signs. GRANTED 26.10.2004

04/01160/ADV – Display of adverts on existing brick panel. GRANTED 29.12.2004

05/00087/ADV – Erection of freestanding non-illuminated advertisements. REFUSE 10.3.2005

06/00750/FUL – Application to vary condition 9 of planning permission T/APP/L1310/A/94/243102/P6 granted on appeal dated 12 January 1995 to permit up to 3 deliveries by service vehicles between the hours of 22:00 and 07:00 Monday to Saturday, with deliveries outside of these hours remaining unrestricted on these days, and 2 deliveries by service vehicles on a Sunday between the hours of 10:00 and 17:00. WITHDRAWN 4.9.2006

06/01131/FUL – Application to vary condition 9 of planning permission T/APP/L1310/A/94/243102/P6 granted on appeal dated 12 January 1995 and condition 9 and 16 of planning permission 8/94/437/DM dated 23 September 1994 to permit up to 3 deliveries by service vehicles between the hours of 22:00 and 07:00 Monday to Saturday, with deliveries outside of these hours remaining unrestricted on these days, and 2 deliveries by service vehicles on a Sunday between the hours of 10:00 and 17:00 (additional noise monitoring information received 09 March 2007). ALLOWED ON APPEAL 25.10.2007

09/00254/FUL – Alterations and extension to existing superstore, construction of a decked car park, erection of a petrol filling station, alterations to access and egress arrangements and associated landscaping. WITHDRAWN 17.6.2009

PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

The Development Plan

The North East of England Plan, Regional Spatial Strategy to 2021(RSS):

Policy 2 – Sustainable Development

Policy 10 – Tees Valley City Region

Policy 25 – Urban and Rural Centres

Saved Policies of the Borough of Darlington Local Plan:

E2 – Development Limits

T12 – Trees and Development

E13 – Tree Preservation Orders

E14 – Landscaping of Development

E16 – Appearance from Main Travel Routes

E29 – The Setting of New Development

E38 – Alterations to Business Premises

E48 – Noise-Generating/Polluting Development

T12 – New Development – Road Capacity

T13 – New Development – Standards

T24 – Parking and Servicing Requirements for New Development

T36 – Cycle Route Network

T37 – Cycle Routes in New Development

T38 – Public Cycle Parking

T39 – Conditions for Pedestrians

S1 – New Shopping Development

S2 – Safeguarding the Town Centre

S10 – Safeguarding the District and Local Centres

Supplementary Planning Guidance

Adding to Quality, A Development Strategy for Darlington Town Centre (approved by One NorthEast and adopted by the Council, 2001)

Supplementary Planning Document

Design of New Development Supplementary Planning Document (adopted by the Council 2009)

National Planning Policy

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 4 – Planning for Sustainable Economic Growth (2009)

Planning Policy Statement 13 – Transport (2001)

Planning Policy Guidance 15 – Planning and The Historic Environment (1995)

RESULTS OF CONSULTATION AND PUBLICITY

Northern Gas Networks

No objections to the proposals.

Northumbrian Water

No objections to the proposed development

CE Electric UK

Details of approximate location of known Northern Electric apparatus in the area provided. All cables and overhead lines must be assumed to be live.

Environment Agency

Consider that planning permission should only be granted for the proposed development if planning conditions are imposed regarding surface water drainage and contaminated land. Without these conditions, the proposed development poses an unacceptable risk to the environment and we would object to the application on this basis.

Durham Constabulary Traffic Management Officer

Have been requested to attend the store on 22 occasions since November 2008 to address issues of vehicles trying to leave the premises in order to gain access to the main highway network. It is understood that vehicles have queued for up to two hours to be able to leave the premises due to the volume of traffic on Victoria Road. In relation to the current application, we welcome the third lane on the Grange Road/Victoria Road roundabout. However given the almost doubling of the gross retail floor area and the increase in the number of parking spaces by 50 additional spaces and introducing a new petrol station, we do not consider that the introduction of a third lane at the roundabout will address the issue of egress from the car park. Have also taken into consideration the relocation of the egress to the western side of the existing pelican crossing outside of the store, which the Transport Assessment states will improve egress from the site. No mention is made of the pedestrian light controlled crossing located immediately before the Grange Road/Victoria Road roundabout, which also impacts on traffic stack back through the store. Also welcome the change in the car park management but remain unconvinced that this change will have sufficient impact to make any real difference to the egress situation. Also very much aware of other imminent development within the town centre area, which is only going to add to the volume of traffic making use of the inner ring road and therefore congestion on that road. In view of our concerns relative to the existing traffic issues being exacerbated by this application we wish to formally object on the grounds of road safety and public order.

(Further comments)

The data provided by Mayer Brown, although comprehensive, is a snapshot whereas our data is over a prolonged period of time. The Mayer Brown data does not identify the reality of what occurs at this location and before we can withdraw our objection to this application we have to be satisfied that the highway is capable of absorbing the traffic from the enlarged development without having the adverse impact, which currently exists. Accordingly our objection remains until we are satisfied that the issues associated with the exit from the car park has been resolved.

DBC Environmental Health (Pollution)

Recommend that the standard contaminated land condition be added to any permission granted. The geotechnical and geoenvironmental report submitted with the application was carried out in 2007 and would appear to relate to another proposal at the site and makes no mention of the proposed petrol station. The values in the report are not compared against up to date guidance and there are various things that I need further information on. A letter has been sent to the agents requesting this information.

DBC Environmental Health (Commercial)

Request a condition be applied for the submission of details of sound levels and attenuation measures for all plant and equipment associated with the petrol filling station. Insufficient information has been provided with regard to the traffic management on the site while the

construction of the decked car park takes place. Recommend that information also be provided to show how the health and safety of staff and customers is to be controlled whilst the re-development is proceeding. The Noise Impact Assessment for this application has suggested working hours for the construction phase of the development, which should be applied as a condition of the planning permission. All other mitigation measures detailed in the Noise Impact Assessment attached to this application must be implemented as a matter of course. Also recommend conditions attached relating to dust emissions and external lighting levels.

DBC Highway Engineer

Provided conditions, obligations and informatives (provided in detail in the main body of the report) are included, would raise no highway objection to the proposal. The Police have shown an interest in this application, in particular in relation to problems encountered by vehicles attempting to egress the car park. I have provided their Traffic Management Officer with a copy of the Transport Assessment and it would be appropriate to formally consult him on this proposal.

(Further comments)

The Police are only substantiating their objection by providing evidence of public order offences relating to the existing arrangements. Although they query the assessments and have expressed concern about the impact of additional traffic on the highway network, they have not provided any technical data to substantiate their concern. We could not support an objection in relation to this unless we considered that the Transport Assessment was flawed. I do not consider that it is flawed and it would not be reasonable to use the Police objection as a reason for refusal.

DBC Urban Design Officer

No objection in principle. The landscaping and boundary treatment will need to be agreed with respect to Victoria Road. A more formal boundary treatment would be my preference as opposed to the planting, such as a low wall. This could be dealt with by condition. The design of the decked car park is improved and the mesh detail has reduced some of the mass of the structure. The main outstanding issue is the boundary treatment to Grange Road. Can see no direct reference to its form or materials in the submitted plans. Suggest that it be a low wall, similar in scale to that on the other side of the road and be of high quality materials and construction.

DBC Conservation Officer

Considers that the proposed extension is generally acceptable, taking its lead from the host building in form and materials. The Petrol Filling Station element of the application has been improved, addressing concerns about it facing the street and having pedestrian access, however remain to be convinced that the principle is acceptable. Would need to see clarification of the boundary treatment for Grange Road and would wish the materials to be conditioned because I would wish to see something appropriate for the conservation area, such as stone, rather than additional 'orange' brick walls as existing on other parts of the site. Decked car park is somewhat improved with the metal-framed balustrade with mesh screen, but remain to be convinced that it would preserve or enhance the character and appearance of the Stanhope Road/Grange Road Conservation Area.

DBC Senior Arboricultural Officer

It would appear that several trees within Quaker Lane and Area A (adjacent to the proposed recycling area) may have their root protection areas (RPAs) compromised by the proposed development. They are category A and B trees and all trees outside the development must have their RPAs protected no matter what they are categorised as. This is required by BS5837. The

parking areas within the RPAs of the trees to the south (Quaker Lane) may be acceptable if a no dig construction was forthcoming, supported by a method statement. Leaf debris and honeydew may be problematic to vehicles. The number of replacement trees does not compensate for the overall number of trees to be removed from the site. Recommend that a condition be attached requiring the planting of additional semi-mature trees within the application site together with a financial contribution towards tree planting on Darlington Borough Council land, secured by a Section 106 Agreement.

DBC CCTV

The new development will result in the removal of the existing CCTV camera, which at present standing in the middle of a new access road. We assume the company will discuss this with us and pay all costs involved.

13 letters of objection have been received which raise the following issues:

- *The store extension would move the store over 50% closer to the apartments with a large increase in noise levels from customers and cars. Cars entering/exiting the car park would be funnelled between the extended store and apartments increasing the noise levels significantly.*
- *The location of the car park barriers will mean the occupants of the apartments will constantly hear the barriers rising and fallings along with cars braking and accelerating at the barriers.*
- *The single deck car park would cause a very serious invasion of privacy allowing people to see into apartment windows.*
- *The additional car parking would increase traffic to an area, which at peak times is already too congested. Adding a second level of parking and a petrol station would push the roads too far. After 3pm there is often a queue of 40 – 50 cars waiting to leave the car park. Extra parking would cause chaos. There is sufficient parking in Darlington, especially with the additional parking offered by the demolition of the old bus station.*
- *The new store would take away business from the centre of Darlington. Sainsbury's in their brochure have tried to lead people to believe that the extension would be good for Darlington, what they don't say is that they will be offering a 'One Stop Shop' which will mean people will not need to go into Darlington and therefore Darlington will suffer as a result.*
- *There is the obvious danger, smell and noise associated with having a petrol station so close to a residential dwelling.*
- *I am sure it will only be a matter of months, if not weeks, before Sainsbury's apply for 24 hour opening for the new improved bigger than ever store to 'benefit the people of Darlington'.*
- *Retail parks are designed for large stores like this. The plot is far too small to accommodate such a large extension plan.*
- *Pedestrian and cycle access should be given at least equal status to car access and made a feature in its own right, not relegated to the use of residual strips of land around the car park and petrol station, and road markings.*
- *The 'industrial' design of the decked car park is unsuitable for this key location on a main approach to Darlington town centre, within a conservation area and with housing nearby.*
- *The access ramp to the car park deck should be located well away from existing house, not at the closest point.*
- *The landscaping on the bank adjacent to Polam Lane and the Quaker Lane housing development must be retained and enhanced as part of the proposal, not removed.*

- *Acoustic mitigation measures should be incorporated as an integral part of the car park and access ramp not pushed to the site boundaries.*
- *The opportunity should be taken to apply colouring to the steel roof cladding on the southern and eastern elevations more appropriate to the building and its location than the current 'Safeway' turquoise.*
- *Loss of parking for people using the car park for town centre use.*
- *No need for another filling station as so many have closed down.*
- *Own and let 33 apartments based next to Sainsbury's. Tenants living at the property have already advised us that if the application goes ahead then they will end their tenancy, as they do not want to be overlooked and have their privacy invaded. The top level of the car park will mean users of the car park will look directly into our apartment windows.*
- *Our letting agents have also advised that potential tenants viewing the properties are aware of the application and have opted not to rent the apartment because of these reasons.*
- *Believe the application will increase traffic levels and also attract more anti-social behaviour from youths. Already have major issues with youths hanging around the car park late at night and breaking into the cars of numerous tenants of ours.*
- *The supermarket will be detrimental to the traders in the town centre and the market.*
- *The increase in jobs at Sainsbury's will be at the expense of jobs in the town centre.*
- *The Council has spent a great deal of time, money and effort supporting the town centre traders and in development and promoting the town's markets. If Sainsbury's plans were passed, all that effort and money would have been wasted.*
- *An expansion of Sainsbury's on Victoria Road would make it extremely difficult for the Council to resist pressure from other major supermarket chains to be allowed a greater presence in or near the town centre.*
- *Live near the site and use the supermarket regularly. Do not think there is a need for an extension to the store nor is there the need for a new filling station.*
- *An application for the building of houses on the old football ground has been approved and this will add more traffic onto an already congested Victoria Road and will be detrimental to the safety of pedestrians.*
- *The proposal to move the recycling bins back to a position that they were in when Safeway owner the store will once again affect the residents of South Terrace with noise nuisance. In addition to that created by the filling station and its proximity to Pease Cottages at the end of South Terrace.*
- *Feel that the only reason Sainsbury's wish to extend their services is profit driven and not as they say to benefit the town. The current store has all the facilities that are required of a town centre store. The site is not a large out of town shopping facility.*
- *The car park is part of the Stanhope Road/Grange Road Conservation Area. At the moment cars are parking at a lower level than the surrounding footpaths and roads and are therefore not visually intrusive. This will change with the introduction of an additional level of car parking and the residential ambience of the area will change.*
- *The view over the car park will change with the construction of the new decked car park. The vista will be hard and angular. The proposed deck will be in the direct line of sight of the occupants of the northern elevation of Oaklea Court and parts of it will only be fifteen metres away.*
- *Polam Lane is generally quiet in nature; this has changed with the removal of car parking restrictions and will be made worse by a new level of car parking which will be level with Polam Lane.*

- *Sainsbury's intend to operate a delivery service from the store with their internet shopping operation. This will generate more traffic in and out of the store.*
- *Sainsbury's are flouting the restrictions placed on them when they were granted a variation to their delivery schedules. The wagons do not switch off their warning beeps when reversing during the night and regularly have the fridge units operating during the night. This means they are likely to ignore any conditions regarding the usage placed on them if granted planning approval.*
- *The access ramp to the upper deck will be within 1 metre of Sainsbury's boundary with Polam Lane. This means more noise pollution to the residents of Oaklea Court. The noise assessment estimates that this will be insignificant. The perimeter to the car park is shown as light grey mesh. This means that there will be more light pollution from headlamps of cars using the upper level during the hours of darkness, with headlights point at and shining directly into the flats facing the car park.*
- *Have not seen the Building Control drawings but would assume that new foundations, involving piling will be required. Piling which took place during the construction of the new flats on the site of the former filling station on Victoria Road caused Oaklea Court to shake and caused cracking. We do not want this to be made worse by more piling.*
- *The new exit from the car park and filling station will be higher up Victoria Road than the existing pedestrian crossing, which should ease traffic flows. However, the extra traffic generated by the enhanced store and new filling station will offset this and continue to be a problem at peak times.*
- *Several lines in the store are very little used and could be reallocated for any new lines.*
- *The elevated car parking will not appeal to everyone and ground level will be in greater demand.*
- *As residents we have not been listened to, the proof of previous applications at this site I evidence of this running roughshod by the supermarket chain.*
- *All the windows of the principal rooms in my client's property face northwards onto Polam Lane and across open views to Grange Road Baptist Church. The decked car park and supermarket extension would be sited at a level, which is directly parallel with the windows of this property. The car park would be 17 metres away from the main bedroom window, resulting in a significant impact in terms of the amount and nature of traffic movements using the store.*
- *Concerned that the acoustic screening provided along the site boundary with Polam Lane to mitigate vehicle noise produced by cars using the deck access ramp would only block noise from the access ramp and not from the car park itself.*
- *Concerned about light pollution into the main bedroom during the hours of darkness.*
- *The development would extend and intensify a non-residential use at Sainsbury's, which would have an adverse effect on my client's residential amenity, contrary to Policies E1 and H15 of the adopted Darlington Local Plan.*
- *By bringing the supermarket closer to the road and increasing the height of the car park, the proposal by virtue of its design, scale and siting would fail to protect and enhance the locally distinctive character of the Stanhope Road/Grange Road Conservation Area as required by adopted Local Plan Policy E35 and the adopted Darlington LDF Design of New Development LDF.*
- *The site is on the edge of the town centre. The proposed extension must therefore meet the tests set out in the guidance contained in PPS6. The supporting retail statement is neither adequately robust nor up-to-date to demonstrate the overall impact of the proposal on the existing vitality and viability of Darlington town centre, particularly the likely impact on the number of vacant properties in the town centre.*

- *Based on more up-to-date information on the town centre's existing vitality and viability and the potential of the scheme to jeopardise the implementation of the Commercial Street scheme, the revised application would fail to comply with the emerging policies and vision in the LDF Core Strategy Preferred Options.*
- *The proposed development would have a negative impact on future public or private sector investment needed to safeguard the vitality and viability of the town centre and would seem unnecessary and unjustified contrary to the aims and objections of the relevant development plan.*
- *The desire to enlarge the store and introduce a filling station is, on the applicants' own admission, essentially to increase their competitiveness over other large supermarket operators in the area. This is challengeable. This store has the unmatched trading advantage of being immediately outside the town centre and is able to siphon off established town centre customers for its own trade.*
- *It will increase the amount of car traffic. A larger store, with a larger car park and a filling station will attract more private car trips contributing to more environmental problems.*
- *There are many pedestrian customers who walk from the area to the east of the store and to gain access they will have to cross two lanes of traffic with only a tactile dropped kerb to help them. Furthermore, Victoria Road is used by many pedestrians wishing to get to the town centre and to safely cross on the new crossing will have to firstly negotiate the entrance to the store.*
- *The Council ought to be encouraging people to walk wherever possible. These plans are sadly designed for those wishing to travel by car with scant regard for safety. A better solution would be to have a lit pedestrian crossing with warning signage as cars enter the slip road in Victoria Road so they know to stop.*

A letter of objection has been received from Peacock and Smith on behalf of Morrisons Supermarkets Plc; the main points of their objection are set out below:

- *The application fails the key tests set out in Local Plan Policy S12 and national guidance in PPS4 for the following reasons:*
- *The applicant has failed to demonstrate a qualitative need for the proposal;*
- *We consider that any qualitative issues should be addressed within existing centres;*
- *The applicant has failed to demonstrate that the proposed development is of an appropriate scale, given that there is insufficient need for the development; and*
- *The store, if approved, is likely to have a detrimental impact on the vitality and viability of the existing stores and centres in the locality.*

A total of 56 letters of representation have been received which support the application for the following reasons:

- *Thousands of people who shop in the town centre make use of Sainsbury's. We also need a petrol station.*
- *A larger store would be great, bringing a wider choice of goods and more jobs.*
- *There will be more car parking spaces, which will be used by people visiting the town centre.*
- *Hope that the Council is not influenced by what I believe to be a small local middle-class minority, who are too vocal and probably shop in Sainsbury's anyway.*
- *I shop at Sainsbury's but if I want more variety I travel to Washington, which is time that I could spend in Darlington.*

- *The store is a major asset to the town and deserves all the support that can be given, by the whole population of Darlington*
- *I am a regular shopper at Sainsbury's and also visit the town centre shops. When possible I park at Sainsbury's and combine the two.*
- *One thing I find missing is a petrol station, so when I need petrol I generally go to the Middlesbrough Sainsbury's and then do my town centre shopping there, but I would prefer to shop in Darlington as it is a much more pleasant shopping experience.*
- *Positive development for Darlington*
- *Darlington desperately needs an injection of this sort, as it has become a serious victim of not just the recession but also the dreadful lack of industrial activity in the region. Was born in Darlington many years ago when it would a hardworking, respectable town which, was very proud of its local industrial capacity.*
- *The new store will not solve the employment problem, but may ease it. It will provide extra jobs, give shoppers a wider variety of goods and also provide a petrol filling station. At least the grocery chain shows some faith in the town or they would not be contemplating expansion.*
- *The exit from the store is to be moved further up Victoria Road, above the present pedestrian controlled crossing and when these lights are red it will allow almost free exit from the site for the customers, which will be a big improvement.*
- *The location of the store is convenient for the west and southwestern areas of the town and has good access from the A66M and A167 etc and outlying areas.*
- *An additional improvement would be the location of a bus stop/lay-by for existing and future service diversions to serve the supermarket.*
- *As an elderly lady I park in the disabled bays. I avoid places such as Morrisons, which really are out of town shopping.*
- *Feel that the proposal will encourage other, perhaps smaller retailers to occupy empty premises. If we do not encourage enterprise we could end up with a ghost town.*
- *Admire the way Sainsbury's have taken great care over consultations in this matter.*
- *We have at present got a dearth of second rate shops in the town centre and believe that a store of the quality that Sainsbury's shows is integral for its future development.*
- *The store is always busy and attracts customers for out of town. I live in Catterick and prefer to shop every week in Sainsbury's rather than my local supermarkets. I always visit the town centre afterwards.*
- *The provision of a Petrol Filling Station attached to a busy supermarket will fill a void and bring it into line with similar facilities offered by other supermarkets elsewhere in the town. This will bring Darlington onto a level playing field with other towns in the area.*
- *The store is very convenient and lovely laid out. The staff are very helpful especially to the disabled community.*
- *Extension is needed as there are so many using the store and the car park is always full.*
- *Seems incredible that a company who providing employment and free parking in a town centre location should be struggling to achieve planning permission, whilst the residential development constructed in the car park was granted without problems and then the residents of the flats are allowed to complain about supermarket noise.*
- *The extra parking spaces will be well used by people visiting the town centre and the improved store will bring in new shoppers too.*
- *The current disabled parking spaces are inadequate and the plan includes several more disabled bays.*

- *The traffic situation during the lead up to Christmas was chaotic, especially between 1600 – 1800 when it took approximately 20 minutes to exit. The proposal for a separate vehicle entrance and exit would do a lot to improve the situation.*
- *There is not enough choice in Darlington town centre shops selling quality goods, of which about 50% are either coffee shops, opticians, charity shops, travel agents or discount shops. Sainsbury's will offer both quality and value.*
- *The improved facilities will provide an alternative on the west side of town to the other superstores on other sides of town thus reducing the need for cross town journeys, which will help reduce congestion and pollution.*
- *With the rejection of Tesco's proposed development of the Town Hall site, Darlington has no major supermarket offering a substantive non-food range.*

The Town Centre Board resolved to oppose the planning application for the following reasons:

- *Concern about the impact of the proposals on market traders and other businesses;*
- *New investment should be in the town centre;*
- *It would lead to aggressive trading that would put great pressure on small traders;*
- *Doubt was cast over the claims about surplus spending capacity in the town.*

PLANNING ISSUES

The principal issues to be considered in this instance are:

- **Planning Policy**
- **Visual Amenity**
- **Residential Amenity**
- **Highways/Traffic Issues**
- **Contaminated Land**
- **Surface Water Drainage**
- **Tree Issues**
- **Statement of Community Involvement**

Planning Policy

The comments of the Council's Planning Policy team are set out in full below. The comments take account of updated Government policy in PPS4 'Planning for Sustainable Economic Growth' which was issued in December 2009 after the application was submitted and which supersedes PPS6 'Planning for Town Centres'. PPS4 no longer places a requirement on applicants of retail development to demonstrate a need for their proposal, however proposals must be assessed on the basis of their impact, based on a number of criteria, and in the case of development in edge or out of centre locations, development must adopt a sequential approach.

The application includes the development of a substantial amount of additional retail floorspace - a main town centre use - in an edge-of-centre location. The site is without notation on the Local Plan Proposals Map, that is, there are no specific policies or proposals for it in the statutory development plan. The site is presently occupied by a smaller (but not small) Sainsbury's store.

It is important to consider:

- to what extent does the proposal accord with relevant planning policies for the location of main town centre uses, in particular retailing?

- if the proposal does not accord with relevant policies, are there any other material considerations which justify permitting it?

The following general policies are relevant to the consideration of these issues:

The Development Plan

The North East of England Plan, Regional Spatial Strategy to 2021 (RSS, 2008):

Policy 2 - Sustainable Development

Policy 10 - Tees Valley City-Region

Policy 25 - Urban and Rural Centres

Saved Policies of the Borough of Darlington Local Plan (1997, saved 2007):

S1 - New Shopping Development

S2 - Safeguarding the Town Centre

S10 - Safeguarding the District and Local Centres

Supplementary Planning Guidance

Adding to Quality, A Development Strategy for Darlington Town Centre (approved by One NorthEast and adopted by the Council, 2001).

National Planning Policy

Planning Policy Statement 4, Planning for Sustainable Economic Growth (PPS4, 2009) is a particularly relevant material consideration. PPS1, Delivering Sustainable Development (2005) and PPG13, Transport (2001) are also relevant.

Policies for Town Centre Uses

Retail development is identified in PPS4 as a 'main town centre use'. The policies of PPS4, PPS1 and the development plan establish an emphatic preference for existing centres as the location for new retail development. In Darlington, this means the town centre and, where appropriate, the defined district and local centres. The objective is to promote the vitality and viability of centres by focusing within them new economic growth and development of main town centre uses, with the aim of offering a wide range of services to communities in an attractive and safe environment. These are supported by the Council's town centre development strategy, Adding to Quality, which aims to strengthen the centre's role within the regional shopping hierarchy by reinvigorating and expanding the shopping function which is at the core of the its economy and vitality.

As will be shown more fully below, the proposal is not in accord with the development plan. PPS4 states that retail proposals such as this which are not in an existing centre and not in accordance with an up-to-date development plan must be supported by:

- i) a *sequential assessment*, demonstrating that there are no more central sites for it;
- ii) an assessment of its *impact on existing centres*;
- iii) an assessment of *other impacts* (CO2 emissions/climate change, accessibility/traffic, design, regeneration and employment).

PPS4 defines 'edge-of-centre' for retail purposes as a location which is "well connected to and within easy walking distance (ie. up to 300 metres) of the primary shopping area". The Sainsbury's store is no more than moderately-well connected to the retail core of the town

centre, being on the outside of the inner ring road and set back within its site behind car parking. The shortest walking distance from the nearest part of the primary shopping area, in Grange Road, to the store entrance involves using a long flight of steps; the shortest walking distance on the level is 250m from Grange Road and 300m from Houndgate. Both involve the use of two-phase signalised crossings of the inner ring road. The site is therefore on the outer limits of meeting the definition of edge-of-centre.

Before considering the proposal against retail planning policy it is important to expand on the nature of the proposal, in particular its scale and the type of goods to be sold from it.

The Nature of the Proposal

The existing store originally opened as Safeway in March 1995. Permission was for a store of 6,127sqm gross but the present architects measure it as constructed to be slightly less, at 6,084sqm. The latter figure is adopted in this report. Although the planning permission was for the erection of ‘food superstore’ no conditions were attached restricting sales to food.

Sainsbury’s acquired the store in 2004 and were granted permission for a relatively modest extension of 648sqm. A condition was attached aimed at restricting the amount of sales space which could be given over within the store as a whole to comparison (non-food) goods, an aspect of retailing increasingly engaged in by supermarket chains since this store was originally permitted, but the permission lapsed in September 2009.

The present proposal is for a very much larger extension of 4,857sqm, which would take the store up to 10,941sqm gross (Table 1). That is an increase of 80%, and would make it by far the biggest retail unit in the Borough. (The present largest, Morrisons and B&Q at Morton Park, are each substantially smaller at 7,900sqm.)

The kiosk element of the proposed petrol filling station would add a further 178sqm gross retail space, taking the total to 11,119sqm and the overall additional retail floorspace to 5,035sqm.

Table 1: Gross retail area of Sainsbury’s, Victoria Road

	<i>Existing sqm</i>	<i>Proposed sqm</i>	<i>Increase sqm %</i>	
Store	6,084	10,941	4,857	+ 80%
Petrol filling station	-	178	178	+ 100%
Total	6,084	11,119	5,035	+ 83%

In terms of ‘net’ floorspace - sales area - the proposal would take the store from an existing 3,207 sqm up to 5,617sqm, an increase of 75% (Table 2). The rest of the building would be used for a restaurant/cafe, staff facilities and plantroom (all at first floor), a spacious lobby, back-up areas (storage) and a delivery/online bay. The filling station would contain a further 81sqm net sales area (taking the overall net increase to 78%).

The applicants say that the additional sales area would allow the store to sell an “enhanced range of goods”, meaning mainly comparison goods. The present store is overwhelmingly a food supermarket, with almost all its sales space given over to convenience goods (food, drink and

everyday items such as newspapers and confectionery). The amount of convenience space is proposed to be increased by a quarter (from 2,806 sqm to 3,516sqm). Comparison goods are presently sold from a relatively modest sales area of 401 sq m (13% of the total). Under the proposals this would increase five-fold to 2,101sqm (37% of the enlarged total). To help Members visualise the scale of growth, the comparison goods space *increase* of 1700 sqm would be comparable to the whole sales area of the seventh-largest Darlington town centre store, TK Maxx.

Table 2: Net retail (sales) area of store

	<i>Existing sqm</i>	<i>Proposed sqm</i>	<i>Increase</i>	
			<i>sqm</i>	<i>%</i>
Convenience	2,806	3,516	710	+ 25%
Comparison	401	2,101	1,700	+ 424%
Total	3,207	5,617	2,410	+ 75%
Ratio conv: comp	87:13	63:37	-	-

(Excludes sales area of proposed petrol filling station)

The application describes the comparison goods to be sold as ‘complementary’ to the present food range, saying that they would consist of own-brand ‘TU’ and concession clothing for women, men and children, small electrical goods, cooking products, books, CDs and DVDs, toys, cards, stationery, homewares (eg. bathroom/bedroom/kitchen wares, living room accessories/soft furnishings, gardening and outdoor items), health and beauty products and seasonal items.

As the floorspace figures show, ‘complementary’ does not mean minor or insignificant. Nationally, Sainsbury’s is accelerating the growth of its non-food goods and services and the company says that “non-food ranges are now a significant business in their own right”, with sales growth around four times the rate of food (J Sainsbury plc, annual report May 2009, interim results November 2009 and trading statement January 2010). Within comparison goods the emphasis is on clothing and homewares, with the homewares range comprising over 2,000 products and 40% of customers in 2008-09 said to have bought TU clothing. Clothing is said by the company to be its “star performer”, offering “High Street style at supermarket prices”, and very large areas are being given over to it in new and extended stores. It is expected that the Victoria Road proposal would provide a sales area of some 1,000sqm for clothing - significantly more than the sales area of the seventh-largest clothing retailer in Darlington town centre, the recently-enlarged River Island.

In summary, the proposal should be viewed not simply as the extension of a food supermarket (although that is taking place) but as the creation of a substantial amount of new comparison goods floorspace outside the town centre.

Consideration of the Proposal Against Planning Policy

Local authorities are required to consider a proposal such as this on the basis of the PPS4 assessments. The PPS states that an application not in an existing centre and not in accordance with the development plan should be refused permission where the applicant has not

demonstrated compliance with the requirements of the sequential approach *or* there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of *any one* element of the impact assessments, The assessments are considered in turn below.

The applicants have submitted a Planning and Retail Statement with their application which sets out to address the tests (as they were expressed in the draft of PPS4; essentially unchanged in the final version) but officers consider it to be significantly flawed in methodology, data, logic and at times arithmetic. PPS4 specifies that recent local assessments of the health of existing centres will be relevant in the consideration of impacts, and a companion practice guide (Planning for Town Centres, 2009) advises that impact assessments submitted with applications should avoid duplication with those carried out as part of the plan-making process by local authorities. The Darlington Retail Study 2008 (DRS), commissioned by the Council for that purpose and to help assess applications such as this, has been partially used by the applicants but only for some base information, with its methodology and other data disregarded.

Officers' assessment of the proposal is more fully based upon the DRS, updated in the light of more recent national forecasts for household expenditure and retail floorspace efficiency which take fuller account of the economic downturn. It accords closely with the advised methodology in PPS4's companion practice guide.

i) Sequential assessment

PPS4 states that in selecting sites for development all options in a centre should be thoroughly assessed before less central sites are considered. Developers and operators should be flexible in terms of scale, format, parking and the scope for disaggregating their development and show why more sequentially-preferable sites are not available, suitable and viable for their proposal. Authorities, however, should not seek "arbitrary division of proposals". They should also take into account any "genuine difficulties" an applicant might face in operating the proposed business model from a sequentially preferable site, "for example where a retailer would be limited to selling a significantly reduced range of products".

The applicants state that they considered six alternative potential sites, five in the town centre and one other edge-of-centre site. They conclude that, as the proposals are an extension to an existing store, none of the alternatives "could accommodate the proposed development ... without requiring Sainsbury's to disaggregate the comparison goods offer".

Given the wording of PPS4, it is difficult to counter this argument in respect of a proposed extension by an individual retailer with an established business model - even when, as is the case with Darlington, there is far more than the proposed floorspace already lying vacant within the town centre. It must therefore be concluded that the applicants have demonstrated compliance with the sequential approach.

ii) Impact on existing centres

As mentioned, PPS4 requires proposals to have no significant adverse impacts on existing centres. Different forms of inter-related impact are specified, of which the following are considered most relevant to this application:

- impact on a centre's trade/turnover (taking account of current and future capacity in the catchment area up to five years from the time the application is made);

- impact on its vitality and viability (including local consumer choice and the range and quality of the comparison and convenience retail offer); and,
- impact on existing, committed and proposed investment in a centre.

The centre to be assessed in the case of the proposed comparison floorspace is Darlington town centre. In the case of the proposed convenience floorspace it is both this and the other defined centres in the Borough.

ii a) Impact on the trade/turnover of existing centres: comparison goods:

The applicants estimate that the extension would increase the store's annual turnover by £20.7m: £7m extra from the sale of convenience goods and £13.8m more from comparison goods. Officers agree with these figures for the base year for the assessment, 2009. Based on the most recent national forecasts, officers expect the value of the extra convenience sales to remain at £7m by the anticipated opening year of the extension in 2011 and also by - what the applicants call the 'test' or 'design' year for assessment - 2014. However, officers estimate that the store's additional comparison goods sales will rise to £14m in 2011 and £15m in 2014. (All monetary figures in this report are expressed at a 2006 price.)

The applicants say that for comparison goods there is sufficient quantitative capacity in the catchment area to "comfortably accommodate the proposed extension and still leave a net residual capacity ... in the design year". However, this is based on a number of questionable calculations, including a highly optimistic and unsubstantiated estimate of the growth of household spending based on historic trends rather than future forecasts. They estimate that expenditure on comparison goods will grow by 31% between 2009-14, whereas authoritative up-to-date forecasts, which reflect the recession and its likely ongoing impact on the economy, put growth at just 8%. Officers' view, based on the latter, other recent data and the methodology of the DRS, is that after taking into account planning commitments (such as The Oval development at Commercial Street) there is no quantitative capacity whatsoever, either now or in 2014, for further comparison goods floorspace in the Borough.

The applicants have carried out a quantitative impact assessment in which they say where they expect the turnover of the proposed comparison floorspace to be drawn away from, and what the impact of the diversions would be. They say that almost half (48%; £6.6m at 2014) would be diverted from the town centre (43% from existing shops and 5% from the proposed Commercial Street 'Oval' development), with more (50%) drawn from Darlington Retail Park and a very small amount (2%) drawn away from Matalan at Neasham Road. They conclude that the diversions would be "small" in proportion to the overall turnovers of these locations - 2.6% of the trade of existing town centre shops and 1.6% of the forecast trade of the Oval - and that existing retailers would therefore not "be vulnerable to unacceptable impacts as a consequence of this application".

Officers have major reservations about the applicants' quantitative assessment. The applicants do not explain how they arrived at the proportional split of the diverted amounts from the various locations. Nor do they explain why it differs from their previous estimates for the earlier (withdrawn, but fundamentally the same) planning application: at that time they estimated that two-thirds (66%) of the turnover would come from the town centre.

Officers have carried out their own quantitative impact assessments using the household survey carried out for the DRS. The DRS showed where in Darlington Borough, and in what proportions, shoppers buy the kind of comparison goods which would be sold from Sainsbury's extension. From this methodology, which accords with the new practice guidance, officers

estimate that substantial trade would be diverted from the town centre: more than three-quarters (77%) of Sainsbury's additional comparison turnover (£10.8m in 2011, rising to £11.5m in 2014) would be drawn away from the centre and only 5% from Darlington Retail Park (see Table 3). This would amount to a diversion of 4.6% of comparison goods trade away from the town centre - significantly more than the applicants claim and, in officers' opinion, sufficient to have a significant adverse impact on the town centre. The greatest impact would be on town centre clothing retailers, the sector which, above all others, underpins the retail role and economy of the centre.

Table 3: Forecast Sources of Sainsbury's Comparison Goods Turnover

<i>Source</i>	<i>Sainsbury's Assessment</i>		<i>Assessment based on DRS</i>	
	<i>£m</i>	<i>%</i>	<i>£m</i>	<i>%</i>
Town centre	*£6.6	48%	£11.5	77%
Matalan	£0.3	2%	£ 0.6	4%
Darlington Retail Park	£6.9	50%	£ 0.7	5%
Morton Park	£0.0	-	£ 0.2	1%
Supermarkets	£0.0	-	£ 0.8	5%
Darlington	£0.0	-	£ 1.2	8%
Elsewhere				
Gtr Darlington	£13.8	100%	£15.0	100%

(£m shown are at 2014; * includes claimed diversion from the Oval)

ii b) Impact on the trade/turnover of existing centres: convenience goods:

In respect of the additional £7m convenience turnover at the store resulting from the proposal, the applicants say that "there is ... sufficient goods capacity [in the catchment area] from expenditure growth to accommodate" the proposed extension. As with the comparison goods spending forecasts, the applicants' assumed growth rates appear over-optimistic (3.5% between 2009-14 as opposed to 2.5% using the more recent forecasts) and their calculations contain other errors. Taking these into account, officers are again of the view that there is no quantitative capacity now or in 2014 within the Borough for further convenience floorspace provision, on top of existing commitments.

Contrary to the requirement of PPS4, the applicants have not assessed the impact of the increase in convenience goods floorspace and turnover from extending the store, even though the increases would be not insignificant. As there is no surplus capacity within the Borough, the whole of the additional £7m turnover would have to be diverted from elsewhere. The town centre contains relatively little convenience retailing so it would be minimally affected by this aspect of the extension. Officers consider that most of the trade would be likely to be drawn from rival large supermarkets in the Borough, some of which are believed to be overtrading and all of which should be able to withstand modest falls without significant adverse impact on the trade/turnover or vitality and viability of any defined centre.

ii c) Impact on vitality and viability (including consumer choice and retail offer):

The applicants have carried out a brief assessment of the vitality and viability of the town centre to see whether its health has been affected by the current economic climate. They say the shop vacancy rate decreased between 2008 and 2009 "indicating that the centre is in good health".

However, their data is at odds with that collected on a regular basis by Council officers since the 1980s. This shows that by July 2009 the downturn had led to the highest number of vacant units ever recorded in Darlington town centre: 57 units, or 12.8% of the total. This compared with 48 units (10.6%) twelve months earlier. Nineteen of the July 2009 vacancies were in the most important (primary) shopping frontages, a rate of 9.5%. In terms of vacant shop floorspace, there was an increase from 6.8% in 2008 to 10% in 2009. The latter represented almost 10,000sqm of empty space. Another important indicator of the health of a centre is average prime retail rent and figures from the consultants Colliers CRE suggest that in Darlington town centre this declined during 2008-09 by 25%, compared with 15.6% in the North East region and 11.5% in Britain as a whole.

Officers conclude that the vitality and viability assessment by applicants is flawed, that the town centre has been affected by the recession, that its retail health is already in the balance and vulnerable to any significant diversion of trade away from it, and that the proposed extension would be likely to lead to a decline in its vitality and viability, including an increase in shop vacancy rates.

In respect of local consumer choice and the range and quality of the retail offer, the applicants say that there are gaps in existing provision and a lack of consumer choice or competition, pointing to types of goods which they say are under-represented in the town centre: "petrol filling stations, greetings cards, stationery, household goods, electrical goods, ladies and menswear and gardening goods". They claim that "Providing these lines in an accessible edge-of-centre location is likely to increase linked trips to the town centre."

Officers do not accept that the proposal would fill a gap in the provision of these comparison goods. Where the town centre is under-represented in some types of goods - and the DRS accepts that it is, for some but by no means all, of those listed - then it should be the town centre which is the focus for additional provision, in the form of new developments like the Oval, not an edge of centre store like Sainsbury's. This is a key principle of the Government's 'town centres first' approach to retail planning and of the Council's own policies. Providing these kind of goods, including clothing, at Sainsbury's would be likely to lead to even poorer representation of them in the town centre, a location more accessible to the whole community.

The applicants have also assessed the relationship between the town centre and the Sainsbury's store. They say the existing store attracts linked trips into the town, contributing to its health. Officers agree that there are benefits but these operate both ways, with the proximity of the centre also benefitting the store. Financial calculations by the applicants of the benefits to the town centre appear to be considerably overstated and are not accepted. The applicants also cite a case study from another part of the country (Brentwood) to show the apparent trade benefits an extension would bring to the centre, but the circumstances there are totally different to this case.

The applicants further claim, that if the proposed extension does not go ahead then trade in the town centre would actually reduce, as shoppers would become dissatisfied with the unaltered Sainsbury store and thus spend less on linked trips to the town centre, shopping instead at supermarkets in Newton Aycliffe, Bishop Auckland, Durham City and Middlesbrough. Officers consider that such diversions outside the Borough would be highly unlikely given the household shopping patterns evident from the Darlington Retail Study, and the claim can be given little credence. Nor is the claim of reduced town centre spending consistent with the quantitative impact assessments discussed above.

At present the Sainsbury's store and the town centre co-exist quite well. The availability of modern food shopping at the former and the wide range of town centre facilities, underpinned by comparison goods retailing, at the latter have fostered good linkages. Many people presently carry out linked trips to both destinations. If the extension went ahead and a substantial amount of floorspace selling 'town centre-type' goods were created at Sainsbury's the need and desire of the store's customers to also visit the town centre would clearly be diminished. The proposed removal of the Sainsbury parking places nearest to the town centre (to be replaced in the further removed decked car park) would additionally dissuade some people from making linked trips to the town centre. It would thus seem certain that for many more people than at present, Sainsbury's would become a one-stop shop, a likelihood apparently accepted by the company when they say (in Sainsbury Interim Results, November 2009) that when they extend a store and introduce non-food ranges as well as food it becomes "a destination store for both product ranges"

Allowing the proposal would be likely to have a further, ongoing and significant adverse impact on the vitality, viability and trade of the town centre as other large store operators and owners in the Borough - both foodstores and retail warehouses - would be sure to cite the decision as a precedent and an encouragement to themselves to submit applications to extend and to sell wider ranges of comparison goods.

ii d) Impact on investment:

The applicants have not assessed the impact of the proposal on investment in the town centre although they pointed to the finding of the DRS that there was overtrading by the town centre as well as Matalan, Darlington Retail Park and Morton Park as added justification for their extension.

Officers disagree with the applicants' overtrading argument. Any overtrading in comparison goods is likely to have diminished since the DRS was published because of the economic downturn and the largest amount of overtrading was, in any case, at Darlington Retail Park, which would be little affected by Sainsbury's extension (Table 3 above) as it is mainly dedicated to the sale of bulky items. In relation to notional overtrading by town centre shops, the DRS cautioned that this "overtrading should only be used to support new floorspace in the town centre as it contributes to the overall vitality and viability of the centre". Without such notional overtrading Darlington will never be able to convince operators and developers to enhance and expand the retail attractions of the town centre. To use town centre overtrading to justify development outside the centre risks leaving the town centre's shopping facilities static or declining while rival destinations, including supermarkets, grow.

The Oval development at Commercial Street has already been placed on 'hold' as a result of the economic downturn and the prospect of competing floorspace - such as that proposed here - being permitted outside the town centre would be sure to dampen the confidence of the key partners and, at best, delay its construction further. Developing a major retail-led scheme at Commercial Street has been a key element of the Council's planning strategy since 2001 when 'Adding to Quality' was adopted. It is reasserted in the emerging LDF Core Strategy, and the need for it is supported by the DRS. This found that the town centre has lost considerable market share since 2003 to out-of-centre shops in the Borough, including supermarkets and concluded that "the Commercial Street development is crucial" to the centre's continued success. Far from encouraging the expansion of comparison retailing to supermarkets outside the town centre, the DRS said the centre needs to claw back trade already lost, mainly through investment.

iii) Other impacts

PPS4 states that every proposal for economic development, including retailing, should be assessed against the following impact considerations:

- whether it has been planned to limit carbon dioxide emissions and minimise vulnerability, and provide resilience, to climate change;
- its accessibility by a choice of means of transport including walking, cycling, public transport and the car, and the effect on local traffic levels and congestion;
- whether it secures a high quality and inclusive design;
- its impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives;
- its impact on local employment.

Regarding *accessibility*, access should be safe and convenient for pedestrians (including those arriving in the wider area by public transport), cyclists and the disabled. Although edge-of-centre, the Sainsbury's store is, as explained earlier, no more than moderately well-connected to the town centre core. At more than 500m from the focal point of the town's bus routes (Prebend Row/Tubwell Row) it cannot be considered 'easily' accessible to town centre bus users carrying shopping. The inner ring road is off-putting to most cyclists who might consider visiting the store, as evidenced by the few cycles parked at the present store. And disabled and other less mobile pedestrians must struggle with the flight of steps down from Grange Road, next to the Baptist Church, whilst all pedestrians face an indirect route across the car park (including past the proposed petrol filling station or around the decked car park) to reach the store entrance. Impediments to accessibility have to be tolerated for the existing store, but become a concern if it is to be substantially extended to stock the types of goods which can presently be found in a more accessible location, the town centre.

The store is clearly car-orientated in its layout and usage today and would become even more so under the proposals. The extension would draw most of its additional comparison goods trade away from the town centre, and may persuade some people who presently travel to shops there without a car to switch to a car. However, it is difficult to claim that the proposal would increase the overall distance travelled by car and local traffic levels or congestion.

Regarding *regeneration* and *employment*, the applicants cite "investment in the local community" and the creation of "up to 120 full and part time positions". Physical regeneration is not an issue for this proposed extension. Economic regeneration is only relevant in the wider town context as the immediate area is not one of deprivation. In this respect, the proposal would be likely to impact negatively on the more deprived and excluded sectors of the community as it would provide comparison goods which are or could be found in a more accessible location, the town centre, in a less accessible one catering largely to car-owners.

The number of new jobs claimed has increased, from the 80 stated for the previous, withdrawn, application for an identical extension. The figure of "up to" 120 is likely to include a large proportion of part-time workers, judging from the current employment pattern at the store where 71% of the 231 posts are part-time. Officers consider that if, as expected, the proposal would have a significant adverse impact on trade/turnover, vitality and viability and future investment in the town centre then these jobs would be at the expense of existing and future jobs in the town centre and the net impact of the proposal on employment in the Borough would be negative, not positive.

The other impact considerations are discussed elsewhere in this report.

Other Material Considerations

The only point specifically cited as a material consideration by the applicants is that “The store benefits from an unrestricted class A1 permission. Sainsbury’s could, therefore, lawfully trade the entirety of the store for the sale of food or non-food products, without the need to apply for an additional planning permission.” This, however, is nothing more than a statement of fact; it is not a point which lends weight to the application.

The applicants’ agent has responded in detail to the comments of the Council’s Planning Policy Officer and has put forward suggested wording for a condition limiting the amount of comparison goods that can be sold from the store, together with heads of terms for a Section 106 Agreement offering a financial contribution towards public realm improvements and publicising other shops within the town centre within the store entrance. The Council’s Planning Policy Officer has considered this response in detail, together with the proposed condition and heads of terms and advises that he can see no reason to make changes to his policy comments and recommendations as a result of the contents of the letter or the proposed condition or heads of terms.

Visual Amenity

Policy E29 (The Setting of New Development) requires that new development, including alterations and extensions to existing buildings, will be required to respect the intrinsic character of its townscape setting and not to materially detract from the appearance of its surroundings. Policy E38 (Alterations to Business Premises) is also relevant and states that alterations to business and retail premises will be permitted where there would be no material adverse effect on the character and appearance of the building or the street scene in which the building is located. Policy E16 (Appearance from Main Travel Routes) is also relevant since the A167 (Victoria Road and Grange Road) forms the north and west boundaries of the site. The policy states that the appearance of the Borough from the main road network, the railway lines, the Teesdale Way and the proposed recreation routes will be maintained and enhanced by protecting features and buildings which contribute positively to the character and appearance of their surroundings; requiring new development to respect its setting and to incorporate landscaping wherever appropriate, which makes a positive contribution to the appearance of its surroundings. Part of the site is also located within the Grange Road/Stanhope Road Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering applications for planning permission special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The existing store is a has a maximum height of approximately 8 metres on its west elevation, increasing to approximately 9 metres on the north elevation, taking into account site levels which slope from west to east. The entrance feature on the northwest corner of the existing store also has a maximum height of approximately 9 metres. The existing store is clad with buff brick under a turquoise roof.

The proposed extensions to the north and west elevations of the store will be clad with white metal sheeted panels, with brick plinths and piers. The extension to the north of the store will have glazing at the first floor serving the new customer café and a glazed circulation tower, with a profiled metal sheeting roof. This extension will have a maximum height of approximately 12 metres, taking into account the level changes, with the circulation tower having a maximum height of 14 metres. The extension to the west elevation will comprise a glazed entrance atrium

in the northwest corner together with a white metal clad feature tower midway along this elevation. This extension will have a flat roof, with a maximum height of approximately 10 metres, with the atrium and tower increasing to approximately 12 metres in height. Much of the ground floor of this extension will be obscured by the proposed decked car park to be constructed in front of this part of the site. A lightweight metal canopy will be constructed at first floor level of the west elevation, across the front of the atrium, to provide shelter adjacent to the store entrance. The extension to the rear of the property will comprise a new wall constructed along the existing dock step, incorporating the dock into the building, at a maximum height of 5.5 metres.

The proposed extensions to the store are considered to be acceptable in terms of their scale, design and use of materials. Although the proposed extensions to the main north and west elevations will result in an increase in the overall height of the building in the order of approximately 3 – 4 metres, taking into account level changes across the site, it is considered that the building itself can accommodate such an increase in height without detriment to the character and appearance of the building itself or its wider townscape setting. The store is set well back on the site away from its boundaries with Victoria Road to the north and Grange Road to the west, such that the impact of the proposed increase in height will diminish from these aspects. Streetscene drawings submitted with the Design and Access Statement show that the respective extensions to the main elevations of the store will be comparable in height with Kirklee House and Grange Road Baptist Church when viewed from Victoria Road and will sit at a much lower level than the Baptist Church when viewed from Grange Road and Polam Lane to the west. Much of the proposed extension to the west will be obscured in view by the proposed decked car park. The proposed extension to the rear of the building is considered to be modest in comparison, will not be prominent in view and is therefore considered to be acceptable.

In terms of the impact of the proposed development on the character and appearance of the Grange Road/Stanhope Road Conservation Area, the most significant element is considered to be the decked car park. While the proposed extensions to the store and the petrol filling station are outwith the conservation area boundaries, the impact of these elements on the character and appearance of the conservation area must nevertheless also be taken into account in consideration of the application.

The proposed decked car park has been amended since the original application was submitted to include perforated grey cladding panels around the perimeter of the car park deck against which climbing plants will be grown. In addition the landscaping strip, which runs parallel to the Grange Road boundary of the site is to be reinforced by the planting of additional trees. A new boundary wall will also be built along this frontage, in an attempt to reflect the low stone boundary wall and mature trees on the opposite side of Grange Road. Furthermore as the site sits at a considerably lower level than Grange Road, much of the car park and the extensions behind will be screened by the retaining wall and the reinforced planting such that it is considered that it will preserve the character of the Stanhope Road/Grange Road Conservation Area.

The design of the proposed petrol filling station (PFS) has also been revised since the original application was submitted in response to concerns expressed by officers regarding its impact on the character and appearance of the streetscene. The proposed kiosk building has been relocated to the rear of the site, with the forecourt and canopy positioned to the front of the site. A brick screen wall along the Victoria Road frontage has been omitted and an area of landscaping has now been shown along this frontage, behind a low (0.5m) brick wall. The proposed kiosk building, albeit a single storey, flat roofed building, has been repositioned further back into the site and consequently is considered to have a much reduced impact on the character and

appearance of the streetscene given that it will now be seen against the backdrop of the proposed extension to the north side of the store and screened to a large extent by the proposed canopy over the forecourt. The proposed canopy, now positioned towards the front of the site is considered to be of a more appropriate scale and form adjacent to this prominent Victoria Road frontage.

The Council's Urban Design Officer has commented on the revised application and advises that the location and site layout of the PFS and the detailing of the decked car park are an improvement and concur with advice given prior to the application being submitted. He has also requested that details of the boundary treatments along the Grange Road and Victoria Road frontages. The Council's Conservation Officer has considered the application and advises that the proposed extension is generally acceptable. The PFS element of the application has been improved, addressing concerns about it facing the street and having pedestrian access. Although she considers the decked car park to be generally improved, she remains to be convinced that it would preserve or enhance the character and appearance of the Stanhope Road/Grange Road Conservation Area.

In view of the above considerations and notwithstanding the comments of the Council's Conservation Officer, it is considered that the proposed development is acceptable in terms of its visual impact, specifically in relation to its impact on the character and appearance of the existing building and its wider townscape setting and its impact on the character and appearance of the Stanhope Road/Grange Road Conservation Area. The proposal is therefore considered to comply with Policies E29 (The Setting of New Development), E38 (Alterations to Business Premises) and E16 (The Appearance from Main Travel Routes) of the Borough of Darlington Local Plan 1997 and guidance contained in PPG 15.

Residential Amenity

Policy E48 (Noise Generating/Polluting Development) states that planning permission will not be granted for development, which, by reason of the emission of noise or other pollutant, would be materially harmful to the amenities of existing or proposed residential or other pollution-sensitive areas. Policy H15 (The Amenities of Residential Areas) also states that permission will not be granted for the establishment, enlargement or material intensification of non-residential uses which would unacceptably conflict with the amenities of surrounding areas having a predominantly residential character or with the quiet enjoyment of dwellings and gardens in particular.

The application site, although an existing and established supermarket, is bounded by residential properties to its northern, eastern and southern sides. The nearest properties to the north are apartments located within Kirklee House, immediately to the north of the site boundary. Properties at Peases Cottages are located approximately 10 metres from the main site entrance off Victoria Road and the nearest properties to the southwest, at Oaklea Court and 85 Grange Road are approximately 10 metres away from the site boundary. Properties further to the southeast on Quaker Lane are similarly close to the site boundary, although are located to the side of the existing store building.

A Noise Impact Assessment has been submitted with the application, which considers the various noise impacts of the proposed development.

The proposed extensions to the north and west of the store are not considered to have an unacceptable impact on the amenities of nearby residential properties in terms of loss of light or overbearing impact. The proposed extensions are considered to be sufficiently distant from the

nearest properties on South Terrace and Quaker Lane respectively, so as not to have any unacceptable impact on the amenities of these properties. Likewise the proposed operation of the enlarged store is not considered to have an adverse impact on the amenities of the nearby residential properties. The application indicates that the store opening hours will remain unchanged. The noise impact assessment also advises that there will be an increase of an additional two servicing vehicles during the daytime hours of Monday to Saturday, which is in accordance with the servicing arrangements approved on appeal in 2007.

Traffic predictions undertaken as part of the Transport Assessment are very low as a proportion of base flows on Victoria Road and it is not considered that they would result in a significant deterioration in environmental conditions adjacent to the site. Any minor increase in noise is unlikely to be perceptible when set against the ambient noise levels arising from existing traffic. Accordingly no mitigation measures are proposed.

The proposed decked car park is to be located approximately 10 metres away from the nearest properties to the south at Oaklea Court and 85 Grange Road and approximately 12 metres away from the apartments at Kirklee House to the north. The decked car park has the potential to affect the amenities of these properties in terms of noise from the access ramp and loss of privacy arising from the use of the car park. The noise impact assessment confirms that the use of the access ramp would result in a 5dB(A) increase in ambient noise levels at the nearest sensitive receptor at Oaklea Court and would have a moderate adverse impact on these dwellings. The assessment recommends that infilling the panelling between the brick piers to the car park deck with solid timber panelling and the use of a solid masonry parapet wall to the access ramp, would afford at least a 5dB(A) reduction in noise levels at the nearest sensitive receptor, reducing the impact to negligible.

In terms of loss of privacy as a result of the decked car park, there will be a separation distance of approximately 25 metres between the southern edge of the upper deck of the car park (excluding the access ramp) and the properties at Oaklea Court and 85 Grange Road and approximately 12 metres between the northern edge of the car park and the properties at Kirklee House. The overall height of the decked car park will be approximately 6 metres incorporating the perimeter wall. Sectional drawings through the site show that the proposed decked car park, given the change in levels across the site, will correspond approximately with the ground floors of Kirklee House (the basement level is used for car parking) and Oaklea Court respectively. At a separation distance of approximately 25 metres it is not considered that the proposed decked car park would have an unacceptable impact on the amenities of the properties at Oaklea Court or 85 Grange Road in terms of loss of privacy.

The separation distance between the upper deck of the car park and the properties in the rear (south) elevation of Kirklee House at ground floor level is much reduced to just 12 metres. There will also be a separation distance of approximately 21 metres between the south elevation of Kirklee House and the proposed first floor customer restaurant in the proposed side extension to the north of the store.

The approved plans for Kirklee House show that the nearest properties to be potentially affected by the upper car park deck and the extension to the north of the store would be flats 1 and 11, with lounge and bedroom windows serving these flats positioned in the rear elevation overlooking the decked car park and proposed extension. Although the Design of New Development SPD sets out separation distances between buildings these relate principally to separation distances between habitable rooms and so cannot be used in direct comparison in this instance. In terms of the use of the proposed car park deck, this will principally be a transient

use with users of the car park leaving once they have parked their cars. As such, even at a separation distance of approximately 12 metres, it would be difficult to justify refusal of the application on the basis of loss of privacy to these properties arising from the decked car park.

The proposed first floor customer café would potentially affect properties at the southern end of Kirklee House over all three floors given the relative height of the proposed extension at the northern end of the store. The Design SPD indicates that for buildings of three storeys or more separation distances between habitable rooms should be in the order of 27 metres. Although the proposed café is not a habitable room, it will be an area where people will congregate and given that the north elevation of the extension to the proposed café will be glazed, at a reduced distance of approximately 21 metres this could give rise to a loss of privacy to the properties in the rear (south) elevation of Kirklee House.

In terms of the proposed alterations to the access and egress arrangements and the revised circulation route through the site, the noise impact assessment states that the splitting of the access and egress arrangements will result in a reduction in traffic using this existing access, which will have a predicted 2 dB(A) reduction in traffic noise levels at this point. Consequently this element of the proposal is not considered to have any adverse impact on the residential properties to the east at Peases Cottages and South Terrace. The assessment considers that noise impact arising from the proposed egress, adjacent to Kirklee House, when assessed against the traffic noise levels during peak times on the A167 Victoria Road will result in an increase of less than 1 dB(A) and will therefore have a negligible adverse impact on dwellings at Kirklee House.

The revised circulation route around the car park will pass the southern façade of Kirklee House, which the noise impact assessment considers will result in a 57% increase in traffic at weekday peak times. The assessment considers that this would represent a 2dB(A) increase in noise levels, which would have a slight adverse impact on the dwellings at Kirklee House. No mitigation is proposed.

The proposed petrol filling station will operate at the same times as the store. The nearest dispensing pump will be 20 metres away from the nearest dwelling at Kirklee House, separated by the new egress from the site. Due to the high ambient noise levels at Kirklee House, due to the close proximity of the A167 Victoria Road, the noise impact assessment considers the noise impact of the proposed petrol filling station on the nearest dwellings to be negligible. The Council's Environmental Health Officer has advised that no details of the noise levels for air line equipment for inflating vehicle tyres or any other plant and equipment on the site have been provided. He has therefore requested that these matters be addressed by an appropriate planning condition.

The existing recycling facility will be relocated from a site adjacent to the existing vehicular access to a new site close to the east boundary, approximately 10 metres away from the nearest properties at Peases Cottages on South Terrace. As the facility will be available for use 24 hours a day, the noise impact assessment considers that this could potentially give rise to noise disturbance to these properties. To mitigate the impact of the recycling centre, it is proposed to enclose the recycling facility by a new 2.4 metre high acoustic fence along its eastern side. The noise impact assessment considers that this absorptive timber barrier, which will be of a height to screen the recycling centre from nearby residential properties, will provide an approximate attenuation of at least 10 dB and on this basis considers the residual noise impact of the proposed recycling centre on the nearest residential properties to be negligible.

The online delivery service will operate from the rear of the building, within the existing service yard. The noise impact assessment states that there will be a total of 4 light goods vehicles used specifically for dispatching online orders during store opening hours only, which will remain unchanged at 7:00am to 11:00pm Monday to Friday, 7:00am to 10:00pm Saturday and 10:00am to 4:00pm on a Sunday. The noise impact assessment concludes that in view of the proposed operating hours, the nature of the vehicles used for online deliveries and the number of such deliveries in the context of overall traffic flows at the site, the noise impact on the surrounding residential dwellings to the east of the site at South Terrace and Pease Cottages, is considered to be negligible.

The proposed construction impacts associated with the proposed development are considered by the noise impact assessment to be temporary in nature. However, the assessment identifies that piling may be required, although this has not been finalised as detailed site investigations have yet to be completed. The assessment recognises that such activities could have a significant impact on the amenities of nearby residential properties and recommends a series of mitigation measures to limit the impact on nearby properties. In addition the assessment also recommends that working hours for the construction phase of the development be limited to protect the amenities these properties. The Council's Environmental Health Officer recommends that this matter be dealt with by an appropriate planning condition to secure the recommended mitigation measures. Conditions relating to dust emissions and their control and details of all external lighting levels are also recommended. Further conditions are also required to secure the mitigation measures set out in the noise impact assessment relating to the access ramp to the decked car park and the acoustic fence to the rear of the recycling centre.

Details of the phasing of the proposed development and how this will impact upon the traffic management and the safety of staff and visitors to the store have now been provided. The Principal Environmental Health Officer (Commercial) had advised that, in his opinion, the construction of the upper car parking deck will be likely to impinge upon the safety of customers using the other areas of the car park, although acknowledges that this is not a planning issue and would fall to the Health and Safety Executive to enforce.

Highways /Traffic Issues

Local Plan Policy T12 (New Development – Road Capacity) states that traffic generated by new development must be able to be accommodated within the capacities of surrounding roads in a safe and environmentally satisfactory way. Policy T24 (Parking and Servicing Requirements for New Development) also requires that new development will normally be required to provide safe space for vehicle parking and servicing within the site, provision should be made for deliveries, residents, employees, customers, visitors and others who may visit the premises including people with disabilities.

A Transport Assessment (TA) and Draft Travel Plan have been submitted with the application to consider the impact of the proposed extensions to the store, the petrol filling station, the decked car park and the alterations to the site access and egress arrangements on the local highway network. The scope of the TA has been agreed with the Council's Highway Engineer.

The TA shows that the proposed extension will result in an estimated increase in traffic at the store of 16.5%. There will also be an increase in traffic associated with the petrol filling station. The proposals will result in an additional 30 trips onto Victoria Road (westbound) in the weekday pm peak and 42 additional trips onto Victoria Road (westbound) during the Saturday peak. Capacity assessments of the nearby junctions have been undertaken and the proposal is predicted to have only a marginal effect on queue lengths at most of these junctions. However,

the A167 Victoria Road/Grange Road roundabout is operating close to capacity and the addition of traffic associated with the proposed extension will have an impact. To mitigate this impact an improvement to this roundabout is proposed and the Highway Engineer advises that a Grampian condition will be required to secure these works.

The application proposes the construction of a new decked car park on the west side of the site providing a total of 574 car parking spaces, including 27 disabled parking spaces over two levels. This represents an increase of 50 parking spaces to compensate for the loss of the existing parking provision to the north of the site which will be lost as a result of the construction of the petrol filling station and the extension to the north side of the store and to accommodate the additional demand for parking as a result of the proposed extensions to the store. It is also proposed to introduce a car parking management system within the car park. In line with a condition imposed on the original planning permission, customers can park for a maximum of two hours free of charge. It is proposed to introduce a parking tariff as part of the car parking management system, which is also consistent with the relevant condition attached to the original permission for the store, which also allows the store operator to charge for parking provided that the charge levied would be no less than and not more than double the existing tariffs in Town Centre car parks. A pay on foot system would be introduced, controlled by entry and exit barriers located along the internal access roads.

The Highway Engineer considers that the proposed increase of 50 parking spaces and the proposed parking ratio is significantly less than the existing provision. This is however in line with the principles of PPG13 – Transport. He raises no objection to the proposed car park management system subject to a planning condition similar to condition 12 of the original planning permission relating to the car-parking tariff.

It is also proposed to alter the existing vehicular access and egress arrangements to the site, with the existing access to the site being realigned to provide the entrance to the site and the petrol filling station. A new egress onto Victoria Road would be created to the west of the existing light controlled crossing. The Highway Engineer has advised that these changes have been the subject of pre-application discussions and that the principle is accepted. He further advises that the proposed new junction will provide gaps for vehicles egressing the site when the crossing is in use. Much of the current congestion within the site is caused by hold ups at the lights and the re-configuration of the access and egress will address this. A Grampian condition will be required to secure these works.

The existing pedestrian access to the site from Victoria Road will be amended as part of the proposals, with the existing controlled pedestrian crossing on Victoria Road being repositioned slightly. The existing stepped accesses to the site from Grange Road and Polam Lane will be retained, although a new cycle and disabled access ramp will be provided in the northwest corner of the site, adjacent to the existing Polam Lane access. A total of 15 covered cycle parking spaces are to be provided to the front (west elevation) of the store. The Highway Engineer is supportive of the proposal to provide the new ramped access and the proposed cycle parking spaces and has recommended that conditions be imposed to secure the provision of the ramp and the cycle parking. Concern has been expressed regarding the lack of defined pedestrian and cycle routes within the site and has also recommended that a further condition be included requiring that defined pedestrian and cycle routes must be provided from all access points.

Conditions are also required to secure the implementation of the measures set out in the Travel Plan and also to ensure that all works carried out in the public highway are subject to a road

safety audit at the design and completion stages. On the basis of these, and other conditions set out above, the Highway Engineer raises no objection to the proposed development.

Durham Constabulary Traffic Management Officer (TMO) has objected to the application on the basis that the proposed development and associated highway improvements will not adequately mitigate against the impact of the proposed development in terms of road safety and public order, with particular regard to the egress from the car park and the delays and difficulties that are encountered during busy periods. The Council's Highway Engineer has advised that he sees no reason why the objection from the TMO would influence his own comments on the application.

The applicants' transport consultants have provided a detailed response to each of the points raised in the objection, which has been forwarded to the TMO for further consideration. The TMO has advised that his objection will remain until such time as he is satisfied that the highway is capable of absorbing traffic from the enlarged development without having the adverse impact which currently exists. The Council's Highway Engineer accepts the concerns of the Police in relation to existing difficulties with egressing the car park, however in his view the assessments provided in the Transport Assessment, and additional information provided in response to the objection, provide sufficient assurances that the impact of any additional traffic generated by the proposed development will be mitigated by the revised access and egress proposals.

Contaminated Land

A geotechnical and geoenvironmental report (prepared 2007) has been submitted with the application to address the issue of ground contamination given the potential for contamination to occur on the site from past historical uses of the site prior to its current use as a supermarket. This report has been considered by the Council's Environmental Health Officer (Pollution) who advises that the report appears to have been carried out in 2007 and does not make reference to the current proposal. In addition the report does not provide all relevant information for the Environmental Health Officer to fully consider the impact of the proposed development in the context of the contaminated land.

A revised Phase 1 and 2 Geotechnical and Geoenvironmental Report together with an additional site investigation report for the site of the proposed petrol filling station have been submitted. This information is currently with the Environmental Health Officer (Pollution) for consideration and her comments will be reported verbally at the meeting.

The Environment Agency has also commented on the application, although in terms of contaminated land advises that their remit extends only to issues relating to controlled waters. On this basis, they request a condition requiring the submission of information regarding any previously unidentified contamination on the site found during development to be attached to any permission granted.

Surface Water Drainage

The submitted application form advises that surface water drainage from the proposed development will be directed to the mains sewer. The Environment Agency, in considering the application, has advised that no evidence of surface water being directed into the main sewer has been provided and therefore the proposal could potentially increase flood risk elsewhere by altering the existing drainage regime and/or increasing impermeable areas. They have therefore requested a condition be attached to any permission granted requiring the submission of a

scheme for surface water drainage, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development where appropriate.

Northumbrian Water has raised no objections to the proposal.

Tree Issues

Local Plan Policy E12 (Trees and Development) states that development proposals will be required to take full account of trees, woodland and hedgerows on and adjacent to the site and that the layout and design of the development should wherever possible avoid the need to remove trees and provide for their successful retention and protection during development. Where removal is unavoidable, any required landscaping works should be designed to compensate for the loss of the amenity to the area.

There are a number of trees within the application site, which could potentially be affected by the proposed development. Furthermore, there are a number of trees adjacent to the application site, which are protected by Tree Preservation Order. All trees on the site, and those protected trees immediately to the south of the application site on Quaker Lane which are also likely to be affected by the proposed development have been surveyed as part of the application. Details of the survey, together with an Arboricultural Impact Assessment (AIA), have been submitted with the application. In addition, an Arboricultural Method Statement (AMS), which sets out how those trees to be retained on the site will be protected during the construction phase and a planting plan have also been submitted.

The tree survey and accompanying AIA identifies that a total of 75 trees will need to be removed from the site as a consequence of the proposed development. Most notably these trees are located on the eastern boundary of the site to make way for the proposed relocated recycling facility and other trees across the site to make way for the proposed extensions, decked car park and access ramp, the revised access and egress arrangements and the petrol filling station. Of those to be removed, the survey identifies that 56 are classed as 'Category B' trees, which are considered to be of moderate quality and value with a presumption in favour of retention of these trees. A total of 17 are classed as 'Category C' trees, which are deemed to be of low quality and value, and 2 are classed as 'Category R' trees, which should be removed for reasons of sound arboricultural management. The AIA concludes that in terms of the direct loss of trees from the site, it is unrealistic to assume that these trees can be retained as part of the development and that the loss of trees will have a minimal impact on the majority of the site boundaries and existing landscape character. The report also concludes that the loss of a significant number of trees along the eastern boundary, to make way for the recycling centre, will be offset by the mitigation tree and shrub planting proposals. In terms of the indirect impacts on trees, the AIA identifies that two protected trees on Quaker Lane may be affected by the proposed development.

The proposed planting plan shows that additional tree and shrub planting will take place principally along the Grange Road frontage of the site to enhance the long term screening of the decked car park and tie into the character of the park opposite. In addition, further landscape planting is proposed on the Victoria Road frontage to the front of the proposed petrol filling station and either side of what will be the entrance into the site and on land in the northwest corner of the site, to the rear of the Grange Road Baptist Church and Kirklee House.

The Councils' Arboricultural Officer has advised that although the trees on Quaker Lane and surrounding the proposed site of the recycling centre have now been surveyed, none of the development has been removed from within the root protection areas (RPAs) of the Category A and B trees within these areas. He has advised that the parking areas within the RPA of trees on

Quaker Lane may be acceptable if these areas were constructed using a 'no dig' technique, supported by a structural engineer's report to demonstrate how this will be achieved. In addition, he is also concerned about the proposed loss of trees from the site and does not consider that the number of replacement trees adequately compensates for the overall number of trees to be removed. He recommends that a condition be attached requiring the planting of additional semi-mature trees within the application site together with a financial contribution towards tree planting on Darlington Borough Council land, secured by a Section 106 Agreement.

Statement of Community Involvement

As the application falls within the category of major development, the Council's Statement of Community Involvement (SCI) guidelines state that the applicant should undertake pre-application consultation with local residents and stakeholders and to submit the results with the application in the form of an SCI. The applicants have undertaken two rounds of public consultation, the first of which was a public exhibition held in the store in February 2009 prior to the original, now withdrawn application, being submitted. Further consultation was undertaken on the revised scheme, prior to the submission of this application, during July and August 2009 and a further public exhibition on the revised proposals was held in the store in October 2009. Following this second exhibition 5,000 leaflets were delivered to households around the store.

The SCI concludes that following two separate rounds of community consultation:

- Respondents are in favour of the proposed store extension – 87% responded positively on the first consultation, 95% to the second;
- Respondents would like to see a petrol station on the site – 85% in favour;
- Respondents use Sainsbury's car park for linked shopping trips with the town centre – 150 people who answered this question, 55% say they usually visit the town centre as well as the store;
- The improved access/egress is popular with residents.

The feedback forms submitted following the public consultation events have been received from Sainsbury's communications consultants who organised the events.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

The proposal is to develop a substantial amount of retail floorspace in a location on the edge of Darlington town centre. It would transform the Victoria Road Sainsbury's store into the largest retail unit in the Borough, and from one which is overwhelmingly a food supermarket into a more broadly-based one-stop shop, offering a wide range of comparison goods, particularly in the fields of clothing and homewares. The proposal does not accord with the adopted development plan.

The Government's Planning Policy Statement 4 states that an application not in an existing centre and not in accordance with the development plan should be refused permission where

there is clear evidence that the proposal is likely to lead to a significant adverse impact. The proposal would have a number of such impacts:

- it would divert substantial trade and turnover in comparison goods from Darlington town centre, including from the clothing sector which, above all others, underpins the retail role and economy of the centre;
- it would be likely to lead to a decline in the vitality and viability of the town centre, including an increase in retail vacancy rates;
- it would put at risk the prospects of bringing forward committed private sector investment for a major retail-led development at Commercial Street, a key element of the Council's strategy for the town centre that is considered essential if the centre is to enhance and expand its retail offer in the short and medium term;
- it would have an overall negative impact on accessibility to comparison goods shopping in the Borough as it would involve the provision, in a location not easily accessible to many bus users, cyclists and pedestrians, of substantial floorspace for types of goods, such as clothing, which can presently be found in a more accessible location, namely the town centre.

The proposal therefore conflicts with important local and national policies on the location of retailing, and, in the apparent absence of weighty material planning considerations, which might justify permitting it, it is recommended that the planning application be refused.

Notwithstanding the objections in principle to the scheme, the proposed extensions and alterations to the store, the decked car park and the petrol filling station are considered to be acceptable in terms of their scale, design, siting and use of materials. The proposed development is considered to be acceptable in terms of its visual impact, specifically in relation to its impact on the character and appearance of the existing building, its wider townscape setting and its impact on the character and appearance of the Stanhope Road/Grange Road Conservation Area. The proposal is therefore considered to comply with Policies E29 (The Setting of New Development), E38 (Alterations to Business Premises) and E16 (The Appearance from Main Travel Routes) of the Borough of Darlington Local Plan 1997 and guidance contained in PPG 15 'Planning and The Historic Environment'. In addition, the proposal, subject to the imposition of appropriate conditions is not considered to give rise to any unacceptable impact on highway safety or residential amenity and is therefore considered to comply with Local Plan Policies T12 (New Development – Road Capacity) and T24 (Parking and Servicing Requirements) and E38 (Noise Generating /Polluting Development) and H15 (The Amenities of Residential Areas) respectively.

RECOMMENDATION

THAT PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. The proposal is for major retail development not in an existing centre and not in accordance with the development plan which would be likely to lead to the following significant adverse impacts on Darlington town centre, contrary to the policies of Planning Policy Statement 4 (in particular Policies EC16 and EC17.1b) and the development plan (Policies 10 and 25 of the Regional Spatial Strategy and S1 and S2 of the Borough of

Darlington Local Plan) which jointly aim to promote the vitality and viability of existing centres by focusing retail development within them with the aim of offering a wide range of services to communities in an attractive and safe environment:

- (i) it would divert substantial trade and turnover in comparison goods from the town centre, including from the clothing sector which underpins the retail role and economy of the centre;
 - (ii) it would be likely to lead to a decline in the vitality and viability of the town centre, including an increase in retail vacancy rates;
 - (iii) it would put at risk the prospects of bringing forward committed private sector investment for a major retail-led development at Commercial Street, a key element of the Council's strategy for the town centre;
2. The proposal is for major retail development not in an existing centre and not in accordance with the development plan which would be likely to lead to a significant adverse impact on accessibility to comparison goods shopping in the Borough, contrary to the policies of Planning Policy Statements 1 and 4 (in particular Policies EC10.2b and EC17.1b), Planning Policy Guidance note 13 and to the development plan (Policy 2 of the Regional Spatial Strategy).