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**FEETHAMS PLANNING AND DEVELOPMENT BRIEF**

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**Responsible Cabinet Member - Councillor John Williams, Economy Portfolio  
Responsible Director - Richard Alty, Assistant Chief Executive (Regeneration)**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To report the outcome of the consultation process for the Feethams Planning and Development Brief.
2. To make recommendations regarding the adoption of the Brief as Council policy.

**Summary**

3. The Planning and Development Brief was prepared in the context of existing Planning policies and the Darlington Gateway work and to meet the site-specific objectives identified by the Feethams and Markets Working Group and in response to developer interest in the area (**see Appendix I attached**).
4. The Brief was written following a thorough analysis of the area and in the light of a number of technical reports.
5. The brief was developed by a multi-disciplinary officer team with involvement from other relevant agencies.
6. The Feethams and Markets Working Group helped guide the process throughout.
7. The draft Brief and its fundamental principles as expressed in leaflets were extensively consulted upon.
8. It is recommended that the Brief be modified in the light of public, stakeholder and statutory consultation.
9. Once adopted, the Planning and Development Brief will be a material consideration in making decisions on planning applications and will guide the disposal of Council land.

**Recommendation**

10. It is recommended that the **attached** Feethams Planning and Development Brief is adopted as Council policy helping to inform planning decisions for the area and the disposal of Council land.

## **Reasons**

11. The recommendations are supported by the following reasons :-

- (a) The Planning and Development Brief is in line with the emerging LDF, One Darlington: Perfectly Placed and the Development Strategy for Darlington Town Centre, furthering its future economic and environmental development.
- (b) The draft brief has been modified in line with wide consultation.

**Richard Alty**  
**Assistant Chief Executive (Regeneration)**

## **Background Papers**

- (i) Feethams Planning and Development Brief
- (ii) A complete file of consultation responses
- (iii) Minutes of Feethams and the Markets Working Group
- (iv) Equalities Impact Assessment
- (v) Adding to Quality
- (vi) Darlington Local Plan

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S17 Crime and Disorder	Throughout the Brief reference is made to designing out crime, CCTV and natural surveillance of the public realm. The overriding ethos is to create a safe, accessible, mixed-use area with activity throughout the day and evening ( <b>see paragraph 19</b> )
Health and Well Being	Improved access to the River Skerne for pedestrians and cyclists, as well as the creation of public greenspace all contribute to health and wellbeing
Sustainability	The Brief stipulates high standards of environmental performance for development in the area.
Diversity	An Equalities Impact Assessment has been undertaken.
Wards Affected	Central
Groups Affected	None
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework.
Key Decision	No
Urgent Decision	For the purpose of the 'call-in' procedure this does not represent an urgent matter.
One Darlington: Perfectly Placed	The Planning and Development Brief addresses a number of priorities within this strategy building on the key priorities set by the Feethams and Markets Working Group ( <b>see paragraph 12</b> ) Improved high quality employment opportunities will be created by the proposed office uses. The distinctive features of this area of Darlington have been identified and built upon. The proximity of the area for development to the public transport infrastructure and improvements to the pedestrian and cycling network all contribute towards a more accessible and green Darlington. Some of the uses that have been included in the Brief have been directly as a result of engaging with local employers. The Brief sets the tone for a Greener Darlington – stipulating standards for environmental performance, energy and water conservation as well as providing specific design guidance for developers. Following public consultation a large area of greenspace beside the River Skerne has been specified ( <b>see paragraph 47</b> ) Through both technological and surveillance means and through the creation of a mixed-use area a significant contribution to community safety can be influenced through this Brief. Darlington has a number of economic aspirations set out in Prosperous Darlington such as attracting high quality well paid jobs, the building of a stronger economy and capitalising on Darlington's distinctive character. The Planning and Development brief seeks to provide the right conditions for these aspirations, increasing the attractions of the town centre, and maintaining the viability of the markets and enhancing quality of life through a diverse mix of uses ( <b>see paragraph 13-14</b> ).

## MAIN REPORT

### Information and Analysis

12. Strategic objectives for the Feethams sites were developed with the participation of the Feethams and Markets Working Group and have underpinned the Planning and Development Brief:
- (a) Provision for uses which raise substantially the level of attraction in the town centre, drawing more people to the town centre;
  - (b) Provision for uses which draw people across the town centre, providing footfall past the indoor market and the market square, thereby helping to rebalance the town centre in the context of the Oval development to the north;
  - (c) Delivery of development that cherishes and respects the key environmental features surrounding the sites, such as St. Cuthbert's Church, the River Skerne, the Conservation Area and Listed Buildings;
  - (d) Delivery of development that creates good pedestrian and cycling routes from the surrounding area and through the site into the rest of the town centre and which provides good connections with bus routes;
  - (e) Attainment of outstanding design quality which creates an impressive 'gateway' to this part of the town centre;
  - (f) Provision of replacement public short-stay car parking on-site or nearby;
  - (g) Attraction of higher wage employment.
13. These objectives were informed by Adding to Quality: A Development Strategy for Darlington Town Centre, 2001 and the emerging Local Development Framework (LDF). Adding to Quality stresses the importance of the town centre as a key asset of the Borough essential to achieving economic competitiveness and sets the challenge;
- “To use the opportunities development sites provide to raise substantially the level of attractions in the town centre, whilst at the same time cherishing its environmental quality.”
14. The emerging LDF Core Strategy recognises the importance of the town centre, and specifically the opportunity afforded by the Feethams area in creating a prosperous Darlington through mixed-use redevelopment. Additionally the role of the town centre as an economic generator, place of employment and cultural centre is recognised.
15. The draft Feethams Planning and Development Brief was produced to respond to these objectives, in line with policy and strategy and in response to increasing developer interest in the sites.
16. Once adopted, the Planning and Development Brief will not be part of the adopted development plan, but will be a material consideration in making decisions on planning applications within the area and that may affect the future development of the area. It may have greater weight than adopted development plan policies where the provisions reflect national and regional planning policies that are more up to date than adopted development plan documents.
17. Consultation materials were developed and an extensive public consultation was undertaken.

## ***The Scope and Content of the Planning and Development Brief***

18. The Brief is in three parts, analysis, policy background and guidance for development.
19. The guidance for developers covers areas such as uses, market demand, planning standards, access and parking, scale, form and massing and design guidance. Specific sections deal with;
  - (a) Land and Ecology
  - (b) Sustainable Design
  - (c) Infrastructure and Offsite requirements – with a view to securing various public goods

Throughout the guidance reference is made to designing out crime, CCTV and creating a safe and accessible mixed-use environment.

20. The planning policy context and regeneration strategy is outlined to inform developers of the Council's ambitions and obligations.

### ***Methodology***

21. A thorough analysis of the Feethams area was undertaken both in terms of physical characteristics and connectivity with the rest of the Town and the regional context. Historical analysis revealed the origins and changes over time of the Feethams area and this was used to inform the development of the brief, particularly in terms of retaining the historic street pattern where it existed.
22. A series of technical reports were commissioned to support the development of the Brief to ensure a high degree of certainty for potential developers and to inform the ideas and options in the Brief.
23. Urban design analysis identified the strategic opportunities to create a key gateway, make connections to the riverside, divide the sites into a series of blocks within which development could take place and guide the formulation of design guidance over the sites and in relationship to the historic and natural environment.
24. An officer and multi-agency working group was set up.
25. Alongside the development of the Brief 3D computer modelling was used to test various scenarios, to provide further useful analysis and ultimately to produce innovative and easy to understand consultation materials.
26. The Feethams and Markets Group retained involvement through meetings where emerging work was shared and drafts were circulated.
27. The Council's framework partners, King Sturge, were consulted as the draft Brief emerged as to the economic realism and viability of the document and its prescriptions.

28. The Planning and Development Brief was taken to consultation and has been revised to reflect the findings.

### ***Potential Occupiers***

29. Whilst the work on the Feethams Planning and Development Brief has been ongoing, potential office occupiers approached the Council and the Brief will accommodate their needs.

30. Cabinet has previously agreed proposals for an office block that could meet the needs of CTC Marine on 16<sup>th</sup> October 2007. Proposals for another occupier, in line with this brief, are reported in Part III of this agenda.

### **Outcome of Consultation**

31. The Planning and Development Brief was prepared as a consultation draft in Spring and early Summer 2008 and was presented for public consultation throughout July and early August 2008. Consultation was undertaken in conjunction of the Council's Talking Together community engagement programme, lead by Connecting with Communities.

32. A range of methodologies was employed throughout the process to cater for differing needs and encourage the widest participation. Through the use of questionnaires, web based response forms, interactive discussion and debate, display materials, multi-media, three-dimensional modelling, a photography project and consultation events a wide range of people were reached and engaged with.

33. Targeted consultation was made with hard to reach groups, faith groups, younger people, older people and those with disabilities and sensory impairment.

34. Opportunities were also made for detailed responses by letter and email as well as the recording of people's opinions as they spoke.

35. In addition direct approaches were made to the Civic Trust, statutory consultees and local stakeholders and partners.

36. 16,000 full colour leaflets and questionnaires were delivered to homes in the Borough. The consultation was publicised in the Town Crier and the local press. Contact was made directly with 663 members of the public and 407 responses were logged and analysed, substantially more qualitative and detailed comments were received and considered.

### ***Key Findings From the Consultation***

37. Those who responded supported the idea of change in the Feethams area, with no one advocating that it should stay as it is.

38. Five key issues were identified as being consistent themes through consultation;

(a) The lack of a bus station

(b) Opposition towards another food store

- (c) The desire for community and leisure facilities
  - (d) The loss of the children's day nursery
  - (e) The desire for affordable housing
39. The lack of a bus station in the Brief was a recurring issue. 70 of a possible 407 questionnaire responses identified this issue. 152 out of around 500 detailed responses also made specific reference to the need for a bus station. Throughout the consultation process it was made clear that for a variety of reasons a bus station was not a realistic option, and upon further explanation, many accepted this who attended events.
40. Arriva has indicated that it does not wish to operate from a bus station and the indication from the public when designing the pedestrian heart was that buses should be able to drop off and pick up people from the town centre. The Pedestrian Heart was designed to allow this to happen. In addition the Council has no powers to make bus operators use a bus station if they choose not to. Bus operators are entitled to decide where buses pick up and set down (subject to health and safety considerations). A bus station would also add to operating costs and this would be passed onto passengers through higher ticket prices.
41. Specific reference is made in the Planning and Development Brief for the provision of improved waiting facilities for coach travellers, for example toilets and shelter, an issue that overlapped for many people with the desire for a bus station. This has been expanded upon further in the Brief in response to the consultation.
42. For a variety of reasons, for example the viability of the markets and other retail in the town, there was opposition to another food store in this part of the town. 65 of a possible 407 questionnaire responses and 19 of around 500 detailed responses mention this issue. A possible foodstore was shown in consultation materials, as there had been some developer interest prior to drafting the brief. Notwithstanding, due to the location of the area in relation to the town centre, any significant retail development would currently be subject to a sequential test, in line with PPS6 (and any subsequent national policies), so as not to compete with the current and allocated offer. Also it is specifically mentioned in the Brief the Council's resolution (of the 23<sup>rd</sup> November 2006 '(b) That any subsequent offers for a large supermarket or superstore on Council land in Darlington Town Centre be not approved'. A small foodstore would be, in principle, acceptable subject to the above considerations. It is not proposed to amend the Brief in this respect as it already includes appropriate tests to ensure that if a food retailer came forward as part of the development proposals it would not prejudice the viability of the Town Centre, including the markets.
43. The loss of the children's day nursery was another concern. 26 of 407 questionnaires and 39 of around 500 detailed responses make reference to this. Although specific re-provision was not identified within the consultation materials specific reference was made in the draft Brief that 'If redevelopment proposals include the site occupied by the site of the nursery alternative provision on site or elsewhere will need to be made.' And that 'There may be a requirement towards the costs of relocation.' The future of the nursery is subject to Kids and Co's own consultation exercise. It was clear that the loss of, rather than the relocation of the nursery was the primary issue. It is not proposed to amend the Brief as it is already a requirement for the relocation to be accommodated if required.

44. Many people expressed a desire for leisure and community facilities, particularly for younger people. 90 of the detailed responses identified this need. The Planning and Development Brief has been modified to make specific reference to leisure uses and the encouragement of these within the mix of uses.
45. The desire for affordable housing was identified. 9 of the detailed responses identified this need. A specific Affordable Housing Supplementary Planning Document applies to all housing developments within the Borough above a threshold, and as such would apply to the Feethams area as identified in the Brief. Specific reference is made under Planning Standards.

### ***Other Issues and Opportunities Identified***

46. There was general support for the opening up of the river frontage both in terms of amenity and access.
47. A strong theme was the need to improve the riparian environment and the potential to create a substantial green public space by the river (30 of around 500 detailed responses as well as substantial agreement at public meetings), complementary to a quantum of development. The draft Brief has been updated to reflect this desire and an area of around 2500m<sup>2</sup> has been allocated for public space, green in character, making a significant contribution to the green infrastructure. Notwithstanding the brief requires the public realm to contribute to this end. In terms of economic viability this spatial requirement can be accommodated as the King Sturge work had identified, when modelled, the area could support less floorspace than first assumed.
48. The provision of a multi-storey car park caused mixed views. Some questioned the need for the quantum of parking identified as a requirement; others were concerned about the design and the footprint. It was clear that there was a desire for the car park to be in Council ownership. Overall approaches to design that reduced the visual impact of the car park, possibly by wrapping this in development found some favour. The Brief has been updated to reflect this.

### ***Feeding Back to Consultees***

49. The results of consultation and how views have been taken into account will be fed back through:
  - (a) An article in the Town Crier currently being prepared for November's Issue
  - (b) The Council's website
  - (c) Letters sent directly to those who sent in detailed representations
  - (d) Feedback to groups that were specifically consulted as appropriate



## *Conclusions*

50. Within the parameters of the objectives of the Feethams and Markets Working Group, in line with Planning policy and the Sustainable Community Strategy, One Darlington : Perfectly Placed, and in response to current developer interest a Brief has been produced that meets these requirements and sets the scene for high quality long-term development of the area.
51. Representations have been taken into account and where possible addressed in the revised document.
52. Some uses and aspirations expressed by the public may be better accommodated within the Town Centre Fringe work that is currently emerging.