

Question 27

Policy 25 – Retail Allocations

1. The Trust opposes the retail allocations policies set out in pages 131-4 of the *Preferred Options* document in terms of their proposed application to North Road, Durham City and to North of Arnison, Durham City. Our responses on these two aspects are set out below.

North Road, Durham City

2. The Trust accepts the need for reinvigoration of North Road, not least because of its importance as the main gateway to the city for visitors arriving by train, coach and bus, and because of the importance of its streetscape in framing the unfolding prospect of the World Heritage Site from the north west. The Trust acknowledges the diminishing quality and extent of the retail offer in this formerly important shopping street, and agrees that this commercial underperformance contributes to the run-down appearance of the built environment of North Road and its connecting streets. However, the Council itself has played a part in undermining the appearance and role of North Road: it has failed to maintain the footways to the standards to which they were designed - a high proportion of the paving slabs are now replaced by tarmac, and no attempt appears to have been made to address the aesthetic and hygiene problems caused by gum on the street surface. In addition, by closing the Parking Shop it has directly contributed to the withdrawal of activities from the street and to the number of empty frontages. The County Council's lack of enforcement of existing road traffic orders and the apparent absence of any effective oversight of taxi operations at the east end of North Road are also an element in the degradation of the pedestrian shopping experience in the area.
3. The Council's preferred strategy does nothing to address the fundamental issues facing North Road, and its proposed developer-led strategy is unlikely to offer prospects of an early reversal of the area's decline. The strategy also contains a number of significant weaknesses which are likely in themselves to further diminish, rather than enhance, the functioning and appearance of North Road. Among these are the following:
 - By limiting its consideration of North Road to the section of the street south-east of the railway viaduct, the strategy reinforces the severance created by the construction of the realigned A690 and excludes the existing retail uses beyond the viaduct, which extend into Sutton Street. This section continues the C19th streetscape, and has always formed part of North Road's commercial area. As well as forming part of the step-free route from the railway station, this part of North Road, together with Sutton Street, will also potentially gain added importance in integrating new development on the Waddington Street/County Hospital sites with the city centre. The exclusion of this functionally-linked contiguous area undermines the strategy's coherence and limits its effectiveness in improving the perception of North Road as a key gateway to the city.

- By rezoning the entire bus station as part of the proposed retail allocation without making any specific provision for its replacement, the Council's strategy risks undermining one of the important factors that could contribute to improving North Road's commercial performance: its ready access by public transport from the whole of the surrounding area¹. In its earlier public consultations on the future of North Road, the Council suggested moving bus facilities closer towards the A690 roundabout, and this may be why the map on page 127 of the *Preferred Options Appendices* volume extends the zoning to include the soft and hard landscaping along the A690 on both sides of the roundabout, and the roundabout itself.
- The reality is that these areas could not provide an effective substitute for the present bus station site. The bus station is well integrated into the topography on the southern side of North Road while being largely screened from the street itself by its frontage. Its operational area provides 11 departure stands and 2 further setting-down stands, together with designated parking bays for 4 buses. At peak times it is also necessary for parts of the entrance and exit roads to be used as holding space for buses. For large parts of the day all stands are in use, with some being reoccupied at 5-10 minute intervals. Although the bus station could benefit from improvement in the layout and management of the passenger waiting facilities, its bus operational area is probably optimal for the throughput of services which it is required to handle, and its overall layout facilitates easy passenger interchange between bus routes. It is also close enough to the railway station for reasonable inter-modal connections on foot, and a direct link between bus and rail stations is also provided by the Cathedral bus service.
- No other single space within the designated North Road retail area could accommodate the existing functions of the bus station, and on-street provision is not a feasible or acceptable substitute. Modern buses are around 11-12 metres in length, and a ready appreciation of the amount of frontage that would be required to replace the saw-tooth layout of the eleven existing main stands is provided by the two on-street bus stands on the opposite side of North Road. The kerb-side space required for these two stands is not far short of the length of the street frontage of the entire bus station, while the damage to the road surface and the interruption to pedestrian flow caused by on-street bus activities at these stands is also readily apparent.
- To move the existing stands within the bus station to other lateral frontages in North Road and along the roundabout approaches would probably take up all of the available kerb space. Such a layout would significantly detract from the

1 A survey carried out by the Council's consultants found that a higher proportion of shoppers in the central area of Durham arrived by bus than at other comparable centres in the County. See GVA Grimley, *Durham County Council: retail and town centre uses study* (2009), Vol 2, para 3.101.

appearance and amenity of the whole of the North Road area, and would be significantly less efficient both for bus operators and for users. Passengers would no longer be able to interchange quickly and safely within a compact and dedicated area and would not have the shelter from the elements and the other facilities which the present bus station provides.

- Concentrating bus operations around the A690 roundabout, even if it were feasible, would also detract significantly from the landscaping of this area, which softens the intrusion caused by the inner relief road and complements the way in which the railway viaduct frames the views in both directions along North Road. Any loss or reduction of the soft landscaping (including the now-mature planting on the roundabout itself and alongside St Godric's Road) would be a serious diminution in the quality of the existing streetscape, while the extension of hard landscaping to create on-street bus stands and layover area would create swathes of sterile and unwelcoming space at this key entrance to the City.² Any changes to the layout of the existing roundabout and the traffic management on its approaches to accommodate new bus stops would also add to the severance which is currently created by the A690.
 - In terms of commercial development requirements, the policy justification for converting the bus station to retail uses also seems extremely tenuous. The Council's own evidence paper dismisses North Road as not providing a sufficiently large site to address the city centre's identified deficiency in food retailing space,³ and since all of the existing street frontage of the bus station apart from the pedestrian access and bus exit spaces is already dedicated to retail use, it is hard to understand the basis of the claim in the evidence paper that relocation of the bus station is necessary for its site to be utilised for retail frontage.⁴ In view of the current number of voids in The Gates shopping centre and in North Road itself (including the modern block opposite the bus station) it is difficult to see any pressing requirement for adding to the current supply of retail sites in the area at the cost of relocating the existing convenient and effective bus facilities.
4. While the Council's approach may be influenced by its ownership of the bus station and the possibility of capital receipts, this cannot be regarded as an acceptable basis for policy making – the Council also has wider responsibilities as public transport and planning authority, and it would be a dereliction of these duties for the Council to pursue an asset-based approach which compromised other outcomes. In the current depressed state of the property market, it would also be an extremely short-sighted approach and would

2 Concrete surfacing is generally recommended for bus stands, because of the damage to flexible surfaces which is caused by oil drips.

3 Durham County Council, *The County Durham Plan: Retail Site Assessment Selection Paper* (2012), paras 3.11; 3.25.

4 *Ibid*, para 3.11.

amount to poor stewardship of operational assets which the Council holds in trust for Durham's residents.

5. The Trust calls on the Council to revise fundamentally its proposed approach to the regeneration of the North Road area, by first of all correcting its own failures in the discharge of its responsibilities as highway and licensing authority, and as a property owner in North Road. By playing its part in restoring the fabric of the area and managing its use more effectively, the Council could directly and significantly contribute to creating a more welcoming ambience for shoppers and visitors in North Road, encouraging footfall and creating a better trading environment for the existing retail businesses.
6. Rather than seeking to promote additional development in competition with established businesses in the North Road quarter, the Council should also engage pro-actively with existing commercial stakeholders in order to address the perceived deficiencies in the zone's current retail offer, the high proportion of vacant premises, and the poor presentation and layout of much of the existing stock of buildings. In particular, the Council needs to work with the owners and principal tenants of The Gates, to ensure that this key retail and townscape asset regains its intended place in the City's shopping hierarchy, perhaps by reconfiguring its layout and parts of its frontage, and certainly by ensuring that it has more visitor- and pedestrian-friendly linkages into the adjoining retail and commercial areas. For example, the underpass below Milburngate Bridge is extremely unattractive and is not DDA-compliant, while despite the closeness of the proposed office development at the Ice Rink site, current pedestrian links between there, The Gates, and North Road are likely to place the area at a disadvantage in attracting retail traffic from this new development.

North of Arnison, Durham City

7. Part of the Trust's opposition to the proposed allocation of 3.48 ha for retail uses in the Green Belt immediately north of the Arnison Centre rests on its overall objection to the unjustifiable encroachment into the Green Belt⁵ which underlies the Council's Preferred Strategy. However, the Trust also considers that the specific policy reasons which the Council gives for including this retail allocation as part of its green belt release proposals contradict both the advice of its own consultants and national guidance, while the supporting claims that are made about sustainability are completely spurious.
8. The Council contends that this site is required for a convenience superstore in order to address an identified deficiency in food retailing provision in Durham City.⁶ By definition, however, a new Out of Town⁷ Green Belt site cannot be relevant to this deficiency, and for the relevant evidence papers to claim that this is the most sustainable location for

5 See our responses to questions 7, 9 and 15.

6 *Retail Site Assessment Selection Paper*, paras 3.5; 3.14.

7 This categorisation of the site uses the County Council's own nomenclature: see *Local Plan Preferred Options: appendices*, p 397.

such additional provision is a complete distortion of the logic. The Council's retail site search paper dismisses an alternative City centre site partly on parking and highway access grounds (despite the availability of off-street parking in close proximity at The Gates), but then seeks to justify the North of Arnison site as a "sustainable" site for a major food superstore because it will be easily accessible from the new housing areas included in the proposed Green Belt release. The same flawed argument is also deployed in the planning document for the North of Arnison release.⁸

9. An out of town superstore development on the scale proposed would require to attract most of its business from beyond the immediate local catchment, and would therefore inevitably generate a substantial number of car trips: many of them would of course be across the city via Milburngate if the new provision is intended to address a city-wide deficiency. But even if the analysis is limited to the context of a walk-up retail facility to serve a new housing area, any marginal credibility that the Council's claim for sustainability might have is largely eroded by the location of the proposed superstore at the south-western extremity of a development zone that extends around 1km northwards and eastwards. The retail area would be beyond a comfortable shopping walking distance from much of the site, especially when the indirect road and non-vehicular routes shown on the Masterplan are taken into account.⁹ Moreover, since the retail area will have no direct road access from the rest of the development site, shopping trips by car by residents of the Green Belt release area would have to make use of Rotary Way, which is acknowledged elsewhere in the document as a potential obstacle to access.¹⁰
10. The final vestige of credibility in the identification of the North of Arnison Green Belt release as the Council's preferred site for an additional food superstore to address the deficiency in the City's convenience shopping provision is then completely destroyed by the fact that the preferred location is adjacent to the existing Arnison Centre, which includes the extensive food shopping facilities at Sainsbury's as well as the current and expanding food provision by other major retailers. The Council's property consultants, GVA Grimley, have pointed out that Sainsbury's catchment already extends as far north as Chester-le-Street,¹¹ so would clearly encompass the proposed Green Belt housing release.
11. In a telling qualification, the North of Arnison supplementary planning document acknowledges that if the proposed food supermarket cannot be delivered, "the detailed design for the site should incorporate a number of units for local convenience shopping, either clustered together or distributed across the site".¹² As the Council's planners have effectively conceded by this reference, local convenience shopping is the actual level of

8 *Retail Site Assessment Selection Paper*, pp 8-9; 13; Durham County Council, *North of Arnison draft supplementary planning document* (2012), pp 35; 47.

9 *North of Arnison draft supplementary planning document*, figure 29, p 55.

10 *Ibid*, para 4.36.

11 GVA Grimley, *Durham County Council: retail and town centre uses study* (2009), Vol 1 pp 54; 57.

12 *North of Arnison draft supplementary planning document*, p 35.

provision that would be appropriate and requisite for a new development on this scale, rather than the importation of an additional superstore to serve the entire City.

12. Instead, by conflating a need for local convenience shopping facilities with the requirement to correct a deficiency in food shopping provision at the City catchment level, the Council appears to be placing its objective of eroding the Green Belt above that of improving the balance and performance of the City's retail economy. It is also disregarding the advice of its own officers and consultants, together with national planning guidance. The documentation referenced in the County Plan Evidence Base webpage includes the 2009 Core Evidence technical paper on retail and town centres, and this paper identified a number of extremely relevant core messages for retail development in the City of Durham from the then current national advice and from local and regional studies¹³:

- *Focus developments that attract a large number of people, especially retail, leisure and office development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development. [Para 2.4]*
- *Actively manage patterns of urban growth to make the fullest use of public transport and focus development in existing centres, near to major public transport interchanges. [Para 2.4]*
- *Policies for retail and leisure should seek to promote the vitality and viability of existing town centres, which should be the preferred locations for new retail and leisure developments. [Para 2.9]*
- *There needs to be significant retail development in Durham City Centre, including improving the city's secondary retail frontages and further expansions (where possible) of the existing shopping centres in the city centre. [Para 2.17]*
- *The development of further regional and/or sub-regional out of centre facilities for retail and leisure investment should be restricted. [Para 2.20]*

13. Although the coalition government has issued revised planning advice, the above key messages remain consistent with the current overarching guidance contained in paras 23-4 of NPPF. However, the Council has chosen to be extremely selective in its reference to NPPF in that part of the *Preferred Options* document that deals with its retail allocation policy, preferring to quote only an extract from these paragraphs which deals specifically with situations where town centre sites cannot be made available.¹⁴

13 Durham County Council, *County Durham core evidence base: technical paper no 9 – retail and town centres* (2009).

14 *Preferred Options*, p 134. The extract quoted by the Council fails to mention the requirements which the guidance places on local authorities before selecting out of centre sites, and also their obligation to plan positively to encourage economic activity in town centres.

14. Despite the Council's finessing of the evidence base to suit the policy outcome it seeks to achieve, the unequivocal advice it received from its own consultants is that is that the additional provision to meet the identified shortfall in food shopping provision needs to be located in the city centre. GVA Grimley's report states:

...we consider that there is a quantitative and particularly a qualitative need for a new mainstream foodstore in the city to alleviate the overtrading of the Sainsbury's store.

Consistent with our advice elsewhere, **any provision should be centrally located so as not to diminish the potential qualitative benefits arising.**¹⁵

15. It is interesting that the shortfall in provision which the consultants identify is very close to the floorspace formerly occupied by Waitrose in The Gates centre.¹⁶ In the context of the Council's aspiration to develop the city's retail economy, it is also extremely revealing that GVA Grimley's survey of City centre shoppers found that, for needs that could not be satisfied in Durham's central area, respondents were more likely to travel to Newcastle, the Metro Centre or Sunderland than to the Arnison Centre or other out-of-town retail parks.¹⁷
16. The Council's preferred option of a substantial retail allocation North of Arnison is therefore inconsistent with its stated objectives; the evidence and advice provided by its own consultants; and with the latter's analysis of the retail issues facing Durham City and its catchment. It is also contrary to national policy guidance and with the interpretation of national and regional policy provided by its own officers in 2009.

15 *Durham County Council: retail and town centre uses study*, Vol 2, paras 11.91; 11.94 (emphasis added).

16 Too much should not be made of Waitrose's withdrawal from the city in 2008: this site in The Gates previously traded successfully as a Safeway store, but that company's decision to sell its UK operation led to regulatory intervention in the sector and considerable churn of individual sites between operators. Waitrose acquired this site from Morrison, but it is arguable with hindsight that Waitrose's then business model was inappropriate to the size of the site and to trading conditions in Durham. The subsequent success of the firm's smaller site at Eldon Square in Newcastle demonstrates that its current business model enables it to sustain effective town-centre operations in competition with the larger supermarket chains.

17 *Durham County Council: retail and town centre uses study*, Vol 2, para 3.102.