

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

DATE: 6 December 2006

**REPORT OF THE DIRECTOR OF
DEVELOPMENT AND
NEIGHBOURHOOD SERVICES**

06/3008/FUL

Asda Stores Limited, Portrack Lane, Stockton-on-Tees

**Erection of new supermarket with car park, service area and associated works
(demolition of existing supermarket)**

Expiry: 27th December 2006

SUMMARY

Permission is sought to erect a new store of exactly the same floor area (8027 sqm gross and 5110 sqm net) to replace the existing ASDA store on Portrack Lane. It is to be sited on disused scrubland to the south of the existing store facing onto Portrack Lane. It will be of a contemporary functional design with the facing materials being primarily smooth white wall cladding. The car parking areas will be revamped and extended to include part of the land occupied by the current store. Large amounts of new landscaping are proposed around the periphery of the site. Access points will be as existing but the layout includes an internal road link between the two. Servicing for the store will be to the rear off a new access from Marston Road. An existing access will be closed. The application is supported by a Planning and Retail Statement, a design and access statement, a Transport Assessment and a flood risk assessment.

Publicity to the application has resulted in objections from commercial operators on Blue House Point concerned about the inadequacy of the proposed turning facility and the closure of the link through to Marston Road. However, a revised plan recently submitted has addressed this turning head issue and the applicant is discussing other concerns directly with the objector.

Redevelopment of the store on the existing site with same floor space will not conflict with the guidance set out in PPS6 or development plan policy. It presents no significant concerns with regards to traffic generation or highways issues generally. Accordingly there is no objection in principle to the development.

However, some changes to the submitted scheme are needed to properly realise the future potential of the area. These include not only changes to the siting and layout so as to ensure the development does not turn its back onto Marston Road but also more minor changes such as relocating the recycling area and ensuring proper turning facilities are available on Blue House Point Road aiding the commercial interests of its neighbours. A revised plan on the latter issue has recently been received and is being assessed.

Subject to a satisfactory revised layout being agreed the application is supported. However, it is recommended that approval of the application be delegated to the Head of Planning subject also to the signing of a legal agreement for the financial contribution towards new bus stops and a Puffin crossing on Portrack Lane. If agreement is not reached by the target date of 27th December the applicants should be asked to withdraw the application until agreement is reached or if reluctant to do so, then the application should be refused.

RECOMMENDATIONS

It is recommended that:

1. *The decision in respect of planning application 06/3008/FUL be delegated to the Head of Planning*
2. *That approval is subject to:*
 - a. *The application being referred to the Secretary of State in accordance with the Town & Country Planning (Shopping Development) (England and Wales (No 2) Direction 1993.*
 - b. *Resolution of the outstanding siting and access issues,*
 - c. *The completion of a 106 agreement in accordance with the Heads of Terms and*
 - d. *Subject to planning conditions covering the following matters:*
 - *Approved plans*
 - *Site remediation and Landfill gas*
 - *Drainage*
 - *Floor levels*
 - *Oil storage*
 - *Oil interceptor*
 - *Relocation of recycling facilities*
 - *Materials*
 - *Limit on retail floor space to that specified in the application*
 - *Prior demolition of existing store before new store brought into use.*
 - *Means of enclosure*
 - *Cycle parking*
 - *Travel plan*
 - *Outstanding highway concerns*
 - *Landscaping, planting and maintenance details*
 - *Any other relevant matters*
3. *In the event of there still being outstanding matters on 22nd December 2006 that the application is refused.*

Heads of terms

- *Financial contribution for the provision of two low level bus stops (£12,000)*
- *Financial contribution for the provision of a Puffin Crossing (£55,000)*

BACKGROUND

1. The application relates to the ASDA store located on Portrack Lane at the roundabout junction with Marston Road. On the opposite side of Portrack Lane is the existing Big W store, to the west is the Corus pipe mill (for planning

permission has been granted to redevelop for a mixed use development including 375 nos. of houses) and to the south is a caravan and camping park associated with the Tees Barrage and canoe facility. To the east is a ceramic tile shop. The total site area extends to 2.2 hectares and comprises at present, the existing store on the site, its extensive car parking area and an area of disused scrubland to the south. Access to the store is available both from Portrack Lane and from Marston Road.

2. A previous application to extend the store in 2002 (02/0799/P) was withdrawn in 2004 and more recently planning permission has been granted to relocate the petrol filling station on the site with a new facility located in a more prominent position at the road junction but softened by new planting (06/1270/FUL).

THE PROPOSAL

3. Full planning permission is sought to erect a new store of exactly the same floor area (8027 sqm gross and 5110 sqm net) to replace the existing ASDA store on Portrack Lane. The only change in floor space will be a minor increase in gross terms to allow service functions currently outside to be brought within the building. It will include a mezzanine floor of 11,000 sq ft. The new store is to be sited on disused scrubland to the south of the existing store. The store will face onto Portrack Lane and will be of a contemporary functional design with a large element of feature glazing to the front elevation and a mono roof incorporating a grid of roof lights to allow natural light into the store. The facing materials will be primarily smooth white wall cladding. The car parking area will be revamped and extended to include part of the land occupied by the current store. A total of 702 spaces will be provided. The existing store has 532. Large amounts of new landscaping are proposed around the periphery of the site.
4. Access points will be as existing but the layout includes an internal road link between the two. Servicing for the store will be to the rear off a new access from Marston Road. The recycling area will also be relocated adjacent to Marston Road and opposite the access to the Corus site.
5. The application is supported by a Planning and Retail Statement, a design and access statement, a Transport Assessment and a flood risk assessment.

Planning and Retail Statement

6. This statement describes the site, the existing store and reasons for the proposal. These reasons centre around the assertion that the store was not originally designed as a food store and that its design and layout do not meet the need or the requirements of a modern food retailer and as such affects the store's operation. Furthermore, the building is approaching the end of its economic life and is in need substantial re-investment. However, given the scale of the works needed it is more cost effective and efficient to rebuild the store.
7. The statement goes on to assess current planning policy at national, regional, sub-regional and local level as applicable to this development. It describes a health check carried out on Stockton centres i.e. Stockton, Billingham, Thornaby, Yarm and Norton. It includes both a qualitative and quantitative retail assessment of need, as well as a sequential appraisal as required by PPS6 and describes the benefits of the proposal. In conclusion, it is claimed that the development does not conflict with planning policy, that there is a qualitative need for the store and will not harm the vitality and viability of nearby centres and that there is no other sequentially preferable site within or on the edge of Stockton Town Centre. It is

also claimed that other benefits will accrue including new jobs, and assisting in regeneration efforts.

Design and Access Statement

8. The statement sets out the design philosophy which is to build a modern contemporary store which is both energy efficient and sustainable as well as meeting the operational requirements of ASDA. The access intentions is not to create any more accesses but use those that are existing, carrying improvements as necessary. Allied that is a new internal parking arrangement and circulation system. Pedestrian and cycle access will be provided via a main walkway located within the centre of the site.

Transport Assessment

9. This report considers the transport implications of the proposals on site layout; car parking; non-car accessibility; and traffic conditions in the vicinity of the area. It notes the store area is not to increase, that Adsa currently offers a free bus service to the store which would continue and that it proposed to increase and improve parking facilities, provide 43 secured cycle parking spaces and via a Section 106 new bus shelters and a "puffin crossing". It concludes following this assessment that the new development and increase in parking numbers can be accommodated on the local highway network.

Flood Risk Assessment

10. The report notes the site lies partly within zones 2 and 3 of the indicative flood map however, safe access and egress during the 1 in 200 year tidal flood will be maintained since the proposed routes will be constructed with a minimum level of 5.0m AOD. Most of the site is also above the 1 in 100 years flood levels for Lustrum Beck and the River Tees and therefore does not provide flood storage capacity. The two small areas below these levels do not have direct flood pathways to them from the rivers and it is therefore unlikely that flood capacity for either river will be affected by the development. The development will result in a 2% increase in the impermeable area at the site but the new drainage system will incorporate SUDS (Sustainable Urban Drainage Systems) which will be designed to allow for "tidal lock" when high water levels in the River Tees constrain discharge from the site.

PUBLICITY

11. The application has been advertised on site and in the press and neighbours individually notified. Three objections have been received as a result of this publicity from business operating on Blue House Point Road.
12. **Dalmatian Cars**, a second hand car sales operation, is concerned that the development encroaches on a public highway turning area on Blue House Point Road next to Asda's existing car park. Whilst fully supporting Asda's new development it is concerned that the replacement turning point is inadequate for its use which includes use by large car transporters, and that the through route from Blue House point road to Marston Road would be closed off. It would like information on the proposed boundary that will close off the way through. The Company is concerned that the land is in Council's ownership and asks if it has been sold to Asda.

13. **M & A Plant hire** has lodged two separate objections in writing, pointing out it runs both a plant hire business and a MoT Test centre as well as accommodating Dalmatian Cars in its yard. It has similar concerns about the closing of the through route and the turning area as it will effectively close off the access to the corner of its yard. The turning area is inadequate. The closing of the road (which it claims has been open for over 20 years) will cause MoT station to lose business. The Plant hire business will be affected by the inadequate turning area which is not suitable for the articulated lorry low loaders the business uses.

CONSULTATIONS

14. Environmental Health Unit: comments on the need for possible remediation work on the site and that a check for landfill gas will be needed as the site is within 250m of an old landfill site.

15. Head of Integrated Transport and Environmental Policy: comments:

The development should be designed and constructed in accordance with the Councils Design Guide and Specification (Residential and Industrial Estates Development) current edition, and to that end I comment as follows:-

Car parking for the proposed development is adequate, including disabled provision.

Secure and covered cycle storage should be provided in line with SBC Design Guide.

Proposed new turning area dimensions are sub-standard and should again adhere to SBC Design Guide. A 1.8metre footway should also be provided around the perimeter of the turning area.

A highway closure order will be necessary for the existing turning area, although current rights of access should be maintained.

Proposed new service yard should have visibility splays of 9 x 90metres, and a 12metre radius in line with standards for new industrial developments.

Junction spacing from the new access should be 40metres to the next junction opposite and confirmation that this can be achieved is necessary.

Calculations regarding daily deliveries will be required to ensure there is enough vehicle space within the site to accommodate the specified numbers of delivery vehicles as we do not want them waiting on Marston Road, effecting free flow of traffic and compromising road safety.

A Section 106 Agreement will need to be entered into to provide funding for new low floor bus stops and shelters at the two stops on Portrack Lane, costing approximately 12,000 pounds. A further Section 106 Agreement for a Puffin Crossing across Portrack Lane will be necessary at a cost of 55,000 pounds.

The access to the Petrol Filling Station should be from the internal mini roundabout as agreed in the planning application for the Petrol Filling Station.

The Transport Assessment provided is acceptable and no adverse traffic issues have arisen from it.

I have no knowledge of flooding to this site and the applicant is advised to make their own enquiries.

16. Environment Agency: No objection in principle but recommends a number of conditions regarding prevention of pollution of the water environment, flooding,

land contamination and landfill gas concerns. It also recommends the use a sustainable urban drainage system (SUDS).

17. Northumbria Water: no adverse comments, but states need for use of oil interceptors to treat surface water run-off before discharging into to the public sewer and if a vehicle washing facility is to be provided its effluent must also be treated via an oil interceptor.
18. Northern Gas: no objections
19. CE Electric: provides information on electricity supply in the area
20. Highways Agency: no objection in principle but recommends that the views of the local Highway Authority be taken into account.
21. Development Plans: Comments:

"The site is located in Portrack Lane Industrial Estate, which is outside of any retail centre defined in Policy S1 of Alteration Number One. Therefore PPS6 and the Alteration set tests for establishing firstly a retail need for the new store, and secondly for justifying the location outside of the defined centres. The Nathaniel Lichfield Retail Survey December 2004 finds no capacity for additional floorspace until existing commitments have been realised. This has not occurred and therefore the Council is resistant to new floorspace outside defined centres.

This proposal involves a like-for-like replacement of an existing store on the same site, and therefore in this instance it is considered that it is not necessary to undertake either the sequential site selection or a Need assessment. There is no increase in the existing floorspace, and in essence, the only change is the format and layout of the site. Therefore the Development Plans team are satisfied that there will be no detriment to the defined retail centres listed in Policy S1 in Alteration Number One.

Obviously it must be ensured that the existing store is demolished immediately upon occupation of the proposed store to ensure that there is no additional floorspace created at Portrack Lane".

22. Landscape: views awaited
23. Head of Regeneration: comments

"We would welcome Asda's plans to improve their offer on Portrack Lane and the benefits to the economic performance of the town that this will bring. It is important, however, that these proposals be developed within the wider context of regeneration proposed for the area, and utilise this early opportunity to ensure complementarity with future development.

Stockton Council is currently working with consultants on a development framework for the Green Blue Heart, which will be considered for adoption by Cabinet in April 2007. As part of the Stockton Middlesbrough Initiative, aimed at creating a city region at the heart of the Tees Valley, the Green Blue Heart concept addresses the need for city-scale infrastructure and facilities in the hinterland between Stockton and Middlesbrough. This development framework includes proposals to create a circulatory road for the whole of the Green Blue Heart, utilising Marston Road. This will then become a more principal road, skirting what is presently going to be the rear and west of the Asda site.

The wider North Shore site, once developed, will also have a large impact on the Asda proposals, with outline planning consent having been granted for a mixed-use development on the Corus Pipe Mill. This consent includes provision for 375 new dwellings, accessed via a single entrance from Marston Road. Again, the siting of the

store within the curtilage of the site could be altered to maximise the benefits of this adjacent development, as the present proposals see the recycling facilities located directly opposite this key gateway.

Given the massive scale regeneration activities proposed on sites adjacent to the store it may be prudent to re-examine the siting of the new store to maximise the impact of the active frontage of the store.”

PLANNING POLICY

24. Relevant planning policy guidance is contained national policy statements and the development plan.

National Planning Policy Guidance

PPS1 – Delivering Sustainable Development (February 2005)

25. PPS1 builds on the principles set down in PPG1 and emphasises the contribution the planning system can make to achieving sustainable development and a high standard of design.

PPS 6 – Planning For Town Centres (March 2005)

26. Planning Policy Statement 6 (PPS6) sets out the Government’s approach to the provision of town centre uses.

27. The key objective of PPS6 is to promote the vitality and viability of town centres, both by planning for the growth of existing centres and by promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good quality environment, which are accessible to all. The Statement sets out further objectives which should be addressed as a means by which to achieve the overall key objective:

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

28. Section 3 of PPS6 sets out the considerations which should be taken into account by Local Planning Authorities in determining planning applications for all proposals relating to main town centre uses, with paragraph 3.1 of PPS6 confirming that the considerations apply to the redevelopment of existing facilities as well as to the development of new facilities and at 3.4 that applicants should be required to demonstrate the following:

- (a) The need for the development;
- (b) That the development is of an appropriate scale;
- (c) That there are no more central sites for the development;
- (d) That there are no unacceptable impacts on existing centres; and
- (e) That locations are accessible.

29. In addition to the considerations discussed above, PPS6 states that the following material considerations may also be taken into account in assessing planning applications for a main town centre use:

- Physical regeneration;
- Employment creation;
- Economic growth; and
- Social inclusion.

Planning Policy Guidance Note 13 - Transport (March 2001)

30. The advice on locating new retail development is reinforced by Planning Policy Guidance Note on Transport (PPG13), which was published in March 2001. The key aims of the Guidance are set out in the introductory text, namely to integrate planning and transport at the national, regional, strategic and local level to:

- Promote more sustainable transport choices for both people and for moving freight;
- Promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
- Reduce the need to travel, especially by car.

31. Paragraph 35 sets out the guidance relating to shopping development and is consistent with PPS6 in that it also emphasises that new retail development should be focused in existing shopping centres where it is likely to be most accessible to the population by a variety of means of transport.

Development Plan Policy

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case the relevant Development Plans are the Regional Spatial Strategy (RSS), Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP)

Regional Planning Policy

RPG1 - Regional Planning Guidance for the North East (November 2002)

33. RPG 1 was published in November 2002. The guidance sets out the broad strategic planning policies as well as a broad development strategy for the region over a 15 to 20 year period. The aim of the Spatial Strategy is to:

“Continue to strengthen and diversify the economy, improve living conditions and safeguard the region’s outstanding cultural and natural heritage to create a truly sustainable future for the North East.”

Regional Spatial Strategy (2005)

34. A review of the planning framework at the regional level is under-way with the production of Regional Spatial Strategies (RSS). An RSS Submission Draft (“View: Shaping the North East”) was published in July 2005 and has been subject to an Examination in Public and the draft findings published. The RSS is currently expected to be adopted in 2007, and will supersede RPG 1 as the Regional Spatial Strategy.

Structure Plan Policy

Tees Valley Structure Plan (2004)

35. The Tees Valley Structure Plan was adopted January 2004. The strategic retail aim is to maintain and enhance the vitality and viability of the town and district centres. The plan contains four policies which are relevant to the proposal. These are: -

Policy TC1 - aims to maintain and strengthen the vitality and viability of the Town Centre within the county

Policy TC3 – aims to guide future retail development and ensure that it is appropriate to the role of the respective centres. For this purpose an agreed hierarchy of centres has been established. In determining development proposals, Local Authorities are urged to take account of the size of the development, scale, massing and character of the centre.

Policy TC4 – establishes a sequential approach to large scale shopping developments by attempting to direct such development to defined town centres or the edge of the centres. Policy TC4 reaffirms advice contained within PPG6 that locating large-scale retail developments within the defined centres will help ensure their continued vitality and viability.

Policy TC5 – advises that major out-of-town retail developments are generally not acceptable because they generate many unnecessary journeys, are overly reliant on the use of the private car and are not easily accessible by other modes of transport. This policy clarifies *inter alia* that out-of-centre retail development will only be permitted where the development is justified in terms of need, the likely cumulative effects of the proposed development would not undermine the vitality and viability of any nearby town or district centre and the proposed development will incorporate measures to reduce reliance on the motor car.

Local Policy

Stockton-on-Tees Local Plan (1997)

36. .Relevant policies are:
37. Policy GP 1 requires proposals for development to be examined in relation to policies in the structure plan and a number of criteria. The criteria Include:

- The external appearance of the development and its relationship with the surrounding area
- The effect on the amenities of the occupiers of nearby properties
- Provision of satisfactory access and parking arrangements
- Need for a high standard of landscaping

Alteration No 1 (2006)

38. The Council has undertaken a partial review of the Adopted plan, Alteration No 1 which was adopted in March 2006. The plan deals solely with retail and town centre proposals and developments that lie in flood risk areas. Reflecting the renewed emphasis on town centres for retailing; shopping policies in the alteration to the local plan seek to maintain the existing town centres as the dominant element in the shopping hierarchy. New investment should be delivered towards existing centres as far as is possible, in line with the general approach to sustainable development. Relevant Policies are:
39. *Policy S1* – aims to guide future retail development and ensure that it is appropriate to the role of the respective centres. For this purpose an agreed hierarchy of centres has been established.
40. *Policy S2* – advises that proposals for new or extensions to major retail development outside the primary shopping areas will not be permitted unless there is a clearly defined need for the proposed development, it can be clearly demonstrated that there are no other sequentially preferable sites or premises, the proposal would not have an adverse impact on the vitality and viability of any defined centre and the proposed development would be accessible by a choice and means of transport whilst assisting in reducing the need to travel by the motor car.

MATERIAL PLANNING CONSIDERATIONS

41. From the consultation responses, policy concerns and proposed location for the store a number of issues can be identified:

Planning Policy

42. In accordance with PPS 6 the applicant in its retail assessment has carried a number of tests that should be applied to the proposed development. Need; a sequential approach; impact on the vitality and viability of centres and transport issues are all examined in turn. However, The Development Plan Officer is of the view that as the proposal involves a like-for-like replacement of an existing store on the same site, in this instance it is considered that it is not necessary to undertake either the sequential site selection or a Need assessment. There is no increase in the existing floor space, and in essence, the only change is the format and layout of the site.
43. Nevertheless, regard should be given to the requirements of PPS6 which applies also to proposed changes to existing stores.

Need

44. The retail assessment that accompanies the application includes both a quantitative and a qualitative assessment of need. In terms the quantitative assessment, the capacity of the Primary Catchment Area (PCA) has been reviewed and it demonstrates that there is significant growth in retail

expenditure and that there sufficient capacity to support the development without any adverse impact on Stockton Town Centre.

45. In qualitative terms it is argued that there are a number of factors that constitute qualitative need for the store including improved retail facilities, accessibility and reducing need to travel. Also that it will provide additional jobs and assist in regeneration initiatives in the area as well helping Asda to compete in the retail market.
46. Given that there is no increase in floor space and the assessment provided by the applicant it is considered that there justification for the development in terms of need and that it will not undermine efforts to ensure the delivery of the development Plan strategy in respect of the Town Centre or other defined centres in the area.

Sequential Approach

47. PSS 6 advises the need to adopt a 'sequential' approach to selecting sites for development. In effect, first preference should be for town centres (where sites or buildings suitable for conversion are available), followed by edge of centres, district and local centres; and only then out-of-centre sites in locations which are accessible by a choice and means of transport.
48. Whilst the applicant's development is in an out-of-centre location and therefore a sequential test is normally required it is not strictly required in this case as no additional floor space is proposed. Nevertheless, the application does include a sequential appraisal which is claimed demonstrate that there are no alternative sites within the PCA that pass the key tests set out in PPS6 (suitable, available or viable).

Impact on Nearby Centres

49. The retail assessment also looks at the impact on existing centres as part of the quantitative need assessment. Taking these findings into account, the health check on local centres that has also been undertaken by the applicant's planning consultant and the fact that there is no net increase in retail floor space, it is considered that there is no threat to the vitality and viability of existing centres through this redevelopment or any compromise to established development plan policies.

Accessibility

50. The proposal aims to improve the accessibility of the site. It is acknowledged by the applicant that the existing store suffers from difficulties in terms of access, car parking and servicing. To overcome these difficulties, improvements to the access are proposed, safe and secure cycle parking will be provided, the existing free bus service maintained, a taxi rank provided and a travel plan introduced for the staff. Additionally it is recommended by the Head of Integrated Transport and Environmental Policy that the applicant contributes towards the cost of new low floor bus stops and shelters at the two stops on Portrack Lane, and a Puffin Crossing across Portrack Lane. The applicant has agreed to this as well as the other changes suggested by the Engineer.
51. Given these improvements it is considered the requirements of PPS6 and PPG13 in respect of accessibility has been met.

Traffic and Highway matters

52. It is noted Head of Integrated Transport and Environmental Policy considers the transport assessment provided with the application is acceptable and that there are no adverse traffic issues. Also that the Highways Agency has raised no objection. The required changes to the details of the access arrangements and turning area have been addressed by a revised plan very recently submitted. Final comments on these details are awaited. However, no fundamental objection has been raised on highway grounds and the concerns raised can be resolved through the amended plans or appropriate conditions. A road closure order will be required but that will be addressed separate from planning.
53. The concern raised by the objectors about the proposed standard of the turning area has also been addressed in the revised scheme which has been designed in accordance with Council standards. The applicant is also discussing directly with the objectors their access requirements. However, it has to be recognised that the link from Blue House Point Road to Marston Road is never been formalised and there is an existing gate which allows the road to be closed off, albeit that it not normally closed.
54. Whilst the concerns of the objectors are recognised, it is considered that in highway safety terms a conflict between HGV vehicles and store customer cars should be avoided. With the better turning area now proposed the commercial interests of the objectors should not be adversely affected to a significant degree.

Siting and layout

55. The Head of Regeneration supports the application, but points out new initiatives in the area which he considers has not been fully addressed in this application. These relate the Green Blue Heart vision (part of Stockton Middlesbrough Initiative) which has Marston Road assuming greater importance as part of a new circulatory road. Also the wider North Shore site will impact on the site with the Corus Pipe Mill, directly to the west of Asda already having permission for a mixed use development including some 375 new dwellings. Given the scale of these initiatives he considers it "may be prudent to re-examine the siting of the new store to maximise the impact of the active frontage of the store."
56. Discussions on this possibility have already commenced with the applicant, however, there are a number of constraints which may limit Asda's options. Ideally it would be better if the store was re-located to the front of the site to maximise its siting potential. However, that is constrained by the recent permission to re-locate the petrol filling station, work on which appears already to have started. It is also known that retail operators prefer to have car parking at the front. Additionally there are issues of land levels as Portrack Lane is at a higher level than the store site, though this is a relatively minor concern. Another alternative maybe to locate the store more centrally on the site but this would lead to car parking on three sides with the rear car park likely to be unpopular and potential causing congestions problems elsewhere on the site. Also, Asda does not own the whole of the application site, (the Council owns part of the site as highways land). Therefore, re-siting the unit to the centre could lead to difficulties in acquiring the necessary land. The scheme as submitted, carefully avoids built development on land not in the applicant's ownership or control.
57. The improvement to the siting and layout of the site more likely to be agreed is to secure better treatment to Marston Road frontage, through either a re-orientation of the building to avoid the open service area backing onto the road with changed access arrangements and/or additional screen planting. The view of the applicant

to these suggestions is awaited and will be included in an update report to committee.

58. It is hoped that a satisfactory agreement can be reached on these matters as it would be in the interests of both the retail operator and the Council to ensure new development in the area recognises the changing circumstances and potential benefits that new and important regeneration initiatives will bring to the area.

Other matters

59. Other concerns regarding drainage, contamination, landfill gas, landscaping, flooding etc, can be secure through the provision of appropriate planning conditions.

Procedural Matters: Referral to Secretary of State

60. Should Members be minded to approve the application then the Council will be required to notify the Secretary of State, before granting planning permission. This is set out in the Town and Country Planning (Shopping Direction) (England and Wales) (No.2) Direction 1993.

CONCLUSIONS

61. Redevelopment of the store on the existing site with same floor space as existing will not conflict with the guidance set out in PPS6 or development plan policy. It presents no significant concerns with regards to traffic generation or highways issues generally. Accordingly there is no objection in principle to the development.
62. The new store will also be a modern store improving the quality of food shopping for people living in the area as well as the access arrangements to allow people to visit the store using means of transport other than by private car. It will also potentially provide more jobs and aid the important regeneration initiatives in the area. However, some changes to the submitted scheme are needed to properly realise the future potential of the area. These include not only changes to the siting and layout so as to ensure the development does not turn its back onto Marston Road but also more minor changes such as relocating the recycling area and ensuring proper turning facilities are available on Blue House Point Road aiding the commercial interests of its neighbours.
63. Subject to a satisfactory revised layout being agreed the application is supported. However, given that the necessary changes for the layout of the scheme have not yet been agreed and the 13 weeks target period runs out before the next Committee meeting and the matter needs to be referred to the Secretary of state in accordance with the Shopping Directive of 1993, it is recommended that approval of the application be delegated to the Head of Planning. The decision should also be subject to the signing of a legal agreement for the financial contribution to wards new bus stops and a Puffin crossing on Portrack lane. If agreement is not reached by the target date of 27th December the applicants should be asked to withdraw the application until agreement is reached or if reluctant to do so, then the application should be refused.

Director of Development and Neighbourhood Services

Contact Officer: Peter Whaley

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Financial Implications: None

Environmental Implications: See report

Human Rights Implications: The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety implications: None

Background Papers: Application files 06/1270/FUL and 06/3008/FUL

Ward(s) and Ward Councillors:

Stockton Town Centre Ward

Councillor P Kirton
Councillor D Coleman