

DELEGATED

AGENDA NO. 7

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

UPDATE REPORT

Since the report was prepared, the views of Head of Integrated Transport and Environmental Policy (HITEP) on the revised access arrangements including changes to the turning area at Blue House Point Road, mentioned in the main report, have now been received:

“Comments regarding cycle storage remain the same.

Proposed turning area now acceptable and further information will be provided as to whether it should be done under a section 38

Junction spacing is now acceptable.

The service area is now acceptable as it meets the requirements expected of a industrial usage facility in terms of sight lines, radii etc.

Further information has been provided in relation to deliveries and is accepted that the service area is acceptable in term of holding area should the surveys be accurate.

The agreement for section 106 contributions is noted and is acceptable.

We have received calls from local businesses in relation to land ownership issues, which need to be resolved.”

Members will note from the main report (paragraph 56) that discussions with the applicant's agent have been held on a possible re-siting of the store and other improvements. As result of these discussions, a further **draft** revised plan has been received today. The main changes are

- The Service Yard access has been relocated to utilise the existing turning head.
- A landscaped buffer around the whole service yard has been provided but still allowing for 9 x 90m visibility splays.
- The updated access can accommodate a 16.5 m articulated service vehicle. It also allows for "queuing" space for service vehicles away from Marston Road should it occasionally be necessary.

- Additional pedestrian links to and through the car park have been added with the route from Portrack Lane being intended as a sheltered / covered route and is not therefore suitable for an additional landscape strip.
- The Recycling area has been relocated away from the proposed residential properties. It is understood that it is necessary for this to be located on an access

The agent has also requested that Condition 10 as listed be altered in the recommendation and any subsequent resolution to:

"Prior **closure** of existing store before new store brought into use"

This request is made "as it is important to ASDA that they are able to have continuity of trading as part of these proposals and are able to continue to offer a high level of service to their existing customer base. This will not be possible if ASDA are required to demolish their existing store prior to opening the new store for trade."

MATERIAL CONSIDERATIONS

The comments of HITEP are noted and it appears that his concerns have now largely been addressed in the previous revised scheme. However, the further revised plan has only just been received, and your officers including HITEP, need time to consider the implications. As Members will note from the main report, 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.

On the matter of the wording of any conditions, it is considered that the requested change regarding closure of the existing store is reasonable.

With regard to the land ownership issue, the applicant has served notice on the Council and should planning permission be granted and land need to be acquired from the authority to facilitate the development, that would be dealt with through land and property. It is not a material planning consideration.

Clearly, the further revised plan cannot be agreed at this stage until officers have had a chance to consider whether the changes go far enough to satisfy our concerns and a meeting on this matter is to be held shortly. In the circumstances the recommendation in the main report remains unchanged except for the amendment to outline condition such that instead of requiring "prior demolition" before the new store is brought into use, the condition requires "prior closure" of the store with demolition to follow at an agreed time.

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 closure 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 27th 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)***

Director of Development and Neighbourhood Services

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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