

**DELEGATED**

**AGENDA NO.**

**PLANNING COMMITTEE  
21<sup>st</sup> FEBRUARY 2007**

**REPORT OF CORPORATE  
DIRECTOR OF DEVELOPMENT AND  
NEIGHBOURHOOD SERVICES.**

**06/3426/FUL**

**Former Netto Store/Mecca Bingo Club, Chandlers Wharf Retail Park, Stockton  
Demolition of existing building and erection of new building for use as a  
casino including part change of use of bingo club to casino**

**Expiry Date: 14<sup>th</sup> March 2007**

### **Summary**

Planning permission is sought for the part demolition of an existing vacant retail building and the erection of a new building for use as a casino including the change of use of part of an existing bingo hall at Chandlers Wharf, Stockton on Tees.

The building is located at the end of a parade of retail and leisure use properties, which have a parking area immediately to the front.

Comments received in respect to the scheme indicate that the site lies outside of the defined Town centre where a sequential approach is required to justify such locations. The Head of Technical Services has advised that the principle of the development of the site is acceptable, however, has advised that information is lacking which clearly indicates adequate provision of parking, servicing and manoeuvring of vehicles can be achieved.

It is considered that the design of the scheme does not take advantage of its riverside location and its prominence within the surrounding area, that its appearance is not in keeping with the existing buildings on the site and that it would not serve to enhance the area. There has been no information submitted which indicates that a sequential approach has been taken in regards to the location of the development outside of the defined Town Centre Area for Stockton. As such, it is considered that there is no justification for the proposed use on this site.

In view of the above, it is considered that the proposed development is contrary to Policies S1, S2 and S3 of Alteration No.1 and policies GP1 and TR15 of the Stockton on Tees Local Plan.

### **RECOMMENDATION**

***It is recommended that planning application 06/3426/FUL be refused for the following reasons***

- 01. In the opinion of the Local Planning Authority, the proposed development is located outside of Stockton Town centre as defined within Alteration No.1 of the Stockton on Tees Local Plan. As such, the principle of a town centre use on such a site could only be established as a result of a sequential site selection process. Such information has not been submitted as part of this proposal and as such the application is considered to be contrary to Policies S1 and S2 of the Stockton on Tees Local Plan and the associated Adopted Alteration No.1.**
- 02. In the opinion of the Local Planning Authority, it is considered that the proposed design and layout of the building does not enhance the area whilst is out of keeping with the adjoining buildings and as such is contrary to Policies S3 of Alteration No.1 and Policy GP1 of the Stockton on Tees Local Plan.**
- 03. In the opinion of the Local Planning Authority, insufficient evidence has been supplied to clearly show that there is adequate provision for the parking, servicing and manoeuvrability of vehicles associated with the proposed use, being contrary to the requirements of Policies GP1 and TR15 of the Stockton on Tees Local Plan.**

## **THE PROPOSAL**

1. Planning permission is sought for the part demolition of an existing vacant retail building and the erection of a new building for use as a casino including the change of use of a section of the adjoining bingo hall.
2. The proposed scheme will result in a second storey of accommodation being provided at the front of the building with new entrance detail and façade as well as a new side elevation.
3. It is indicated that the floor space would extend from 1095sqm up to 2433sqm, having 75 full and part time staff.
4. Existing parking is shared across all of the uses at Chandlers Wharf, which would remain in place apart from the loss of one car parking bay for the provision of a walled external smoking area.

## **PUBLICITY**

5. Occupiers of neighbouring properties have been notified individually, and the application publicised on site and in the press. No representations have been received.

## **CONSULTATIONS**

The following Consultations were notified and any comments they made are below:-

### Campaign for the Protection Of Rural England

6. We welcome this proposal to provide a new facility at this location. Clearly there is a demand for this purpose, and this site has a history of similar activities. The site is at a highly visible gateway position, so it is important to ensure quality of design and specification, but the resultant building should be a welcome addition to the range of service provision to Stockton.

#### Environmental Health Unit

7. No objection in principle although recommend conditions should it be approved relating to;
- Possible land contamination
  - Drainage - Grease traps
  - Construction Noise

#### Northern Gas Networks

8. No objections

#### Development Plans Officer

9. Planning Policy Statement 6 Planning for Town Centres sets out the uses that should be located in a town centre in paragraph 1.8. It states:

1.8 The main town centre uses to which this policy statement applies are: retail (including warehouse clubs and factory outlet centres); leisure, entertainment facilities, and the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices, both commercial and those of public bodies; and arts, culture and tourism (theatres, museums, galleries and concert halls, hotels, and conference facilities).

Alteration Number One to the Adopted Local Plan (2006) follows the advice of PPS6 and sets out a sequential test for town centre development in Policy S2. Bridge Road Retail Park is not a defined centre listed in Policy S1. The applicant must demonstrate that there are no sequentially preferable sites to the proposed site.

It is considered that there may be a number of potential sites available within the Primary Shopping Area of Stockton Town Centre, as well as units available in Billingham District Centre.

#### The Environment Agency

Summarised:

10. The agency consider the Flood Risk Assessment to be acceptable and have no objections subject to adequate conditions being imposed with respect to the floor level of the building being no lower than 4.7m above ordnance datum and to provide surface water and sewage details to be provided.

#### NEDL

11. No objections

#### Development and Regeneration

12. Welcome proposals to regenerate the site and improve economic performance of area. Concerns however relate to locational appropriateness for the use and the design. There is a masterplan for this area, recognising

the site as a mixed use area capitalising on its riverside location and requiring inspiring, iconic architecture. We will be guided by colleagues in planning as to whether a sequential approach is required in respect to this use of the site. There appears to have been no assessment of surrounding areas or the super casino at Middlehaven.

#### Head of Technical Services

13. 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:-

- Traffic generation is limited to off-peak nighttime periods when the traffic signal controlled junction has adequate capacity.
- There are good pedestrian links to Stockton Town Centre and Thornaby Rail Station.
- The parking standards utilised for this application are D2 Bingo Halls and using the appropriate calculations there should be 110 car parking spaces associated with the Casino in isolation. However, figure 2 contained in the report dated February 2007 indicates that parking demand for both the Casino and Bingo Hall could reach 285 vehicles during the evening peak period, although it states that the car park capacity is for 377 vehicles. Therefore confirmation is needed that the car park can actually accommodate 377 vehicles (by way of plan) and that the casino would have the rights to utilise all of the car park provided.
- Disabled parking provision should be achieved in line with the Councils Parking Standards.
- Secured / covered cycle provision should be provided for 32 number cycles.
- A plan showing refuse collection points is necessary and if applicable an auto-track route identified showing manoeuvrability within the site.

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

The following were consulted although did not comment:

- Cleveland Constabulary H.Q.
- Councillors
- British Waterways
- Northumbrian Water Limited

#### **PLANNING POLICY CONSIDERATIONS**

14. 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).

15. The relevant development plan in this case comprise

#### **Adopted Stockton on Tees Local Plan (June 1997)**

##### Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

##### Policy REC 20

The following footpath and cycle routes are proposed:

- (a.) A footpath from Yarm to the borough boundary along the south bank of the tees;
- (b.) A footpath from Leven bridge (at low lane, near Yarm) to its junction with the tees, then a combined footpath and cycle route along the east bank of the tees to the Thornaby bypass bridge;
- (c.) A cycle route along the southern boundary of Eaglescliffe golf course;
- (d.) A combined footpath/cycle route on the west and north banks of the tees from Preston lane to the barrage;
- (e.) A footpath from the proposed Thornaby bypass bridge (south bank) along the east bank of the Tees to Surtees bridge;
- (f.) A combined footpath/cycle route from Surtees bridge (south bank) through Teesdale to the barrage and the borough boundary

##### Policy TR15

The design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development, while the provision of off-street parking will normally be required to accord with the standards set out in the Stockton on Tees Borough Council Design Guide and Specification, Edition No 1.

#### **Alteration Number One to the Adopted Local Plan (2006).**

##### **Policies S1**

As defined on the Proposals Map, the Council will seek to direct new retail development and other town centre uses within the centres in the following local retail hierarchy of the Stockton-on-Tees Borough Council area in order to protect and enhance their vitality and viability:-

- A) Stockton-on-Tees Town Centre
- B) The District Centres at :

- 1) Billingham
- 2) Thornaby
- 3) Yarm
- C) The Local Centres at :
  - 1) Billingham Green, Billingham
  - 2) Myton Way, Ingleby Barwick
  - 3) High Street, Norton.
  - 4) High Newham Court, Stockton
- D) The Neighbourhood Centres:

All proposals for development should be appropriate in terms of the scale, nature and character to the centre's existing role and the catchment area which it serves.

### **Policy S2**

Proposals for new, or extensions to existing, major retail development outside the Primary Shopping Area within Stockton Town Centre and beyond the boundaries of the District and Local Centres, as illustrated on Proposals Map, will not be permitted unless : -

- i) there is clearly defined need for the proposed development in the catchment area it seeks to serve ; and
- ii) it can be clearly demonstrated that there are no other sequentially preferable sites or premises which are available, suitable and viable to accommodate the identified need the proposed development seeks to serve, starting from sites : -
  - 1) within the Primary Shopping Area within Stockton Town Centre or within the boundaries of the various District or Local Centres defined under Policy S1; followed by
  - 2) on the edge of the Primary Shopping Area within Stockton Town Centre or on the edge of the boundaries of the District and Local Centres within the Borough, then
  - 3) in out-of-centre locations which are well served by a choice of means of transport, close to an existing centre, and which have a high likelihood of forming links with the centre; and only then
  - 4) in other out of centre locations;
- iii) the proposal would not have an adverse impact, either individually or cumulatively with other committed developments, upon any proposed strategy for a centre, or the vitality and viability of any centre within the local retail hierarchy set out in Policy S1 or nearby centres adjoining the Borough; and
- iv) the proposal would be appropriate in scale and function to the centre to which it relates
- v) the proposed development would be accessible by a choice of means of transport, including public transport, cycling and walking, and
- vi) the proposed development would assist in reducing the need to travel by car, as well as overall travel demand.

### **Policy S3**

Where proposals for either new or extensions to existing retail or Town Centres uses are considered acceptable in principle, under the relevant policies of the Local Plan, the Council will need to be satisfied that : -

- i) The development can be adequately and safely serviced, with adequate provision for car and cycle parking to serve customers and employees;
- ii) The scale and character of the proposed development is in keeping with the size and role of the location and enhances local character;

- i) A safe and secure pedestrian environment is created, protected from the elements where possible, designed to ensure ease of use throughout by everyone;
- ii) The proposal makes adequate provision for the storage and disposal of litter;
- iii) The proposal would not have a detrimental impact on residential or local amenity.

In addition, and where appropriate, major development should provide : -

- iv) Public waste and recycling facilities;
- v) Public seating
- vi) Public conveniences, including baby changing/feeding facilities and facilities for people with disabilities.

## **NATIONAL PLANNING POLICY**

Planning Policy Statement 6: Planning for Town Centres

## **MATERIAL PLANNING CONSIDERATIONS**

### Principle of Development

- 16. The site is located at a small-scale retail area, which is outside of the defined Stockton Town Centre. The site was previously defined within the Local Plan as a Town Centre Fringe Area, however, following the adoption of Alteration No.1, this designation has been removed. As such, the site is considered to be an out of town retail area.
- 17. Policy S1 of Alteration No.1 acts as a guide to retail development and other town centre uses, providing a hierarchy of the Borough's Centres with respect to guiding retail and other town centre developments as to appropriate locations in order to protect and enhance the vitality and viability of the centres. Policy S1 advises that;
 

*'where proposals for major retail and other town centre development are outside of the retail centres listed in Policy S1, applicants should firstly demonstrate the need for the development. Greater weight is now being attached to quantitative need, rather than qualitative need,*
- 18. Policy S2 of Alteration No.1 also guides on the provision and location of town centre uses, indicating that proposals for such uses which lie beyond the Town, District and Local Centre boundaries defined on the Proposals Map will be required to satisfy certain criteria. Those criteria specifically relevant to this proposal are criterion (i) and (ii), which require clear evidence to be submitted which indicate a need within the locality relating to the catchment that the use would serve and for it to be clearly demonstrated that there are no other sequentially preferable sites available which would meet the needs.
- 19. The applicant has submitted no evidence of a sequential approach having been taken although has indicated that the reasoning behind the selection of this particular site is as a result of the existing Mecca Bingo premises which is located adjacent to, and forms part of the site and which is already part of the applicant's portfolio. The applicant has indicated that there is a synergy between the two uses in respect to shared deliveries, employment, customer journeys etc. It is indicated that this joint approach has been successfully

implemented by the company elsewhere such as Stoke and Bolton. It is further argued by the applicant that the use is very different from many of the other uses which are encouraged to locate in town centre locations, that it is a use to which customers will make a specific trip as against grouped trips with other town centre uses, not least as a result of many of the town centre uses closing prior to a trip to the casino being made.

20. Although there is already a Bingo Hall on the site and there are clear benefits for having a joint site for the Bingo Club and Casino, it is considered that this should not outweigh the need for a sequential approach to be taken in order to assess whether there are more suitable site and for due regard to be given to the potential impacts that such a use may have on the vitality and viability of the town centre either within the defined town centre or on the proposed out of town site.

#### Other matters

21. Had the principle of the proposed development been considered to be suitable in respect of policies S1 and S2, then it would need to accord with Policy S3 of Alteration No.1 in respect of being able to adequately provide car and cycle parking and access, be of a scale and character in keeping with the size and role of the location, enhance local character and provide a safe and secure environment designed to ensure ease of use. It is also required for proposals to make adequate provision for the storage and disposal of litter, recycling, and public seating and to not have a detrimental impact on residential amenity.

These are considered as follows:

#### Appearance of development

22. Policy S3 of Alteration no.1 advises that new or extension to town centre uses should be in keeping in size and location and enhance the local character of the area.
23. The site is particularly prominent within the locality, from the opposing side of the river and from the highway to the front of the site. As such, it is considered that there is a need for any redevelopment or addition to the site to result in a notable improvement. However, account also needs to be taken of the existing frontage of the adjoining premises, which is relatively uninspiring within the wider locality in terms of its scale, design and appearance. The existing built form is characterised by a covered walkway with brick pillar supports to the front and a pitched and hipped roof. The existing frontage to the bingo premises incorporates blue panels which are already significantly different from the other units within the group. In view of the remainder of the group of buildings remaining constant in their appearance, it is considered that the frontage of the proposed casino should not result in further significantly contrasting design but instead should cement the existing design, and look toward positively contributing to the area through scale and treatment of elevations.
24. The issue of the design of the proposed development has been raised with the applicants and amended plans have been received. The design of the elevations result in the effective replacement of the pitched roof with a square box form of development. The elevations at first floor level have very few openings and little detail to break them up, resulting in the creation of a monolithic block. It is considered that these details do not make an effective



use of the sites prominent position, which is adjacent to the river and facing the highway. Furthermore, these design details would not be in keeping with the existing building, partially as a result of the loss of the covered walkway to the front of the units, which would break up the existing symmetry of the overall group.

25. Although the building and area are not of any historical or architectural importance, it is considered that the proposed development would be contrary to the requirements of Policies S3 and GP1 of the Stockton on Tees Local Plan in that they would neither enhance the locality nor be in keeping with the surrounding development.

#### Access and Highway Considerations

26. Policy S3 of the Alteration No.1 of the Local Plan advises that new developments should be accessible by a variety of means of transport including public transport, cycling and walking whilst should seek to reduce the need to travel by the private car.
27. The Head of Technical Services advises that there are good pedestrian links to the town centre as well as Thornaby Railway station. Having assessed these links, the site is located approximately 325m from the defined town centre boundary and approximately 720m from Thornaby Rail station. The links to these areas generally appear to be well-defined and safe routes, therefore providing alternative transport options.
28. In addition, there are proposals within the Local Plan relating to the provision of connecting footpath and cycle links adjoining the site. These lie outside of the application site and should not be adversely affected by the proposed development, which lies to the north of the proposed footway / cycleway and which does not encroach closer than the existing curtilage boundary of the premises.
29. The Head of Technical Services considers that the general principle of the proposed building and associated use to be acceptable, however, advises that further information is required in respect to the overall proposed number of parking spaces available, the provision of disabled parking, cycle storage and a plan showing refuse storage and vehicle manoeuvrability. Without this information it is not possible to establish whether the development could adequately provide for the use and whether or not the proposals accord with the requirements of Policies GP1 and TR15 of the Stockton on Tees Local Plan.

#### Flood Risk

30. The site is located adjacent to the River Tees and following consultation with the Environment Agency it is considered that in order to reduce the potential for flooding that a minimum level of 4.7m above ordnance datum is required for the internal floor level of the premises. Amended plans have been submitted which address this. Other comments have been made relating to the provision of drainage, which could be conditioned were the application to be approved.

### **CONCLUSION AND RECOMMENDATION**

31. The proposed development is located outside of Stockton Town Centre as defined within Alteration No.1 of the Local Plan. As such, the principle of a town centre use on such a site could only be established as a result of a

sequential site selection process, which has not been submitted as part of the proposal. It is considered that the proposed design and layout of the building does not enhance the area whilst is out of keeping with the adjoining buildings. Furthermore, insufficient evidence has been supplied to clearly show that there is adequate provision of parking, servicing and manoeuvrability for the proposed use. In view of these matters it is considered that the proposed use is contrary to Policies S1, S2 and S3 of Alteration No.1 and policies GP1 and TR15 of the Stockton on Tees Local Plan and recommended that planning permission be refused for the reasons set out above.

**Corporate Director of Development and Neighbourhood Services**

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**Financial Implications,**

None

**Environmental Implications,**

As Report

**Legal Implications**

As Report

**Community Safety Implications**

None

**Human Rights Implications**

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

**Background Papers**

Planning Policy Statement 6: Planning for Town Centres

Adopted Stockton on Tees Local Plan (June 1997)

Alteration Number One to the Adopted Local Plan (2006)

Planning Application reference number 06/3426/FUL

**Ward**

**Ward Councillor**

**Ward Councillor**

**Stockton Town Centre**

**Councillor D. W. Coleman**

**Councillor P. Kirton**