

DELEGATED

AGENDA NO

PLANNING COMMITTEE

DATE : 22 July 2009

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

09/1057/FUL

104 Yarm Lane, Stockton-on-Tees, TS18 1LG

New foodstore with associated car parking and landscaping

Expiry Date 7 August 2009

SUMMARY

Planning permission is sought for the erection of a food store (1600sqm gross) and its associated access, car park and other ancillary development on the site of the former Lords Tavern Public House and associated workshop buildings. The site falls within the Yarm Lane Neighbourhood Centre being approximately 500m from the primary shopping area of the town centre.

A total of 29 letters of support and 1 letter of objection have been received in respect to the scheme. The letters of support mainly relate to retail benefits to the local population from a store in this position and the visual improvement of the site whilst the letter of objection from a nearby retailer raises concern over loss of trade.

Both Local and National Policies require retailing to be of an appropriate scale for the location within which it is being proposed so that it serves the intended catchment areas for the type of centre within which it is in. This proposed store is significantly larger than the average store within the Yarm Lane Neighbourhood Centre and it is considered that a store of this scale would have a much wider catchment than the immediate locality. There has been no need clearly demonstrated for a store of this scale to be located within this location whilst an assessment of the town centre has highlighted sites which are available and which it is considered could accommodate a proposal of this scale. The applicant has discounted vacant premises and land within the town centre advising site constraints prevent them from being suitable.

The site is in a prominent position in Yarm Lane and is adjacent to a listed building. The design includes a flat roof, glazed panels, aluminium and pre cast concrete walling and it is considered that the cumulative impacts of the building would detract from the setting of the adjacent listed building and would detract from the character of the street scene.

The store would be in close proximity to vacant and boarded residential properties to the rear. Whilst these properties may be demolished in the future as part of a regeneration scheme, new residential layouts are unknown although these could focus around the existing highway network. As the dwellings are in position at the time of considering this application, due regard has been given to them and it is considered that the proposed scheme would have a detrimental impact on the amenity associated with these properties and may potentially affect any replacements.

The application has been supported by a Transport Assessment. The Head of Technical Services considered the assessment to be inadequate and revised information has been requested. This information has been submitted and is currently being considered. An update report will detail further considerations in respect to this and other changes received prior to committee.

In view of all the above, the proposal is considered to be contrary to PPS1, PPS6, PPG 13, PPG15, the Regional Spatial Strategy and saved Policies GP1, EN28, S1, S2 and TR15 of the adopted Stockton on Tees Local Plan.

RECOMMENDATION

Planning application 09/1057/FUL be refused for the following reasons: -

- a. In the opinion of the Local Planning Authority the applicant has failed to satisfactorily demonstrate that the proposed development is of an appropriate scale to the area within which it is located, that there is a specific need for a retail store of this scale and has failed to satisfactorily assess alternative sites on a sequential basis. It is therefore considered that the proposal is inappropriately located and would result in an elevation of the centre within the retail hierarchy outlined in policy S1 and would detrimentally harm the vitality and viability of Stockton Town Centre being contrary to PPS 6, Regional Planning Guidance and saved Policies S1 and S2 of the Stockton on Tees Local Plan Alteration No.1***

- b. In the opinion of the Local Planning Authority there has been insufficient detailed information submitted in respect to the impacts of vehicular and pedestrian traffic associated with the development and the impacts of accessing the site. The submission does therefore not adequately demonstrate that the scheme would not unduly affect highway safety or the free flow of traffic and is therefore considered to be contrary saved Policies GP1 and TR15 of the adopted Stockton on Tees Local Plan.***

- c. In the opinion of the Local Planning Authority, the proposed development, by virtue of its design, appearance, form and layout, would detract from the character of the street scene and setting of the adjacent listed building, being contrary to Saved Policies GP1 and EN28 of the adopted Stockton on Tees Local Plan and PPS1 and PPG15.***

BACKGROUND

1. The site is currently a cleared plot of land formerly occupied by the Lords Tavern Public House and a group of workshop buildings.

2. A proposal was submitted solely for the Lords Tavern site under application 06/1507/OUT for a residential development. This application was refused under delegated powers for the following reasons;

In the opinion of the Local Planning Authority, the proposed loss of the site to a residential use would have a detrimental affect on the vitality and viability of the existing and future provision of the designated neighbourhood centre, being contrary to Policy S1 of Alteration No.1 to the adopted Stockton on Tees Local Plan.

In the opinion of the Local Planning Authority, as a result of the established uses surrounding the site, the proposed site would be unable to ensure adequate levels of amenity could be achieved for the future residents of the site which would normally be expected for residential uses. As such, the

proposal would be contrary to Policy HO11 of the Stockton on Tees Local Plan.

3. Between application 06/1507/OUT being refused and this application (09/1057/FUL) being submitted the Lords Tavern and workshops to the rear were acquired by the applicant and have been demolished to leave the vacant site.

SITE AND SURROUNDINGS

4. The 0.47 ha vacant site is located off Yarm Lane which acts as a major transport route into Stockton Centre from the south and west. Yarm Lane and the nearby Yarm Road are dominated by 2 and 3 storey Victorian properties mainly within commercial and residential use, although other more modern development is also located within the surrounding area.
5. Immediately to the west of the site lies a listed building (106 Yarm Lane) which currently operates as a medical practice. An access road and car repair garage (Kwik Fit) lie to the east (fronting Yarm Lane). Two storey Victorian terraces lie to the rear of the site and are laid out in a grid pattern, being of a reduced scale and grandeur to those fronting Yarm Lane and Yarm Road. The dwellings immediately to the rear of the site are vacant and boarded up and since the demolition of buildings on the application site, the residential properties to the rear have become visible from Yarm Lane.

PROPOSAL

6. Planning permission is sought for the erection of a food store (1600sqm gross) with associated access, car parking and landscaping.
7. The site is laid out having access off Yarm Lane with parking to the front and side (68 no. spaces total) and the store located within the rear half of the site. A landscaping strip is provided to the front. The site would be serviced off the main access through the car park having a service area towards the east side of the store with a trolley park to the western side.
8. The proposed building is single storey, the main part of which measures approximately 50m in depth and 30m in width. The materials detailed within the application include glazing, aluminium panels and pre-cast concrete panels.
9. The internal areas of the proposed foodstore comprise storage area (300 sqm), staff area (100 sqm) and a sales area (1160 sqm).

CONSULTATIONS

The following Consultations were notified and comments received are summarised below:-

10. Tees Archaeology
I commented on similar informal enquiries in the past. My comments were concerned with re-using the Lords Public House building as it was an authentic late 19th century property in keeping with the adjacent Listed Building at No 104. As The Lords is now demolished these previous comments no longer stand. I would like to express my disappointment over the loss of this building. I presume that Fiona Bage will be commenting on the impact of the proposed new unit on the Listed Building.
11. CE Electric UK
Standard connection comments submitted.

12. Northumbrian Water Limited
Northumbrian Water has no objections to the proposed development.
13. Northern Gas Networks
No Objection.
14. Urban Design Highways
- The Transport Assessment (TA) is not acceptable in its current form. There are no indications of person trips in the report and measures to influence travel behaviour are not discussed.
 - The traffic distribution is a subjective assumption on vehicle movements; primary trip generation must be accompanied by a gravity model or similar methodology.
 - There is a significant accident history on Yarm Lane, many of the accidents involving pedestrians. This has been dismissed however due to the significant accident history and the proposed increase in trips to this site road safety must be fully assessed.
 - A proposed pedestrian improvement in the Bus Major Improvements Scheme is currently awaiting final approval and will be affected by the proposed access arrangements. This is discussed in the report but no solution is suggested.
 - No consideration is given to the increased pedestrian movements to the site generated by the store. Suitable provision for pedestrians must be included in the assessment, which will require a Section 106 contribution to proposals in the Bus Major Improvements scheme to support the development. The level of contribution will be determined when the revised TA is assessed.
 - The access is modelled only in capacity terms using PICADY. No attempt has been made to assess its impact on highway safety. The report refers to pre-planning discussions regarding access during which the consultant was advised that if a priority junction was proposed then we would expect a protected right turn lane into the site to be provided in addition to the west bound general traffic lane and bus lane. Yarm Lane carries approximately 20k vehicles a day and a protected right turn lane into the site is considered to be a necessary highway safety measure due to the volume of traffic. If a traffic signal controlled junction were to be provided this would need to feature pedestrian facilities and a right turn lane into the site.
 - No plan of the proposed access has been supplied. There is only an indicative architects layout to show the principle of the access. Any work on the highway would be subject to a Section 278 agreement.
 - Public transport is discussed however there is no indication as to whether there is any available capacity on the routes serving the proposed development. It will not be necessary for bus journey surveys to be undertaken however the developer must demonstrate that the bus operators have the capacity to accommodate this development.
 - The applicant has demonstrated that a large service vehicle can manoeuvre within the site however a better layout could be achieved avoiding conflict between service vehicles and shoppers.
 - The pedestrian access should be 2m wide.
 - A pedestrian route to the rear of the site should be provided.
15. Urban Design Landscape and Built Environment
- The area for planting within the frontage landscaping along Yarm Lane is too narrow in places, down to 1 metre at one point for the establishment of a successful planting scheme. The minimum width for the planting beds should be 2.5 metres as found at the adjacent medical centre. The soft landscape proposals should include for the use of tree planting with root barriers being used as required to protect existing hard surfaces.

- Details of the wall and railing details are requested on the northern and southern site boundaries and this should match the boundary treatments of adjacent properties as stated in the design and access statement.
- The details of timber boarding shown on drawing 0116/AL(00)06 presents a confused and fussy boundary treatment along side existing brick walls and railings. If the existing brick wall is in a poor condition here we suggest the face of the wall is rendered which would suite the surrounding enclosure treatments more appropriately.

16. Environmental Health Unit

No objection in principle to the development, however, recommend conditions as follows to overcome concerns:-

Limiting opening hours

To ensure that adjacent premises are not adversely affected by either customers using the premises or from vehicles servicing the premises at unsocial hours. The opening hours should be limited from 8.30-19.00hrs Monday to Saturday, and from 10.00-16.00hrs Sundays and Bank Holidays.

Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.

17. Historic Buildings Officer

The Lords tavern was a building of historic and relative architectural merit which sat well with the neighbouring listed building in terms of scale and massing and building line.

Its loss is unfortunate and it could have been successfully converted to new use.

Yarm lane is a mix of building style and architectural forms and the listed building fits with the general Victorian vernacular of the area and is one of a number of high quality buildings within the area. There is however no one style of scale in the street scene and there is a mix in the immediate locality, most notably the flat roofed Kwik Fit garage and the previous buildings to Worthing Street which were all flat roofed before demolition and clearance of the site.

This wider scale clearance of the site now offers the opportunity to create a high quality development that responds well to the setting of the listed building, emphasises this distinct local vernacular and enhances the general appearance of Yarm Lane.

The proposed store is a utilitarian design; fit for purpose it does not enhance the setting of the listed building. This is further emphasised by the large parking area dominating the site and lack of landscaping generally throughout.

Although the building line is set back from 106 and is of low height being single storey, the general massing and arrangement on the plot and ratio of building to landscaping does not fit with the plot layout of number 106 or of that generally on Yarm Lane. Consequently hard landscaping and a large building footprint dominate the site.

I do not consider that the design of the new building and general layout of the site enhances the setting of the listed building number 106 Yarm Lane, I therefore object to the application.

18. Stockton Town Centre Manager

SBC Regeneration & Economic Development Service would not support this planning application primarily because we believe it does not support PPS or indeed or departments regeneration plans for the Town Centre or Housing Market Renewal scheme at Parkfield.

'The PPS recognises that a strong, stable and productive economy can bring jobs and prosperity; therefore local planning authorities should ensure that suitable locations are available for industrial, commercial, retail, public sector, tourism and leisure developments, so that the economy can prosper and to actively promote and facilitate good quality development, which is sustainable and consistent with their plans. More sustainable patterns of development can be achieved by focusing certain development, including leisure, in existing centres to promote their vitality and viability and in locations accessible by walking, cycling or public transport.'

Following the recently completed Stockton Town Centre Study in March 2009, undertaken by the consultants Nathaniel Litchfield & partners, a report was taken to Cabinet in May 2009: Stockton Town Centre & Riverside Sites Update. This report sought to update members on progress to date with regard to regeneration initiatives within the Stockton town centre/riverside area and identify a series of priority interventions that will be taken forward for delivery to ensure the successful regeneration of the urban core of Stockton. Members were also recommended to:

- Agree the priorities emerging for the town centre/riverside area;
- Agree the principle of taking forward economic testing of the combined emerging options for the town centre/riverside area;
- Agree the continued engagement and support of investors and developers in the development of the town centre/riverside area;
- Agree to receive a future report setting out the findings of the Investment Plan; and
- Agree to commit 'one-off' funding to support short-term initiatives in Stockton and Billingham town centres helping to offset high street vacancies and supporting the recent 'Looking after our town centres' CLG proposals.

In relation to our future retail strategies:

- High levels of vacant retail units are currently being experienced in high streets across the country and Stockton is no exception. Recent marketing of the fully refurbished Shambles for a specialist food market hall has received very little interest as small businesses are not expanding or 'starting up' as frequently in these times of economic recession. The Government's recent paper 'Looking After Our Town Centres', which recognises the problems associated with empty shops, sets out a series of initiatives to prevent further decline. Some of these initiatives such as the use of licensing powers for farmers markets as seen in Stockton are already being tried. Others, such as temporary conversion of empty retail units are now to be considered in an attempt to create more vibrancy and activity. The Shambles is one such example where the potential introduction of artists is currently being explored with the possibility of displaying work in other vacant units or in empty shop windows across the town centre. The new provisions, as set out by the Government to temporarily transform vacant premises into something innovative for local communities and start up businesses, involve the introduction of special planning application waivers, the introduction of specimen 'interim-use' leases that landlords can use for temporary occupiers and temporary leasing of shops to Councils so that empty business rate contributions can be relaxed.

- It is acknowledged that Stockton needs to build upon its market town reputation and historic character, as a destination for niche retailing with specialist shops and cultural assets such as the new extended programme of festivals, in order to differentiate its offer from Middlesbrough as the regional centre for shopping (as set out in the regional retail hierarchy) and Teesside Park, as the home of large-scale, homogenous retailers served primarily by private transport provision. Stockton should concentrate efforts to create a retailing environment where shoppers can add the enjoyment of the ambiance of a new café culture to their retailing experience. In order to achieve this, attracting 'anchor' stores, both food and non food, is critical to the success of a town centre as they attract large scale footfall and generate spin off benefits for smaller retailers through the demonstration of confidence and faith. There are a number of potential sites within the town centre which could accommodate both food and non food anchor stores, which have been examined and will be tested further as part of the investment plan.
- Sites to be examined in more detail, as identified in the attached, include reconfiguring the existing food store unit and car park at Wellington Square; the existing permission for a store at the southern end of the Castlegate Shopping Centre; and the vacant area between the western side of the High Street and West Row.

We believe granting permission would be incongruent with our current regeneration plans and would also not support PPS6 (Planning for Town Centres 2005).

This PPS sets out planning policies regarding the future of town centres and the main uses that relate to them. Paragraph 1.8 states:

*"The main town centre uses to which this policy statement applies are:
Retail (including warehouse clubs and factory outlets);
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)".*

More specifically in respect of the preparation of Local Development Frameworks, paragraph 2.28 states:

*"In selecting sites for development, local planning authorities should:
a) Assess the need for development;
b) Identify the appropriate scale of development;
c) Apply the sequential approach to site selection;
d) Assess the impact of development on existing centres; and
e) Ensure that locations are accessible and well served by a choice of means of transport."*

Paragraph 2.44 of PPS6 states the sequential approach to site selection requirements in terms of guidance for new developments to be within existing town centres in the first instance; followed by edge of centre and lastly out of centre. Out of centre sites should be accessible by modes of transport other than the car and this is assessed as part of the sequential approach to site selection.

The proposed site of the Aldi supermarket, is also on land which has been identified as important frontage for the Housing Market Renewal Scheme at Parkfield. The Council's long term ambition was to acquire the site and the construction of the supermarket will constrain and have a detrimental impact on the design of the new neighbourhood.

PUBLICITY

19. Neighbours were notified and a total of 30 letters have been received from the addresses listed below. 29 letters of support and 1 letter of objection.

59, 66 Tarring Street' Stockton-on-Tees
12A Leybourne Terrace' Stockton-on-Tees
69 Yarm Lane' Stockton-on-Tees
70 Wellington Street' Stockton On Tees
25, 27, 29, 33 Middleton Walk' Stockton On Tees
7 Bowesfield Lane' Stockton-on-Tees
13 B Varo Terrace' Stockton On Tees
37 Alice Row' Stockton On Tees
36 Yarm Road' Stockton-on-Tees
2 Trinity Gardens' Yarm Lane
37 Ewbamk Drive' Stockton On Tees
39 St Bernard Road' Stockton On Tees
13 Westcott Street' Stockton On Tees
15 Vane Street' Stockton On Tees
19 Brignall Road' Stockton-on-Tees
2 Lawrence Street' Stockton On Tees
31 Manfield Street ' Stockton On Tees
35 Oxbridge Lane' Stockton On Tees
49 Coleton Gardens' Ingleby Barwick
Stockton Flats, 68, 80 Hartington Road' Stockton On Tees
82 Buchanan Street' Stockton On Tees
Flat 7' 1A Shaftsbury Street
Jean_xxxxxx_x@msn.com

20. Comments of support are summarised as follows:-

- It would benefit a lot of people
- We have needed a store for some time
- This application can only be beneficial
- The area has been starved of a large food store for years and this will provide a much needed modern food store,
- Yarm Lane has become very run down, full of shabby take away businesses. This store will help to promote the area
- Residents have been campaigning for years for a store of this size.
- The building will enhance the area and benefit those who live here and do not have transport.
- As part of a regeneration scheme this will be a blessing.
- Its what the area needs to improve living conditions,
- Competition with surrounding food stores will be good for residents,
- I would go to the store while visiting relatives as the Tesco near us is too expensive.
- It will create jobs for the area
- It will be convenient for all the local residents
- The convenience of having a major food retailer so close to my home would make my life so much easier
- Presently there are limited stores in the area, mainly being restaurants and take aways.
- The store looks clean and smart
- There are no grocery shopping facilities within the immediate area,
- We need this store here as a lot of people have not got cars for out of town shopping,

- It may encourage new people to move into the area,
- The new store could encourage more shoppers to venture into the town centre which is becoming a ghost town,
- I would like to work in the store

21. Comments of objection are summarised as follows:-
It will have a detrimental effect on my business which has already been affected by the regeneration plans for this area. I feel that permission being granted to Aldi would lead to the closure of my business as I will not be able to compete with such a large supermarket.

PLANNING POLICY

22. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).

23. The following planning policies are considered to be relevant to the consideration of this application:

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 S1

As defined on the Proposals Map, the Council will seek to direct new retail development and other town centre uses within the boundaries of the centres of 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 at:

28) Yarm Lane, Stockton;

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.

Proposals for other key town centre uses in locations which lie beyond the Town, District and Local Centre boundaries defined on the Proposals Map will also be required to satisfy the above criteria. In relation to Criterion (ii), other Town Centre use proposals should be accompanied by evidence which demonstrates that there are no sequentially preferable development opportunities either within and/or on the edge of defined boundaries of the Town, District and Local Centres in the Borough.

Policy EN28

Development which if likely to detract from the setting of a listed building will not be permitted.

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.

Regional Spatial Strategy for the NE (July 08) Policy 25—Urban and rural centres

Local Development Frameworks and planning proposals should ensure that:

a. in the Conurbations and Main Settlements development of retail, commerce; entertainment, leisure, community, cultural and religious facilities, recreation, education, health services, business, public services and other high trip generating uses are focused within defined urban centres commensurate with their scale, function, environmental capacity and ability to be served by transport modes other than the car;

- b. within the Tyne & Wear City-Region, the majority of new retail and leisure floorspace should be located in Newcastle (Regional Centre) and Sunderland (Sub-Regional Centre). Durham City will continue to have an important role in servicing its hinterland;
- c. within the Tees Valley City-Region the majority of new retail and leisure floor space should be located in Middlesbrough (Sub-Regional Centre) and Darlington (Sub-Regional Centre). Hartlepool, Stockton and Redcar will continue to have an important role in servicing their hinterlands;
- d. in other centres, additional retail, commerce; entertainment, leisure, community, cultural and religious facilities, recreation, education, health services, business, public services development should be consistent with their scale and function to maintain and enhance their health and vitality;
- e. where a need for retail-led regeneration has been identified for Regeneration Towns and for Rural Service Centres, retail and leisure development may be allowed above the scale that would be required for the centre to maintain its role.; provided that it would support the sustainable regeneration of these centres without compromising the vitality and viability of other town centres; and
- f. The design of development in centres should contribute to the creation of sustainable communities and be in harmony with and enhance the built environment.

Planning Policy Statement 1 (PPS1) – Delivering sustainable development

Planning Policy Statement 6 (PPS 6) - Planning for Town Centres (2005),

Planning Policy Guidance 13 PPG 13) - Transport,

Planning Policy Guidance 15 (PPG 15) - Planning and the Historic Environment

MATERIAL PLANNING CONSIDERATIONS

24. The main planning considerations of this application are the principle of retail development on the site, the scale of the retail development and the impacts of the development on the character of the area, adjacent buildings and on access and highway safety. These and other material planning considerations are considered below.

Principle of development

25. Planning Policy Statement 6 (PPS6) advises local authorities to plan positively for the growth and development of existing centres, by focusing development therein, stating that all new retail developments may therefore require the developer to demonstrate the need for development, that the development is of appropriate scale, that there are no more sequentially preferable sites for the development and that there would be no unacceptable impacts upon existing centres and that the location is accessible. It also explains that the aim should be to locate the appropriate type and scale of development in the right type of centre, to ensure that it fits into that centre and complements its role and function.
26. Table 1 of PPS6 (Annex A) defines the hierarchy of centres as City, Town, District and Local centres. The footnote to this table advises that 'small parades of shops are not regarded as centres for the purpose of PPS6. Therefore, although within a neighbourhood centre as defined within Local Plan 'Alteration No. 1', based on the statements within PPS 6, the site is classed as an out of centre site.
27. The applicant's submission indicates that the Yarm Lane Neighbourhood Centre is within 200m of the Primary Shopping area of Stockton Town Centre. However, it must be noted that the defined Yarm Lane Neighbourhood Centre is split into two areas, the second of which is approximately 500m from the primary shopping area of the Town Centre. This

application site is similarly, approximately 500m from the defined primary shopping area of the town centre and as such is not considered to be an edge of centre location, which is defined within PPS 6 (Table 2) as being within up to 300m of the primary shopping area.

28. The Regional Spatial Strategy (RSS) for the North East outlines in Policy 25 that new retail, entertainment and other high trip generating uses should be focused within defined urban centres appropriate with their scale, function, capacity and ability to be served by other modes of transport than the car. New retail elements in the Tees Valley are in particular directed towards the sub-regional centres of Middlesbrough and Darlington. Although these types of development may also be acceptable in other centres providing it is consistent with the scale and function of the centre to maintain and enhance their vitality and viability.
29. The relevant policy of the 1997 Local Plan has now been superseded by the Council's Local Plan Alteration No.1. Policy S1 of Alteration no. 1 sets out the hierarchy of centres within the Borough, in which all new retail and town centre uses (high trip generators) are directed towards to encourage linked trips and to protect and enhance the vitality and viability of these centres.
30. Policy S2 of Alteration No.1 defines major retail development as that with a gross floor area over 2500sqm although advises there may be circumstances where proposed development falls below this threshold and it may then be necessary to treat the proposal as a major retail development such as in cases where trip generation or retail impact is likely to be significant. Policy S2 advises that major developments should normally be located within established town and district centres to maintain viability and vitality. Policy S2 further advises that all applications for major retail developments should be accompanied by retail and transport impact assessments, to demonstrate a sequential approach to site selection, the economic impact of the proposal on existing centres in the catchment area, hence retail impact assessments may be requested for developments proposing less than 2500sqm floor space.
31. Whilst this proposal is less than 2500sqm floor space it represents in excess of 1000sqm of retail floor space. The Yarm Lane Neighbourhood Centre is split across 2 sites, although, is made up of small retail and commercial type premises. The proposed Aldi store is significantly larger than all other units within the defined neighbourhood centre and as such it is considered that this proposal would be likely to have a significant impact on the centre as well as other nearby centres and the sequential approach to site selection was therefore required.

Retail Need

32. The applicant has demonstrated a need for additional retailing within a catchment area which includes the town centre and whilst the argument for additional retailing within Stockton Centre is noted, there has been no evidence submitted which demonstrates that the need for a convenience store of this scale is specifically needed within the locality of where it is being proposed.

Scale of retail provision

33. Alteration no. 1 of the Local Plan defines the Neighbourhood Centre as a lower order centre within the hierarchy, advising they are to serve more limited and localised needs and which have smaller catchment areas. They are intended to perform a convenience role by meeting the day to day needs of the local population, thereby reducing the need to travel.
34. Guidance within PPS 6 advises that opportunities identified for development are directly related to the role and function of the centre and its catchment and that uses which attract a

large number of people should therefore be located within centres that reflect the scale and catchment of the development proposed. The aim should be to locate appropriate type and scale of development in the right type of centre to ensure that it fits into the centre and it complements its role and function, further advising that local centres will generally be inappropriate locations for large scale development, even where a flexible approach is adopted.

35. The applicant's submission of impact indicates that the proposed store would have an impact beyond the neighbourhood which the defined Yarm Lane Neighbourhood Centre generally serves.
36. Although the proposal is being considered as an out of centre location due to PPS6 having no recognition of neighbourhood centres within the hierarchy, the proposal can be assessed against the existing scale of retail and other units within the Yarm Lane Neighbourhood Centre. These are of limited scale, each generally having a gross floor area of approximately 100sqm or thereabouts, although having retailing areas which are significantly below this. The proposal for a new store which is approximately 1600sqm gross and with over 1100sqm of retail floor space is considered would serve a provision significantly beyond the function of the neighbourhood centre which is to serve the localised need.
37. In view of the size of the unit in respect to other units within the Yarm Lane Neighbourhood Centre, the applicants submission indicating an impact which is more wide ranging than the immediate neighbourhood and the site being an out of centre location, it is considered that the scale of the store is not appropriate for its location being contrary to Stockton Borough Local Plan Policies S1 and S2 and PPS 6.

Sequential Approach to the site selection

38. As detailed above it is considered that the proposed convenience store is out of scale with the centre within which it is located and that there is no need clearly demonstrated for it to be within this location. Therefore, in order for a convenience store of this scale to be justified in this location it would need to be demonstrated that there are no other suitable sites which are sequentially preferable i.e. within the town centre or in an edge of centre location.
39. The sequential consideration of suitable sites for a proposed development is required to take into account locations in existing centres where suitable sites and buildings for conversion are likely to become available within the development plan period, taking account of an appropriate scale of development in relation to the role of the function of the centre, followed by edge of centre locations (those sites within 300m of the primary shopping area) and then out of centre sites. Guidance within PPS6 requires any applicant to consider sites with a flexible approach.
40. The applicant has advised their approach to the sequential test is based on the following needs;
 - To provide a footprint of 1546sq.m gross floor area,
 - To be suitable for the sale of discount convenience goods,
 - To be visually prominent
 - To be accessible to delivery vehicles.
41. Although the application was submitted on the 8th May 2009, the applicant's sequential assessment was carried out in August 2008. The sequential assessment indicates consideration has been given to the Castlegate centre and the Eastern Gateway site as well as other vacant sites within the town centre. Specific sites are assessed as follows;

Former Woolworths

42. The applicant advises the former Woolworths building is of adequate size, however is not suitable for the development as it could not provide for the operational efficiencies that Aldi require and is unviable due to the significant costs with redeveloping the unit. Aldi advise they require a dedicated car park and service area which is at level with the shop where as the Woolworths building would require customer movements through the Castlegate Centre and into a lift. It is further advised by the applicant that the rents are too high. Whilst the use of this unit would not allow Aldi to use a standard store layout it is considered that the store should be able to adequately provide for the user. The issue of Town centre rents is not considered to be sufficient reason to outweigh the use of this site. It is understood that the Woolworths building has a relatively open internal format with two entrances, one into the market hall and one onto the High Street. Parking and servicing is provided within close proximity.

The Eastern Gateway site

43. The applicant considers this site is not suitable for Aldi as the site levels mean Aldi's operational requirements could not be provided for to allow it to operate as a discount food store due to parking issues whilst not being commercially viable due to the site levels. Comments are noted, however, they are not considered to be expansive or sufficiently detailed to indicate that, with a degree of flexibility, Aldi could not operate from this unit.

Other sites

44. The sequential assessment advises of other sites within Wellington Square, Prince Regent Street and the High Street and that they were considered but were too small to meet Aldi's servicing and car parking requirements. Although there is limited information submitted in respect to these other units, an officer based assessment of other units within the town centre has not highlighted any which would appear to be suitable, either as an independent store or through grouped provision due to them being of limited size.
45. The Former Glyn Webb Building at Chandlers Wharf building is within 250m of the primary shopping area of the town centre and is therefore considered suitable for assessment. No such assessment has been made.

Impact on the Vitality and Viability of defined centres

46. Details of likely impacts on existing retailing have been submitted and are forecasted by the applicant as generally being below a 10% impact on other stores and centres. Whilst this may be the case, it is considered that the proposal would represent a significant increase of existing retail floor space and would create a centre that would draw trade from Stockton Town Centre as well as other nearby Neighbourhood Centres. As such, it is considered that the proposed store would detrimentally affect the vitality and viability of the existing Stockton Town Centre which in the current climate has a relatively significant number of vacant units.

Impact on the character of the area and adjacent listed building

47. The importance of adopting a design-led approach to comprehensive redevelopment is fully recognised in Planning Policy Statement 1: Delivering Sustainable Development which states that planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. The Guidance goes onto to say that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

48. The character of the area is defined by Yarm Lane being a major feeder road into the town with a wide corridor width, surrounding buildings which are predominantly Victorian terraces of 2 and 3 storey height and by some mature landscaping. Other influences on character are the more dispersed commercial properties but which are visually prominent where development does not reflect the Victorian terraces and which is generally considered to be detrimental to the appearance of the surroundings.
49. The site is located between the two extremes of built form within the area, these being the Listed building of 106 Yarm Lane which is a well detailed and maintained Victorian Villa and Kwik Fit which is a vehicle repair garage of a relatively modern appearance with no architectural merit.
50. It is considered that any redevelopment of this site should make a positive contribution to the character of the area and the design concept should recognise the need to integrate and enhance the local environment which is compounded by the site lying adjacent to a listed building. Within PPG15 there is a presumption against development, which would harm the setting of a listed building.
51. The proposed store is set behind the building line of the adjacent listed building by several metres, having a frontage of similar width and reduced height. As such, although large, the building façade is not considered to have a significant impact in its own right and a facade of this scale is considered could be suitable within this position. However, the building is detailed in a modern fashion, having a frontage which includes a glazed entrance, aluminium cladding and painted pre-cast concrete panels and would have a flat roof. All of these are considered to contrast with the main character of built form within the area, particularly those buildings which are considered to be beneficial to the areas character. It is considered that the stores frontage appearance is not in keeping with the character of the area, this being exacerbated by the scale of the frontage and the prominence of the site. These issues are further compounded by significant parking areas being readily visible to the front of the store.
52. It is considered that the building within its context does not represent a building of any real architectural merit and consequently its impact on the listed building will be damaging as a result of its style and design and there being limited space for quality landscaping to the front of the site. The proposal is therefore considered to be contrary to Saved Policies GP1 and EN28 of the Stockton on Tees Local Plan and the guidance of PPS 1 and PPG15.
53. The proposed layout provides the majority of the parking area to the front of the store adjacent to Yarm Lane, along with an area of landscaping. The area indicated for landscaping ranges in width across the frontage, reducing down at the south western corner of the site to be less than 1m. Whilst the site frontage is considered to be suitable for a landscape treatment, the Council's Landscape Architect considers the amount of landscaping indicated is insufficient, considering that it should be more reflective of the adjoining frontage associated with the listed building which itself has a wall and railings bounding the curtilage. The site is considered to be of particular importance in view of the proximity of the site frontage to a major highway into Stockton and as a result of the expansive car park behind, which in itself is not broken up with landscaping. It is considered that the proposal would not adequately green the site and would not take the opportunity to improve the appearance of the site within its context.

Impact on surrounding uses

54. The site is located adjacent to a medical centre, vehicle repair garage, and a working men's club. In view of the nature of these uses and their location adjacent to a major road leading

into Stockton, it is considered that the impacts of the proposed development would not unduly affect these adjacent uses.

55. Residential properties lie to the rear of the site which are currently vacant and boarded up. Residential properties normally have greater requirements for amenity and privacy, being a more sensitive use to noise and disturbance. The site was formerly occupied by a public house and workshops, which themselves would have caused a degree of noise and disturbance to the immediately adjacent residential properties. However, at the time of submitting this application, there were no buildings on site and this application needs to be assessed based on its impacts. In view of these circumstances, it is considered that little weight can now be afforded to the former uses on site.
56. The rear building line of the proposed Aldi store is set approximately 2m further away from the residential properties within Worthing Street than the former workshop buildings, thereby achieving approximately 11m between development. A section across Worthing Street has been provided which demonstrates that the proposed maximum roof height of the proposed food store will be approximately the same height as the eaves height of the former workshop buildings and below the ridge height of these former buildings and would therefore have a reduced impact in terms of dominance on the residential properties in Worthing Street. However, it is considered that the rear building wall of the food store is relatively significant in width and height, within 11m of the frontage of the opposing properties, and as such would have a significant impact on the outlook and general amenity associated with the properties to the rear. Whilst some impact on these properties would be expected from any development on the site it is considered that this proposed development does not take the opportunity to improve the quality of the environment and as such it is considered to be contrary to the thrust of PPS1.

Access and Highway Safety

57. The proposal provides vehicular access (customer and servicing) off Yarm Lane, a 56 space car park to the front of the site with a further 12 spaces being provided to the side along with the servicing area. The application was supported with the submission of a Transport Assessment.
58. The Head of Technical Services has considered the submitted information and considers that the Transport Assessment has not been carried out in accordance with Department for Transport (DfT) guidance and is therefore not acceptable. The Head of Technical Services has advised that;
- There are no indications of person trips in the report and measures to influence travel behaviour are not discussed.
 - Traffic distribution is a subjective assumption,
 - The significant accident history has been unacceptably dismissed for Yarm Lane and the proposed additional movements needs to be assessed in terms of road safety,
 - The applicants submission indicates a proposed pedestrian improvement in the Bus Major Improvements Scheme is currently awaiting final approval although suggests no solutions to the schemes impacts on this,
 - No consideration is given to the increased pedestrian movements.
 - S106 contributions would be required in respect to pedestrian provision although this cannot be determined until the TA is fit for purpose.
 - No detailed access plan has been submitted for consideration,
 - A better internal highway layout could be achieved which reduces conflict between service vehicles and shoppers.

59. In view of all the above, whilst it may be possible to address some or all of the highway related matters, insufficient information has been submitted which allows a robust assessment on the impacts of vehicular and pedestrian traffic at the site, highway safety and impacts on the free flow of traffic.

Other Matters

60. A number of letters of support have been received which consider that the proposal would be beneficial for the local people, particularly those with no access or limited access to transport, that it would improve the area and be a much needed provision. These comments are noted. It is considered that the store would benefit local people, however, it is considered that the store is an excessive scale for its location and should be located within or on the edge of the Town Centre where the development would represent provision of a scale appropriate for its intended catchment and as such it is considered the development would have a detrimental impact on the Town Centre and therefore the provision for the wider community.
61. One letter of objection has been received in respect to competition. These comments are noted and the issue of retail impact have been detailed elsewhere within this report.

CONCLUSION

62. It is considered that the proposed development is not appropriate to the scale and function of the existing centre and there are very real concerns the proposal could increase the attraction of the local centre and have a detrimental impact on the vitality and viability of Stockton Town Centre. It is considered that the sequential assessment carried out has not been sufficiently flexible in considering alternative sites.
63. The proposed development is not considered to be in keeping with its surroundings as a result of the cumulative impacts of its design, scale and layout whilst it is further considered that the proposal would detrimentally affect the setting of the adjacent listed building for the same reasons.
64. It is considered that insufficient information has been submitted which allows a robust assessment on the impacts of vehicular and pedestrian traffic at the site.
65. Considering the above the proposed development is considered to be contrary to saved Policies GP1, S1, S2 and EN28 of the adopted Local Plan as PPS1 and PPG15.

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Financial Implications – As report

Environmental Implications – As report

Legal Implications – As report

Community Safety Implications – As 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

Background Papers

Planning Policy Statement 1: Delivering Sustainable Development and Companion Guide:
Planning and Climate Change
Planning Policy Statement 6: Town Centres
Planning Policy Guidance 15: Planning and the Historic Environment
Regional Spatial Strategy July 2008
Adopted Stockton on Tees Local Plan (June 1997)

WARD AND WARD COUNCILLORS

Ward	Stockton Town Centre
Ward Councillor	Councillor D. W. Coleman
Ward Councillor	Councillor P. Kirton