

DELEGATED

AGENDA NO

PLANNING COMMITTEE

DATE 14th OCTOBER 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 and its associated access, car park and other ancillary development on the site of the former Lords Tavern Public House and former workshop buildings. The site falls within the Yarm Lane Neighbourhood Centre and is approximately 500m from the primary shopping area of the town centre.

A total of 45 letters of support and 4 letters of objection have been received in respect to the scheme as well as a petition of support containing 20 signatures. 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 letters of objection raise concern over loss of trade to local businesses, consider the transport related information to be flawed and consider that a store of the size being proposed is out of scale for the neighbourhood centre without significant justification for its location away from the town centre, where both local, regional and national policies indicate such developments should be located. Additional objections have been received from Stockton Borough Councils Town centre Manager, Housing Regeneration Manager and Regeneration Projects Manager. These objections relate to the proposed stores conflict with policy, its impact on the town centre and its vitality and that it will compromise the future regeneration of the immediately surrounding area.

Local, Regional and National Planning Policy 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 clearly demonstrated need 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 for this development, advising site constraints prevent them from being suitable. The reasons for not using available town centre sites are not considered to demonstrate a flexible approach to siting of the use as is required by policy.

The site is in a prominent position in Yarm Lane and is adjacent to a listed building. Amended plans have been submitted following this proposal being considered by Planning Committee on the 22nd July 2009. The amendments mainly related to the external appearance of the store, a slight reduction in the scale of the store and the inclusion of indicative tree planting to the eastern and southern boundaries. The building design being considered now includes a large flat roof building set behind a more traditional frontage which incorporates pitched roof sections, a flat roof central section, a glazed shop front with rendered parapet above set between 2 storey height pitched roof

brick sections which project gable walls towards Yarm Lane. The 2 gables have limited detailing. The roof materials are indicated as been a standing seam roof. It is considered that the limited detail of the gable walls facing Yarm Lane, the proposed roof materials and the detail of the signage and its associated surround are not details which create a high quality façade which is considered to be necessary within this location, being highly prominent within the street scene and located immediately adjacent to a listed Victorian Villa. The applicant and their agents have been advised by officers that a change to the roof materials to a more traditional slate type roof and the detailing of windows and or projecting brickwork within the gable walls facing Yarm Lane would address outstanding matters relating to the design of the building. The applicants agent has advised further plans will be submitted which remove references to roof materials and which will incorporate a window into the southern gable which fronts onto Yarm Lane. No plans have been received to date.

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, although not sufficient to warrant a refusal of the application.

The application has been supported by a Transport Assessment and based on submitted details, the Head of Technical Services has raised no objections subject to a section 106 agreement being provided relating to bus stop provision, conditions being imposed relating to a travel plan and a Section 278 Agreement relating to works being undertaken within the highway.

In view of all the above, the proposal is considered to be contrary to the guidance contained within PPS1, PPS6, PPG 13, PPG15, the Regional Spatial Strategy and saved Policies GP1, EN28, S1 and S2 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 and flexibly 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 Policy 25 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, the proposed development, by virtue of its design and appearance, 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. 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.

2. 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.
3. The application was previously considered by the Planning Committee on the 22nd July 2009 with an officer recommendation to refuse. Members deferred the determination to consider further amendments in respect to the proposal.

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) front Yarm Lane to the east with a further vehicle repair garage behind. 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 (approx. 1550sqm gross) with associated access, car parking and landscaping.
7. The site would be laid out having access off Yarm Lane with parking to the front and side (71 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 has been designed having a flat roofed functionally detailed section to the rear and a more detailed and traditional section to the frontage. The building is single storey although includes raised sections to the front. The building is mainly laid out having a rectangular footprint which measures approximately 50m in depth and 30m in

width. The materials detailed within the application include brickwork and render to all sides with a glazed shop front metal trim panels and a standing seam roof in part.

9. The internal areas of the proposed food store comprise approx. 260sqm storage area, 100sqm staff area and an 1100sqm sales area.

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.
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
A planning application for a new ALDI Store on Yarm Lane Stockton has been submitted. It was supported by a Transport Assessment produced by Mayer Brown in May 2009. The Transport Assessment was criticised for failures in providing proper person trip data and modal splits, safety analysis and access arrangements. As a result, Mayer Brown produced a Supplementary Transport Assessment in July 2009. The two documents were the subject of an objection to the planning application. The objection was prepared by RPS Consultants on behalf of an unknown client. This report comments on the RPS objection.
 - **Sustainable Access** – The objection criticises the plans of pedestrian and cycling catchment areas. It also suggests that the acceptable walking distances should be for town centre activities that give a preferred maximum distance of 800m. It is accepted that pedestrians and cyclists cannot travel “as the crow flies”. However, the plans give a clear indication that the pedestrian catchment area includes Parkfield, the residential area to the west of Stockton town centre, Spring Street development and the residential areas at the east end of Oxbridge Lane. Town centre walking distances are not appropriate in this suburban area and a 1Km catchment is acceptable. This part of the objection is not accepted.
 - **Sustainable Access** – The objection also criticises the modal split for the site. Mayer Brown commented that the use of public transport is not high despite the presence of bus routes. RPS suggests that public transport could be underestimated and other sites or methods should have been investigated. The “Supplementary Transport Assessment” uses TRICS data for “Discount Stores”. This is an appropriate category and, in fact, many of the stores are operated by ALDI. The figures presented are representative of the type of store proposed. The figures can be accepted as giving a good indication of the modal split to be expected. It is unreasonable to suggest that there is a site that will cover the precise characteristics of the Yarm Lane site.
 - **Access, Parking and Servicing** – The objection comments that the Design Manual for Roads & Bridges suggests a right turn lane is considered for junctions with a daily minor road flow of 500 vehicles. This is accepted.

- **Access, Parking and Servicing** – The objection comments that the indicative right-turn facility has sub-standard lane widths. The lane widths are at the absolute minimum widths. However, it is agreed that they are inappropriate for Yarm Lane, and for an access that will regularly be used by large servicing traffic. It is however felt that an acceptable solution to the access arrangement can be achieved and would be a condition of planning approval and be undertaken as part of a S278 agreement with the Highway Authority. As the application is recommended for refusal for other reasons, the solution has not been finalised.
- **Access, Parking and Servicing** – The objection report mistakenly notes that car parking accumulations have been prepared for a Sunday and a typical weekday however they have been prepared for a Saturday and a typical weekday. It suggests that there are special buys released on Thursday and Sunday, and the demand may be higher on those days. As the car park accumulation, based on the TRICS assessment for discount stores, gives a maximum car park usage of 34%, it is expected that the car park should be adequate for regular promotions.
- **Access, Parking and Servicing** – The objector points out that the servicing of the store is poor. The service area is at the back of the car park. The applicant has submitted auto tracking demonstrating that the delivery vehicles can turn within the site and states that the majority of deliveries are made prior to the store opening and therefore will not conflict with cars in the car park. Whilst this is not an ideal solution it is not deemed sufficient to merit an objection on these grounds.
- **Highway Assessments** - The report points out that the assessment is based, in part, on 2004 survey data and TEMPRO growth factors used to predict the design year flows. The TEMPRO data is not included in the assessment. This is accepted, but the South Stockton Link has been completed since 2004 and traffic flows on Yarm Lane have fallen as a result therefore the traffic figures are not excessive and would not cause capacity problems at any junction in the survey area. The design traffic flows are accepted.
- **Highway Assessments** – Highway capacity assessments have been produced for a weekday and a Saturday. The objection suggests that the Special Buy days should be substituted. There are no capacity issues on the network related to the ALDI proposal. Peak development traffic flows during the week do not relate to peak traffic periods on the highway. Sunday flows are less than Saturday flows and no capacity issues are expected. This objection is not accepted.
- **Highway Assessments** – The objector points out that the revised trip distribution puts more traffic in the right turn bay into the site. Therefore, more consideration of the right turn bay is required. The right turn lane as suggested by Mayer Brown meets minimum highway standards. It is not proposed to object to the right-turn bay. However, an improved layout to the satisfaction of the Highway Authority will be recommended as a planning condition on the application.
- **Travel Plan** – The objector comments that a draft Travel Plan has not been prepared because ALDI cannot obtain a staff/customer modal split due to the site not being operational yet. The same argument is put by ALDI as a reason for not setting targets. The objector points out that targets should be set in the Travel Plan to enable the Highway Authority to monitor its success. This point is correct. A travel Plan will be required from the applicant prior to opening of the store. The travel Plan will have relevant, measurable targets to monitor the effectiveness of the plan. This will be a condition of any planning approval.

Conclusion

An objection to the planning application for an ALDI store on Yarm Lane, Stockton has been received. The objection has been prepared by RPS Consultants and lists alleged failures and departures from standards in the Transport Assessment, Supplementary Transport Assessment and draft Travel Plan produced by Mayer Brown in support of the application.

The RPS report has been considered and commented on as follows

- Inappropriate cycle/pedestrian catchments. - Not accepted
 - Inappropriate public transport modal split - Not accepted
 - Substandard access arrangement - Partly accepted. To be dealt with by planning condition.
 - Inappropriate car parking analysis - Not accepted
 - Poor servicing arrangement – Not accepted.
 - Insufficient detail on derivation of design flows - Partly accepted. However, design flows are not critical and have been accepted.
 - No capacity analysis on “Special Buy” days - Not accepted
- Revised trip assessment gives greater emphasis to need for right turn lane - This is accepted, a planning condition will ensure a suitable junction arrangement is agreed with the Highway Authority.
- Inadequate draft Travel Plan - Accepted. A planning condition will require the applicant to submit a Travel Plan to the satisfaction of the Highway Authority prior to operation of the store.

All the matters raised in the objection report prepared by RPS have been considered. Most of the points are not accepted. Planning conditions could cover the valid points, including servicing delivery times. It is not recommended that objections on traffic capacity or highway safety be made. There are no objections to the amended site plan. A full Travel Plan should be submitted and agreed with the SBC Sustainable Transport officer prior to the store opening.

- The applicant must enter into a s278 agreement regarding the construction of the new access and the introduction of a right turn lane on Yarm Lane which must be completed before construction works begin. Technical Services Consultancy will design the highway layout in accordance with SBC standards.
- A contribution of £20k to the Bus Majors Scheme by way of an s106 agreement in order to fund a new bus stop on Yarm Lane in the vicinity of the site is required.

15. Landscape & Visual Comments

I make the following comments on the plan listed as ref 0116/AL (00)04 rev E on Idox dated 14/8/09 on Idox.

- The revised plan shows a slight increase in the width of the frontage landscaping along Yarm Lane which is welcomed. The sign is also located at the edge of the planting which is a better location to allow for tree planting and larger shrubs.
- Our previous comments stated that - *The northern boundary should comprise a brick wall with pillars and metal railings in an attractive finish – art work should be built into the railings to improve the visual aspect of the boundary.*
The elevation dwg. ref 0116/AL(00)04 rev_D indicates the fencing on the northern boundary as steel bar fencing to match existing rails and as previously stated this would be greatly improved with artwork to improve the visual aspect of this boundary. The long planting bed shown on this boundary is much too small (approx 0.5 metres) to allow for the healthy growth of anything but small groundcover planting and even this would struggle unless the planting bed has a good topsoil depth of high quality soil and such will contribute little to the visual amenity of this boundary – the two square areas at the each end of the long planting bed are also very small. An attractive fence detail with artwork is therefore required to improve the visual amenity of the northern boundary.
- The inclusion of trees on the eastern site boundary is welcomed but the tree pit details must be well designed to allow for long term good tree growth and the tree species carefully selected to accommodate the surrounding uses for both the development and the neighbouring site.

- I cannot see a reference to the timber boarding detail indicated on drawing 0116/AL/(00)06 (see comment on former memo) but the plan drawing seems to indicate that all walls will be made good and we would request that.

As per our previous memo details of hard and soft landscaping are required.

16. Environmental Health Unit

No objections 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 Borough Councils 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 plan, 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)".*

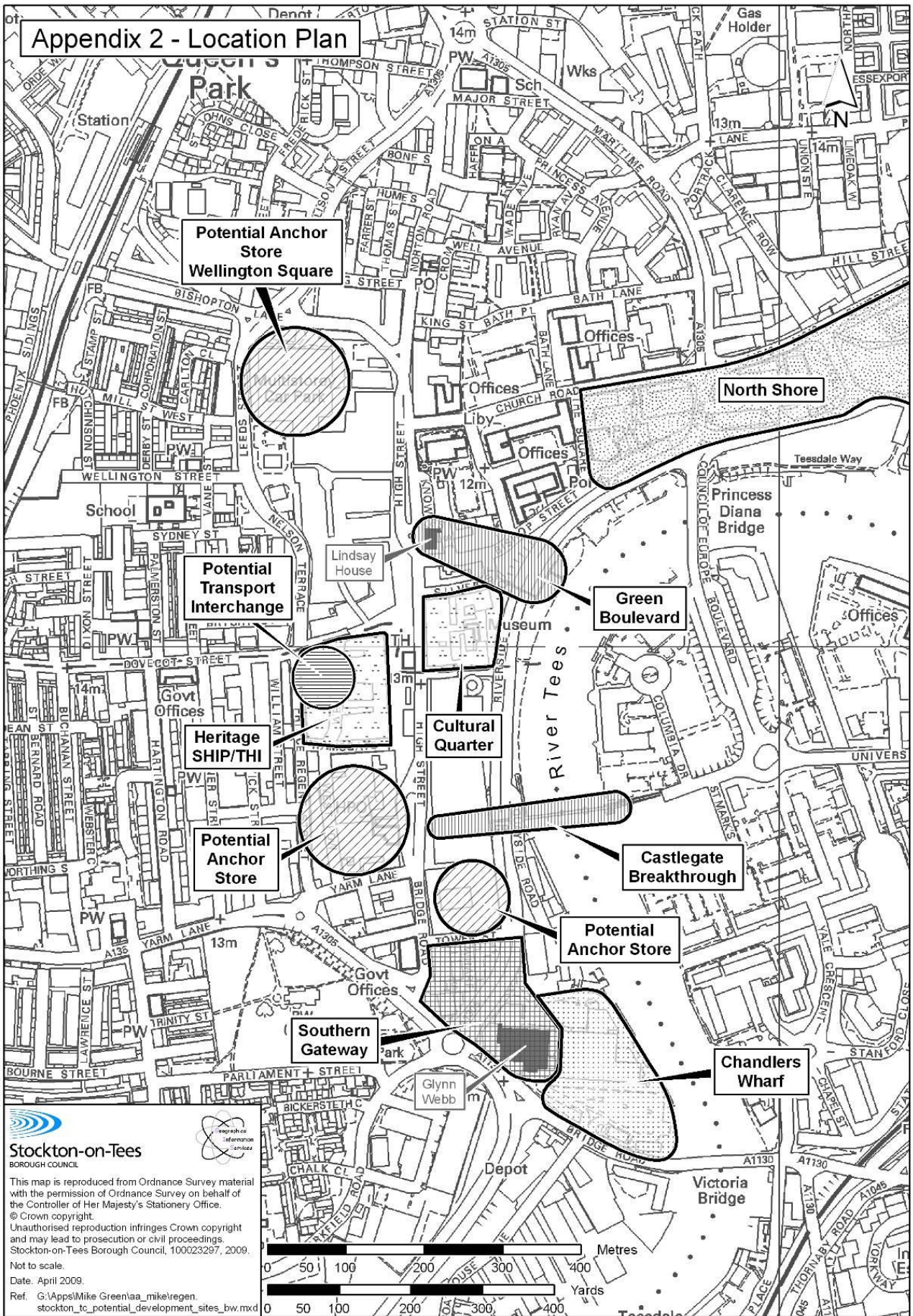
More specifically in respect of the preparation of Local Development Frameworks, paragraph 2.28 states:

*"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.

Appendix 2 - Location Plan



Stockton-on-Tees
BOROUGH COUNCIL



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
© Crown copyright.
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Stockton-on-Tees Borough Council, 100023297, 2009.
Not to scale.
Date: April 2009.
Ref: G:\Apps\Mike Green\aa_mike\regen.
stockton_tc_potential_development_sites_bw.mxd

19. Stockton Borough Councils' Housing Regeneration Manager

The Parkfield/Mill Lane 2005 Masterplan and Masterplan Review in 2007 both identified the acquisition of the businesses on to Yarm Lane as essential to create frontage for the development and encourage private developer interest. At the Cabinet Meeting held on the 3rd November 2005, Cabinet approved 'Option 3' which stated the following:

Option 3

This option proposes:

- The clearance of approximately 190 properties including Webster Close, Lawson Close and the southern sections of St Bernard Road, Buchanan St and Tarring St.
- Clearance of some businesses up to the boundary with Yarm Lane.
- Redevelopment for more new family housing for sale and for rent
- Investment in retained homes which are not proposed for clearance.

Option 3 is the preferred option as it encompasses support from residents and will maximise potential investment and interest from private developers. This option will create a visible sign that change is occurring in Parkfield / Mill Lane.'

The Parkfield Mill Lane Masterplan is being reviewed again in light of the recession, and whilst still in draft form, consultation with 5 volume house builders has revealed that frontage on to Yarm Lane is still key to attracting private developer interest in the site and without it; interest from the house builders will be significantly reduced. The importance of frontage is demonstrated by comparing Mandale Park and Hardwick. Mandale Park, which benefits from excellent frontage, has been a resounding success and has continued to enjoy good sales throughout the recession. Hardwick on the other hand has struggled as the new housing is hidden.

Creating frontage through the provision of high quality designed housing will act as 'shop window' in to the new neighbourhood and help to attract new people and house buyers. One of the biggest challenges facing the Parkfield housing market renewal scheme is attracting new people to come and live in the area.

The Council did not buy the Lords Tavern site from its original owner when it was able to because it was unable to agree on price. The Council was only prepared to pay residential land value which was c 600K at the time, whereas the owner was wanting supermarket land value which was almost double this figure. The Council was unable to pay supermarket land value as we were of the view that the land would never gain supermarket planning consent due to planning policy.

The provision of a super market of this size, and the inevitable noise and disturbance it will bring to the neighbouring, planned new residential dwellings to its rear, is likely to put off potential buyers and make these properties difficult to sell.

20. Stockton Borough Councils Regeneration Projects Manager

Regeneration and Economic Development have a number of concerns with this proposal and as such would urge a refusal of the application.

The proposal contravenes both national and local planning policy (PPS 6 and Policy S 2 of the Alteration Number 1 to the Adopted Stockton-on-Tees Local Plan) as the proposal site is in an out-of-centre location. Failure to adhere to approved and established planning policy could set dangerous precedents in dealing with other planning applications in out-of-centre locations in the future. Planning policy should be the primary material consideration and should only be overturned in exceptional circumstances.

Whilst accepting there is a quantitative need for a food store in the local catchment area (Stockton Town Centre and locality), it is considered that in qualitative terms, this would be more appropriately met by a much needed medium/large sized store within the town centre itself. The discount offer already exists in and around Stockton Town Centre with Lidl and

Netto catering for this need, with a small element of food in Marks and Spencer the only higher end food provision. A number of retail studies have identified the need for a medium/large sized food store in Stockton Town Centre to address this deficiency in provision.

Approval of this planning application will only serve to dilute the need and potential expenditure which should be focused upon a sequentially preferable location, Stockton Town Centre, where significant investment is urgently needed. Even if Members accepted the need for this small scale food store in this catchment area, it is considered that with a vacancy rate in excess of 20%, the need for the proposed unit should be met by one of a number of empty retail units in the town centre such as the former Woolworths store. The owners of the Castlegate Centre share this view commenting that operators should show flexibility in town centre site selection, particularly with regards to the scale and format of proposed development.

The proposal would further conflict with a recently approved strategy for regenerating Stockton Town Centre which provides for the identification of sites for anchor stores of both food and non-food variety. An additional food store outside the town centre would further dilute the potential expenditure in the catchment area thus making a town centre take up less attractive to retail operators thereby losing the benefits of a major store in terms of increased footfall, claw back and linked trips. Indeed this strategy was approved by this Council's Cabinet on 14th May 2009 and is based on consultant's reports prepared by Messrs Nathaniel Lichfield and Partners (Stockton/Middlesbrough Joint Retail Study 2008 and Stockton Town Centre Study 2009) and Gillespies (Stockton Riverside Sites 2008). Various sites for potential anchor stores have been identified in the town centre strategy and it is considered that their availability and deliverability will offer significantly more benefits to Stockton Town Centre than a small store in an out-of-centre location.

The proposal is likely to have an adverse impact on the vitality and viability of those businesses in the Yarm Lane Neighbourhood Centre, a small local centre to meet the day to day needs of the local population.

The size of the proposal is totally out of scale with a Neighbourhood Centre, which is intended to contain small parades of local shops and other retail services interspersed in some cases with the occasional non-shopping use. A food store of the scale proposed is more akin to a District Centre or a larger Local Centre.

The proposal would also impact upon a masterplan for Phase 2 of the Parkfield housing market renewal scheme which identifies the creation of a frontage onto Yarm Lane as being crucial in the marketability of this site.

Creating frontage through the provision of high quality designed housing will act as 'shop window' into the new neighbourhood and help to attract new people and house buyers. In order to achieve this; the Council has ambitions to acquire the site. The provision of a supermarket of this size, and the inevitable noise and disturbance it will bring to the neighbouring, planned new residential dwellings to its rear, is likely to put off potential buyers and make these properties difficult to sell.

Although a detailed design of the new neighbourhood is yet to be undertaken, we do know that we want to capitalise on Parkfield/Mill Lane's uniqueness by preserving its historic character so that the new buildings compliment the Victorian terraces that are being retained. The Northern Way 'Residential Futures: Tees Valley City Region' report March 2009 identified Parkfield as an area with the potential to become a residential 'area of choice' and that Parkfield 'could be lifted to restore its former Victorian glory and thus make a positive contribution to the city region's residential offer'. Clearly the proposed development would not contribute towards the character of the area and as such would

minimise the opportunity for enhancing this neighbourhood in the way reflected in the master planning of the area.

PUBLICITY

21. Neighbours were notified and a total of 49 letters have been received from the addresses listed below comprising of 45 letters of support and 4 letters of objection. A petition of support has also been submitted with 20 signatures.

Comments were received from the following addresses;

59, 66 Tarring Street Stockton
12A Leybourne Terrace' Stockton
69 Yarm Lane Stockton
70 Wellington Street Stockton
25, 27, 29, 33 Middleton Walk' Stockton
7 Bowesfield Lane Stockton
13 B Varo Terrace Stockton
37 Alice Row Stockton
36 Yarm Road Stockton
2 Trinity Gardens Yarm Lane, Stockton
37 Ewbank Drive Stockton
39 St Bernard Road Stockton
13 Westcott Street Stockton
15 Vane Street Stockton
19 Brignall Road Stockton
2 Lawrence Street Stockton
31 Mansfield Street Stockton
35 Oxbridge Lane Stockton
49 Coleton Gardens Ingleby Barwick
Stockton Flats, 68, 80 Hartington Road Stockton
82 Buchanan Street Stockton
20 Whitwell Close
Flat 7 1A Shaftsbury Street, Stockton
Jean_XXXXXX_x@msn.com
19, 25, 27, 29, 33, 39 Middleton Walk, Stockton
43 Westbourne St
23 Alice Row
15 Egglestone Terrace
8 Osborne Road
18 Buckingham Road
19 Middleton Road
moiraxxxx@ntlworld
steXXXXXX@aol
scottXXXXXX @ ntl world
patriciaxxxxxx@ntlworld.com

22. 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
- Disappointed the application is taking such a long time to determine

23. Comments of objection are summarised as follows:-

66 Tarring Street.

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.

TM MOT Centre (summarised)

Raise concerns over the proposed tree planting as this will restrict public viewing of their premises which relies from passing trade (located behind Kwik Fit towards the rear of the site), thereby being detrimental to their business. No objection would be raised if the trees were maintained at 2m in height.

RPS Consultants (summarised)

The TA references walking and cycling distances to the site yet measures these as the crow flies so is inaccurate whilst the document ' Guidelines for providing for Journeys on Foot) advises that 800m is a preferred maximum walking distance for town centre activities with 400m being desirable. It is advised that most of the town centre and significant residential areas are not within an acceptable walking distance. Concern is raised in respect to the assumptions in terms of use of public transport.

There is a requirement for a protected right hand turn, however, the widths identified as being able to be provided are all substandard and could therefore present risks to highway safety.

A car park accumulation assessment has been made but there is no demonstration that this is a reasonable assessment of the actual situation and consequently it has not been proven that the scheme will not give rise to any off site safety issues. The turning and movement of the service vehicle is awkward and requires a reversing movement within the site of approximately 50m and therefore a possible safety hazard.

Of the 3 traffic assessments which the TA has relied upon, one of these was undertaken in 2004 which is considered to be out of date and as such assessment work may not be representative. Growth factors used are not contained within the report and cannot be verified. The highway capacity assessments do not correspond with Aldi's critical operational days. Traffic figures have been amended in the applicants revised details and may have an affect on the site access and traffic movements which have not been clearly demonstrated.

The Travel Plan does not adequately set targets which are required by best practice guidance.

Indigo Planning Ltd (summarised)

Objections relate to the inappropriateness of the proposals against all tiers of retail planning policy.

The majority of the food store lies outside of the defined neighbourhood centre boundary. The scale of the development is considered to be a major development by virtue of its scale, location and likely catchment. The site is located within the lowest order of centre within the retail hierarchy as defined within the local plan which is intended to perform a convenience role by meeting the day to day needs of the local population thereby reducing the need to travel. The Local Plan states that it is necessary to ensure that development proposals are only allowed in the appropriate tier of centre. Aldi would generate custom from beyond the local population thereby increasing trip generation whilst would overlap with the catchment of the convenience facilities of the town centre. Local Plan Policy requires developments which attract large numbers to be located within centres which reflect the catchment. The Aldi store would be entirely different and inappropriate in comparison to the existing provision at Yarm Lane and is therefore out of scale.

Both PPS 6 and Policy S2 require the need for the development to be clearly demonstrated. Were a need to be identified, that need should be met in Stockton Town Centre rather than an out of centre location where it would be out of scale. The proposal will be likely to draw trade from the centre.

The applicant has not clearly demonstrated there is a need for the development proposal to be located at Yarm Lane rather than the town centre whilst the applicant has not given adequate reasons for discounting more sequentially preferable sites in the town centre such as the Castlegate and the former Woolworths. The existing presence of Lidl in the town centre discredits this assertion.

PLANNING POLICY

24. 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 Saved policies of the Stockton on Tees Local Plan (STLP).
25. The following planning policies are considered to be relevant to the consideration of this application:

Saved 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.

Saved 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.

Saved 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.

Saved Policy EN28

Development which is 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 floor space 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

26. The main planning considerations of this application relate to, the principle of retail development on the site, the scale of the use and its impact on the town centre, impacts of the development on the character of the area and adjacent buildings and on access and highway safety. These and other material planning considerations are considered below.

Principle of development - Policy Framework

27. 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.
28. 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.
29. 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 where fewer restrictions apply as these are defined within PPS 6 (Table 2) as being within up to 300m of the primary shopping area.
30. 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 be 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.
31. Saved Policy S1 of Local Plan 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 in order to encourage linked trips and to protect and enhance the vitality and viability of these centres.
32. Saved 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.

33. 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 and is made up of small retail and commercial 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.

Scale of retail provision

34. 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.
35. 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.
36. 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.
37. 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 1550sqm 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.
38. 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.

Retail Need

39. 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.

Sequential Approach to the site selection

40. 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.
41. 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.
42. 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.
43. 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; however, other town centre sites have since become vacant and have not formed part of the sequential assessment. Specific sites are assessed as follows;
- Former Woolworths*
44. This unit has recently been let and as such is no longer available.
- The Eastern Gateway site*
45. 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*
46. 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.
47. 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. Whilst a scheme has been approved to realign the riverside road, the improvement works would be constructed largely on existing adopted highway land but with some requirement for works on adjoining retail land at the Glyn Webb site on the corner of Bridge Road/Riverside and at the Build Centre site on Riverside. This

scheme does not take up the entirety of buildings at Chandlers Wharf and as such remaining floor space would be likely to be available were the road realignment scheme to be implemented.

Impact on the Vitality and Viability of defined centres

48. 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

49. 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 on 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.
50. 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, some of which is considered to be detrimental to the appearance of the surroundings.
51. 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 and functional appearance with no architectural merit.
52. 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.
53. 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 is considered could be suitable within this position. The buildings frontage has been redesigned since the application was placed before committee on the 22nd July 2009. The frontage now includes 2 no. brick gable walls fronting Yarm Lane with a single storey flat roof section between having a parapet wall detail. Pitched roofs have been detailed on the north and south gables. Although the main section of the building is a flat roof rectangular building with limited detail, it is considered that the front elevation has improved in terms of its suitability within its context. The scheme, as revised, details a standing seam roof to the

pitched roof, associated metal trim details and signage surround details as well as one of the gable walls being completely void of any detail apart from a horizontal render panel.

54. Whilst the design and appearance of the proposed building are a significant improvement from the earlier scheme, it is considered that the particulars of the precise detailing undermine the overall appearance of the building and are not suitable for the building due to it being located within a prominent position within the street scene and in view of it being located immediately adjacent to a listed building. The applicant's agent has advised that the reference to the proposed roof materials will be removed from the plans and further detailing will be added. These amendments have not been received to date and based on the current plans, the proposal is 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.
55. 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. The Council's Landscape Architect considers the amount of landscaping indicated to be adequate. It is further advised that the area for proposed landscaping to the rear of the site is too small to allow for proper growth and a fence is recommended in this location. The Council's Landscape Architect advises that careful selection of tree pits and tree protection is made in view of the limited space available. No objection has been made to the revised details from the Council's Landscape Architect.

Impact on surrounding uses

56. 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. The owner of the adjacent MOT garage has raised objection to the proposed tree planting as this will screen his premises from passing trade. Whilst this might be the case, it is considered that any scheme for development would normally have boundary planting of an appropriate scale to compliment and break up views of the development. It is considered that this proposal would require perimeter planting as a result of its prominent location and this need would not be outweighed by the concerns raised in this respect.
57. 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.
58. The rear building line of the proposed Aldi store is set approximately 2.2m further away from the residential properties within Worthing Street than the former workshop buildings, were thereby achieving approximately 12m between developments. 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 12m 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. The scheme has been amended to provide wall and railings as the boundary treatment of the site whilst it should be possible to undertake some planting in this location. In view of all of the above it is considered that the impact of the development on the housing within Worthing Street would therefore be acceptable.

59. The Housing Regeneration Manager has objected to the scheme, considering that the development of this frontage site on its own would undermine the Parkfield / Mill Lane regeneration scheme as a result of the site being less desirable to developers due to their being no main road frontage. Whilst these comments are noted, there is no adopted master plan for the regeneration scheme and as such considerations in respect to these impacts can be given little material weight in determining this planning application as it essentially relates to an aspiration.

Access and Highway Safety

60. 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.
60. The Head of Technical Services has assessed the proposal, its access, the site layout and highway safety related matters. Based on comments made by the Head of Technical Services, the proposal is considered to have adequately detailed the impacts of traffic associated with the development as well as adequately provided for the greening of the site. However, were the application to be recommended for approval, conditions would need to be imposed in respect to the following:-
- *A full travel plan to be submitted and agreed in writing with the LPA prior to the store opening.*
 - *The applicant entering into a Section 278 agreement to carry out changes to the highway layout of Yarm Lane in order to provide a protected right turn into the site.*
 - *A hard and soft landscaping scheme, its submission, implementation and future maintenance.*
 - *Boundary enclosures scheme to be agreed.*

In addition to the above conditions, the applicant would need to enter into a section 106 agreement for the provision of a new bus stop on Yarm Lane.

61. A number of objections have been raised from a traffic consultant's in respect to the submitted traffic and travel details. The Head of Technical Services has advised all of the matters raised by the consultants have been considered within their response and that were the application to be approved, the relevant issues could be dealt with by way of condition.

Other Matters

62. 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.

63. 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

64. Whilst it is clear that there would be benefits for the local population as a result of greater and more local provision, it is considered that the proposed development is not appropriate to the scale and function of the existing centre within which it is located. 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.
65. The proposed development is not considered to be in keeping with its surroundings as a result of the design and appearance of the developments frontage. It is further considered that the proposal would detrimentally affect the setting of the adjacent listed building for the same reasons.
66. It is considered that adequate highway related provision has been detailed within the plan for the site and that appropriate control over a travel plan, contributions to a bus stop and the requirement for off site highway works can all be controlled.
67. 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.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Andrew Glossop Telephone No 01642 527796
Telephone No 01642 527796
Email address andrew.glossop@stockton.gov.uk

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