

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

24 February 2010

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

09/1899/FUL

Tesco Supermarket, Myton Road, Ingleby Barwick

Extension to existing food store with associated car parking and public realm.

Expiry Date; 28 October 2009

SUMMARY

The application site is the exiting Tesco's Store within the settlement of Ingleby Barwick. The site is bounded by Ingleby Way to the north, Barwick Way to the south and Myton Road to the west. Within the immediate area are a range of land uses, these include; the Myton House Farm Public House and area of open space (to the east); the existing car park and petrol station (to the north); Ingleby local centre (to the west); and the recently completed Romano park and cycleway (to the south).

Two previous applications 05/3457/FUL and 06/3299/REV have been considered by the Local Planning Authority in recent years. The first application proposed 2,775 square metres (sq.m) of gross retail floor space and was withdrawn by the applicants due to outstanding issues in relation to lack of supporting information contained within both the submitted retail assessment and the transport assessment. A second application (06/3299/REV) was then submitted, to extend the existing store by 2,499 sq.m of gross retail floorspace. This application was refused by the Planning Committee due to concerns regarding the extensions scale, function and nature, its adverse impacts on the vitality and viability of Thornaby and Yarm centres and its adverse impacts on the highway network.

The retail issues revolve predominantly around the fact that Ingleby Barwick is designated as a Local Centre in both Alteration No. 1 of the Local Plan and the emerging Core Strategy, and there is no support within either of these documents for any significant expansion of the role, its function or the scale of the centre. Whilst the proposed extension would; significantly increase the net retail floorspace of both the existing Tesco store and that of Ingleby Barwick Local Centre and therefore have the potential to increase the attraction of the store (particularly in comparison goods shopping); and take the floorspace found within the centre to a level significantly greater than that normally found within a Local Centre, it is not considered that the scale of the proposal, in itself gives significant grounds for refusal of the application.

Assessments have been carried out to analyse the impacts of the proposed extension on Thornaby and other existing centres, even in the worst case scenario, the comparison goods turnover generated by the proposed Tesco extension would be limited to an impact just 3.3%. All other forecasts predict impact levels would be below 2% and it is not considered these levels represent a justified cause for concern in relation to the overall vitality and viability of Thornaby or the other defined retail centres. In considering a number of factors it is felt that the proposed development

will not have a significant material impact on, or cause significant harm to Thornaby District Centre or the other defined retail centres.

Whilst the view remains that the proposals would significantly increase the attraction of the store and that the extended store would be large, given the defined role of Ingleby Barwick as a Local Centre, in the absence of any material harm resulting from the proposed extension to the store, it is not considered that the scale of the proposals in itself, gives significant grounds for refusal of the application. The proposal is also considered to be visually acceptable and will not have a detrimental impact on the amenity of neighbouring occupiers.

RECOMMENDATION

Planning application 09/1899/FUL be Approved subject to the conditions set out below and the entering into of a section 106 agreement.

01. Approved Plans

The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	Date on Plan
SBC0001	29 July 2009
4461.PO5D	29 July 2009
4461.PO4H	29 July 2009
4461.PO3K	29 July 2009
ASP5 REV E	12 November 2009

Reason: To define the consent.

02. Materials

Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

Reason: To enable the Local Planning Authority to control details of the proposed development.

03. Hard Landscape and speed table;

Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; details of the vehicle surface/speed table; other vehicle and pedestrian access and circulation areas; hard surfacing materials; construction methods and minor artefacts and structures (e.g. incidental buildings, public art and street furniture).

Reason: In the interests of visual amenity.

04. Soft Landscaping;

Notwithstanding any description submitted as part of the application a detailed scheme for landscaping including tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is first occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas and methods of planting (including

trenches backfilled with urban tree soil where necessary). The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner. Any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

05. Landscape Maintenance:

Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

06. External lighting

Details of all external lighting of the building and car park area, including the lighting design, siting, colour and levels of luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

Reason: To avoid light pollution in the interests of the visual amenities of the area

07. Means of Enclosure

All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development is commenced. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality.

08. Existing and Proposed Site levels

Notwithstanding the information submitted as part of the application details of the existing and proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

Reason: To define the consent

09. Surface water drainage

Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To ensure the discharge of SW from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

10. Cycle parking

Prior to commencement of the development hereby permitted, details of all cycle parking provision (including secure covered cycle storage for staff) shall be submitted in writing to the Local Planning Authority for consideration and approval. The approved scheme shall be implemented in full and those facilities available for use of the hereby approved extension.

Reason: To ensure the provision of facilities to enable the use of sustainable forms of transport.

11. Additional Pedestrian Footpath

Notwithstanding any details submitted as part of the application, a further pedestrian footpath shall be provided to the north of the access to the new car parking area linking to the zebra crossing. Details of which shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall be implemented in accordance with these details and made available for use prior to the first occupation of the hereby approved store extension.

Reason: In the interests of pedestrian and highway safety.

12. Travel Plan

Within six months of the first use or occupation of the development, a detailed travel plan shall be undertaken and submitted to and approved by the Local Planning Authority. The travel plan shall detail measures, actions and targets of how to reduce car travel and car dependency to and from the site. The travel plan shall be implemented in accordance with these agreed details.

Reason; To reduce the dependence and reliance of the private motor car in the interests of the free flow of traffic and highway safety

13. Construction activity

No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 8.30 a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

Reason; To avoid excessive noise and disturbance to the occupiers of nearby premises.

14. Retail restriction – Pharmacy

The premises, or part thereof, shall not be used for the sale or supply or display for sale of goods in the form of a pharmacy registered with the Royal Pharmaceutical Society or the General Pharmaceutical Council, unless otherwise agreed in writing with the Local planning Authority.

Reason: To safeguard the vitality and viability of Ingleby Barwick Local Centre.

15. Retail restriction DIY goods

The retail premises hereby approved shall not exceed 70 sq.m for the sale and display of DIY and decorators' supplies without the prior written consent of the Local Planning Authority. For the avoidance of doubt, this comprises those products defined as "DIY and Decorators' Supplies" in Section 2.3.8 of the Retail Expenditure Guide (Pitney Bowes 2009).

Reason: To safeguard the vitality and viability of Ingleby Barwick Local Centre.

16. Retail floorspace restriction;

The floorspace of the store hereby permitted shall not vary from the following, unless otherwise agreed in writing with the Local Planning Authority:

Net convenience Goods 2665 sq.m
Net Comparison Goods 1605 sq.m

Reason: For the avoidance of doubt.

INFORMATIVE;

The principle of an expansion to the existing Tesco's store is considered to be acceptable given the lack of harm to the vitality and viability of existing retail centres. The proposal is also considered to be visually acceptable and does not pose a significant risk to highway safety or the amenity of neighbouring occupiers. The development has been considered against the policies below and it is considered that there are no other material considerations that indicate a decision should be otherwise.

GP1 – General Principles; Policy TR1- Highway Design and parking; S1 – Retail Hierarchy; S2 – Major retail development and other town centre uses;

HEADS OF TERMS

Contribution of £1.3 million towards highway mitigation measures to improve Ingleby Way between Myton Way and Barwick Way.

BACKGROUND

1. A previous application (05/3457/FUL) that proposed 2,775 sq.m of gross retail floorspace and approximately 300 spaces and was withdrawn by the applicants due to outstanding issues in relation to lack of supporting information contained within both the submitted retail assessment and the transport assessment.
2. A further application (06/3299/REV) was then submitted, again to extend the existing store. This extension was reduced slightly in size to 2,499 sq.m of gross retail floorspace and included an additional parking to the east of the store. The application was put before members and subsequently refused due to concerns regarding the extensions scale, function and nature, the subsequent adverse impacts on the vitality and viability of Thornaby and Yarm centres and its adverse impacts on the highway network.

PROPOSAL

3. This current application seeks to extend the existing Tesco superstore at Ingleby Barwick to the west side of the store on land currently used for car parking. An additional car parking area would be provided on land to the east side of the store currently used as open space but owned by Tesco, and would provide a total of 539 spaces for the store as a whole.
4. The submitted planning statement from GVA Grimley (GVA), Tesco's agents, details that the existing Tesco store has a gross floorspace of 5,425 sq.m. and a net sales floorspace of 2,587 sq.m (2282 sq.m convenience & 325 sq.m comparison goods floorspace). This application seeks to increase the gross floorspace of the store to 7,919 sq.m, an increase of 2,494 sq.m gross floorspace. The net sales floorspace would increase by 1683 sq.m to a total of 4270 sq.m increasing the comparison goods floorspace by 1280 sq.m (to a total of 1605 sq.m) and the convenience goods floorspace by 403 sq.m (to a total of 2665 sq.m).

5. Other changes include changes to the internal layout, relocation of the recycling facilities and enhanced public realm to improve linkages to the remainder of the Ingleby Barwick Local Centre and increased landscaping provision to the periphery of the new car park.

CONSULTATIONS

6. The following Consultations were notified and comments received are set out below:-

Highways Agency (in summary)

Further to your consultation request the Highways Agency (HA) has considered the Transport Assessment (TA) for the above development and would offer the following comments;

Transport Assessment

The methodology behind the trip generation, assignment and impact assessment within the TA has been analysed and is considered acceptable. The HA does not believe that there will be substantial impact on the Strategic Road Network and therefore engineering mitigation work is not required.

Commitments should be given to the promotion of sustainable modes of Transport and therefore comments are offered on the Travel Plan submitted.

Travel Plan

The HA welcomes the measures put forward for implementation within the travel plan.

However, a number of measures are identified that could be adopted at this site subject to discussion with the Local Authority.

Travel Plan Targets

Imperative to a Travel Plan is the inclusion of targets by which the development and the effectiveness of the Travel Plan can be assessed.

The Travel Plan should also include mode split targets. As this is an existing store, these baseline surveys should be undertaken now. They should cover both staff and customers and targets should be included in the agreed Travel Plan (prior to the planning decision being made).

Once initial targets have been established, ongoing targets for future years should also be developed and included in the Travel Plan. Furthermore consideration needs to be given to additional mechanisms should the Travel Plan fail to meet the targets identified.

Cycle Parking

The provision of cycle parking is welcomed, however, the locations appear uncovered and reasonably remote from the site entrance, consideration needs to be given to 'long stay cycle parking' either involving a shelter or cycle lockers.

Monitoring

The HA would expect the questionnaire that is used to inform the baseline to be adopted (to include questions regarding Travel Plan awareness, uptake of Travel Plan measures and future Travel Plan techniques) and to be appended to the document.

Also imperative to the monitoring of Travel Plan is an annual traffic count to ensure the vehicular trip generation targets being met. The survey should be undertaken 12 months after the baseline survey or should the extension open after that, within six months of opening (and in a neutral month).

Summary

Should you be mindful to approve the application, the Agency would require you condition the implementation of an approved Travel Plan.

Local Ward Councillors

No comments received

Ingleby Barwick Town Council

Ingleby Barwick Town Council would note that the concerns raised in their previous submission dated 18th September 2009 have been addressed by Tesco. Following discussions, Tesco have provided the Town Council with a written response to the concerns and also any further suggestions which have been highlighted.

Tesco have advised the following:

Traffic

The proposed highway improvement scheme which is currently being finalised includes the following:

- the duelling (widening to 4 lanes) of Ingleby Way between Myton Road and Barwick Way roundabouts;
- widening of Myton Way to two lanes approaching the Ingleby Way/Myton Road roundabout to increase capacity, with one lane for left turning vehicles (Eastbound);
- widening of the carriageway between the Myton Road roundabout and Tesco Access Roundabout allowing a dedicated left turn into Tesco.

In the interim an illustration of the proposed road improvements has been provided for the Town Council's attention. Although not clearly shown on the plan, confirmation has been received that the section of Ingleby Way indicated above will be widened to 4 lanes along the full length of the section. It is stated that all four lanes will move slightly north in order to have less impact on the southern kerb line on Ingleby Way and access to the public house.

As part of the current expansion proposals, Tesco has agreed to pay a significant contribution towards the road improvements, subject to board approval, planning and the Council's ability to deliver the scheme.

The site plans provided show an increase in the number of cycle racks to better encourage cyclists to the site whilst the highway between Tesco and the neighbouring shops will benefit from surface table-topping as both a traffic calming measure and to also encourage linked trips to the adjacent retail units.

System of Car park

Accessibility, safety etc have been taken into account when designing the system of the car park.

Recycling Centre (Tomra unit)

The Tomra Recycling Unit has been moved to a more user friendly location. A revised plan of the landscaping scheme has been provided showing the new location.

Impact on Neighbouring Shops

A key part of the public realm and highway improvements have been designed to support and actively encourage the vitality, viability and sustainability of not only the Tesco store, but also the neighbouring retail units. The 'vehicle surface/speed table' has been designed to specifically encourage linked trips to the units whilst also calming traffic.

It is noted that the application for an in-store pharmacy has been withdrawn by Tesco. They have subsequently met with both the Pharmacy and DIY retailers in order to better understand their concerns and offer a planning condition to provide the reassurance they seek for their businesses.

In-Store Police Office

Provision of a room within Tesco where scheduled police community surgeries could be conducted is currently being progressed.

Tesco are currently appointing an in-store Police Liaison Champion, who will co-ordinate the provision of a room and promotion of the Police Surgery to the wider community.

Additional Landscaping/Public Realm

It is intended that additional public realm works could be agreed with the Town Council and implemented in tandem with the new store development.

Tesco are currently investigating the potential of implementing fencing between Romano Park and Tesco car park to prevent anti social behaviour and would seek to achieve this through the discharge of boundary treatment conditions. Further information, when available, is to be provided.

Conclusion

Ingleby Barwick Town Council has considered the above information and has also taken account of the petitions submitted by both the Pharmacy and DIY businesses at Myton Park shopping centre.

The Town Council has no objection to the proposed extension of the existing Tesco Store provided that:

- the extension, if approved, does not harm the neighbouring shops, with particular regard to the Pharmacy and DIY businesses;
- the measures outlined above to address the Town Council's concerns are implemented.

Environmental Health Unit

Further to your memorandum regarding the above, I have no objection to this application

Acting Head of Technical Services

Reference drawing no: landscape plan: ASP 5 rev E

Site layout plan: 4461.P01V

General Summary

Urban design has no objection to this application subject to the comments below.

Highways Comments

A Transport Assessment has been submitted in support of the development. Robust Assessments have been undertaken that demonstrate the following traffic flows.

Blair Avenue/Ingleby Way								
Movement	2008 Base	2008 + Tesco	2008 Analysis		2013 Base	2013 + Tesco	2013 Analysis	
	Veh(All)	Veh(All)	% Difference	Difference in Flow	Veh(All)	Veh(All)	% Difference	Difference in Flow
W Arm Total	101	127	26	26	118	131	11	13
E Arm Total	952	1068	12	116	1027	1101	7	74
SE Arm Total	683	816	19	133	706	810	15	104
N Arm Total	1336	1344	1	8	1266	1283	1	17
All	3072	3355	9	283	3117	3325	7	208

The junction of Blair Avenue, Ingleby Way, Myton way and Myton Road is a four arm roundabout with the major movements coming from the northern arm to the eastern arm and into the supermarket (south eastern arm).

In order to accommodate the additional traffic, the Highway Authority has developed a scheme that proposes mitigation as shown on drawing number TS/D1/155/1/30 that will improve Ingleby Way between Myton Way and Barwick Way at an estimated cost of £1.3 million, which includes provision of £200 000 towards service diversion costs. This funding should be secured via a S106 agreement.

A revised layout plan, drawing number 4461.P01V, has been submitted in order to overcome previous concerns. The development proposes a 1961m² extension to the existing store. The current car parking provision is 404 spaces and the proposal increases the provision to 539. This includes 27 disabled car parking spaces and 19 parent and child spaces and is acceptable for the size of the extension.

The layout effectively creates two car parks; the existing car parking area is likely to be favoured as it is closer to the store entrance. It is accepted that due to site constraints that the best achievable layout is indicated that has good pedestrian links in the car parking area. A further pedestrian link adjacent to the proposed zebra crossing point between car parking areas should be introduced. Manoeuvrability and reversing space for vehicles within the car park is acceptable.

The revised layout also indicates that the access arrangements into the car park from the access road and the access to the petrol filling station are unchanged as recommended previously.

Cycle parking within the development is indicated. It should be noted that cycle parking for staff should be covered and secure in line with the Travel Plan for the development.

Servicing of Tesco is unchanged from the current arrangements and is carried out from Myton Road to the rear of the store.

The layout plan also indicates a new cycle link extension to the south west of the site boundary, this is welcomed.

The previous layout plan indicated that the recycling facility was to be relocated opposite the access to the petrol filling station, this is unacceptable. The revised plan shows the location is in its existing location, accessed off Myton Road.

The ATMs are located to the front of the building, adjacent to the customer collection point and is acceptable.

The layout plan also indicates a vehicle surface/speed table that will improve pedestrian facilities across Myton Road and act as a traffic calming feature. The improvement to this area is welcomed and details of the proposal should be conditioned should planning approval be granted.

The full Travel Plan should be conditioned should the development be approved in order to promote sustainable travel to the site. This will include targets and a monitoring strategy to be agreed with the Local Authority.

In summary, this development is supported in highway terms subject to appropriate conditions, as an improved layout is indicated and appropriate mitigation is proposed in order to accommodate the additional development traffic.

Landscape & Visual Comments

The revised plan is acceptable with planting now shown at the edges of the parking bays however trees should be placed in these beds to soften the view of the car park.

It is felt that Acer platanoides 'Emerald Queen' would not grow well in this location and would recommend that a stronger tree is used such as Tilia cordata 'Green Spire'. These tree lines should be planted in appropriate width trenches and backfilled with a recommended urban tree soil and not individual pits to allow for optimum growth in the car park.

Northumbrian Water Limited

Thank you for consulting Northumbrian Water on the above proposed development. We have the following comments to make:

Condition

Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason

To ensure the discharge of SW from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

In discharging the condition the Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. Namely:-

- " Soakaway
- " Watercourse and finally
- " Sewer.

If sewer is the only option the developer should contact New Development Team at NWL, Leat House, Pattinson Road, Washington, NE38 8LB to arrange for a Developer Enquiry to ascertain allowable discharge points & rates.

It is important that Northumbrian Water is informed of the local planning authority's decision on this application. Please send a copy of the decision notice.

Northern Gas Networks

No objections

Spatial Plans Manager (provided by Nathaniel Lichfield and Partners and in summary)

This note has provides a review of the additional information provided by GVA Grimley in relation to the current application by Tesco for an extension to their existing food store at Ingleby Barwick. While we disagree with a number of arguments made by GVA (e.g. in relation to an appropriate Design Year, turnover and potential trade diversion impact upon Thornaby) we agree with their overall conclusion that the proposed development should not have a material adverse impact upon Thornaby District Centre. This view takes into account a number of factors, including:

- ❑ the low levels of trade diversion forecast upon Thornaby and other existing defined centres, even on the basis of the worst-case scenario assumed for our own additional assessment;
- ❑ the recent investment experienced in the Thornaby District Centre, in the form of the new development; and
- ❑ the fact that all but two of the units currently vacant in Thornaby District Centre are either under offer or subject to discussions with potential tenants.

We remain of the view that the proposals would significantly increase the attraction of the store, and that the extended store would be large, given the defined role of Ingleby Barwick as a Local Centre. Notwithstanding this, however, it is not considered that the scale of the proposals, in itself, gives grounds for refusal of the application. This reflects the absence of any significant harm which is likely to result from the development.

It is therefore considered that there are no substantive grounds for the refusal of the application in terms of policy contained within PPS6: Planning for Town Centres. On the basis of the above, we therefore conclude that there are no substantive grounds, in PPS6 policy terms, to refuse the subject planning application.

Regeneration and Economic Development

Regeneration & 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 (PPS6 and policy S1 and S3 of the alteration No 1 to the adopted Stockton on Tees local plan)

Failure to adhere to approved and established planning policies could set dangerous precedents in dealing with other planning applications in similar locations in the future
Planning policy should be the primary material consideration and should only be over turned in exceptional circumstances.

Whilst need for the proposal does not have to be demonstrated due to the application site falling largely within the Ingleby Barwick local centre, it is considered that the scale of the proposed development is entirely inappropriate to a local centre. The proposed 2494 sq.m gross floor space represents a 46% increase on the existing store size of 5425 sq.m gross and as such would alter the role of the Ingleby Barwick centre to the extent that it will no longer function as a local shopping destination.

In particular, it will expand the role of the Tesco store as a comparison goods destination, and therefore be inconsistent with its current local plan designation. This is as a local centre, meeting the day to day needs of a catchment area focused upon the immediate surrounding residential areas, and complementing the higher order facilities provided within Thornaby

Thornaby district centre lies just 1.5 miles to the north east of Ingleby Barwick. Along with Stockton Town Centre, it is also easy accessible from Ingleby Barwick, by a number of buses services. It has recently been subject to a £30m redevelopment scheme, which is intended to enhance the retail offer and shopping environment provided there. There remain 6 new units which have yet to be occupied and these could be used for the sale of goods similar to those which would be sold

from the proposed extension at Ingleby Barwick. The extension could impact upon the ability to attract new tenants to these units. This is particularly relevant given the significant additional comparison goods floor space which would be provided in the store, and which is likely to be used for the sale of items such as clothing and footwear, household goods, books and cds' and other goods which might otherwise be sold from the vacant shops in the Thornaby district centre.

Indeed, the developers, Thornfield Properties have concerns regarding both the ability to let these units and also the viability of those operators already located there. It is also understood that Thornfield remain concerned that any decision to approve the proposed extension could jeopardise potentially new investments by Asda in its Thornaby store.

In terms of impact, it is considered this proposal would adversely effect newly established trading in Thornaby district centre as potentially future investments in the centre. It could also impact upon the prospects of securing future investment in Stockton Town centre, the main retail centre in the Borough. This forms a corner stone to the recent cabinet approved strategy (may 2009) for regenerating Stockton Town Centre, with the identification of sites for Anchor stores of both food and non food variety. Further retail expansion at Ingleby Barwick will serve to dilute the potential expenditure in the Borough, making Stockton Town Centre investment less attractive to retail operators and thus loosing the benefits of a major store in terms of increased footfall, trade claw back and linked trips.

In overall terms, it is considered that the proposed extension could have a potentially harmful impact upon the development plans strategy and the successful redevelopment and regeneration of Thornaby District Centre and Stockton Town Centre. In particular, it is considered that the proposal would be contrary to the draft core strategy, which seeks to ensure that development within local centres does not adversely impact upon the regeneration of town and district centres. For reason of inappropriate scale and harmful impact on other centres REFUSAL of this application is recommend by the Head of Regeneration & Economic Development

CE Electric UK

No objections but refer the developer to the Health and Safety Executives publications on working with and in and around electricity.

PUBLICITY

7. A total of 29 objections have been received (including 2 pro forma letters from 17 and 60 residents);

Objections

- No need for extension
- Harm to existing businesses
- Concerns over increase in range of products (DIY & Pharmacy)
- Greatly reduce the visibility of neighbouring businesses
- Inconvenience/hazards of table topping of Myton road as road is busy
- Loss of green space
- Increase in traffic
- Worsen existing anti-social behaviour problems
- Dispute validity of pre-consultation exercise
- Change status of store, attracting people from outside the area
- Elevation of Ingleby with retail hierarchy
- Out of scale with Ingleby centre
- Insufficient capacity in convenience goods to support the floors-pace proposed
- Intension of extension appears to be to compete with comparison goods shopping in Thornaby
- Threaten the redevelopment of Thornaby Town Centre.

- ❑ Any jobs created will merely have replaced those already lost as a result of proposed expansion
- ❑ Have sufficient large stores in the area
- ❑ Increase in noise and disturbance from deliveries
- ❑ Increase in litter
- ❑ Impact on character
- ❑ Tesco already has coverage with the 'one stop shops'

One petition has also been withdrawn following the acceptance of a planning condition to be imposed on the store, restricting the possibility of a pharmacy being opened in the store.

Support

10 letters of support have been received raising the following points in favour of development;

- ❑ Need a store selling more items
- ❑ Consider a clause could be imposed to protect local businesses
- ❑ Duplicated letter do not give true reflection of local opinion
- ❑ Current store is too small and cannot cope with number of residents

PLANNING POLICY

8. 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 is the Stockton on Tees Local Plan (STLP), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RRS).
9. 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 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.

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;
- C) The Local Centres:
- D) The Neighbourhood Centres;

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

Policy S2

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

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

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.

Other material planning considerations;

Planning Policy Statement 1 (PPS1); Delivering Sustainable Development

Planning Policy Statement 4 (PPS 4); Planning for Sustainable Economic Growth

Planning Policy Guidance 13 (PPG13): Transport,

SITE AND SURROUNDINGS

10. The application site is the exiting Tesco's Store within the settlement of Ingleby Barwick. The site is bounded by Ingleby Way to the north, Barwick Way to the south and Myton Road to the

west. The proposed development largely lies within the defined local centre of Ingleby Barwick, whilst the proposed car parking to the east lies outside the defined local centre boundary.

11. Within the immediate area are a range of land uses, these include; the Myton House Farm Public House and area of open space (to the east); the existing car park and petrol station (to the north); Ingleby local centre (to the west); and the recently completed Romano park and cycleway (to the south).
12. Various areas of landscaping are also present within the immediate locality particularly adjacent to the main roads of Ingleby Way and Barwick Way and the surrounding cycleways and footways. Access into the site via Ingleby Way and Myton Way

MATERIAL PLANNING CONSIDERATIONS

13. The main planning considerations of this application are compliance with planning policy, the impact on the vitality and viability of existing centre, the impact on the character of the area, the amenity of the neighbouring occupiers and access and highway safety.

Principle of development;

14. Since the submission of this application Planning Policy Statement 6 (PPS6) has been superseded (January 2010) by Planning Policy Statement 4; Planning for Sustainable Economic Growth (PPS 4). Like PPS6 it encourages Local Authorities to promote the vitality and viability of centres and to set out a hierarchy of centres in which to encourage growth.
15. Planning Policy Guidance 13: Transport, is also considered to be relevant as it aims to promote sustainable transport choices, accessibility to a range of activities such as jobs, shopping, leisure facilities and services as well as reducing the need to travel, particularly via the motor car. PPG 13 therefore encourages new development to be in locations where a realistic choice of non-car modes (public transport, walking and cycling) can be provided.
16. The Regional Spatial Strategy (RSS) for the North East (June 2005) 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.
17. 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 enhance the vitality and viability of these centres, new developments should however, be of an appropriate scale, nature and character. Following on from this Policy S2 relates only to major retail developments that are located outside the primary shopping area of Stockton Town Centre and beyond the boundaries of the district and local centres.
18. Having regard to the above policies it can be seen that the principle of new retail development within the defined Ingleby Barwick Local Centre as outlined in policy S1 is acceptable. This is however, dependant on new development being of an appropriate scale, function and nature to that of the retail hierarchy that it falls within, having no adverse impacts on the vitality and viability on other retail centres and being accessible by a variety of transport modes other than the car.
19. Ingleby Barwick is designated as a Local Centre in both Alteration No. 1 to the Local Plan and the emerging Core Strategy, and there is no support within either of these documents for any significant expansion of the role, function or scale of the centre. Clearly the proposed extension

would significantly increase the net retail floorspace of both the existing Tesco store and that of Ingleby Barwick Local Centre as a whole. It is considered that this large increase would have the potential to significantly enhance the attraction of the store particularly in comparison goods shopping across the wider area, including Thornaby and Yarm, within whose catchment the settlement of Ingleby Barwick falls. Furthermore, the proposals would take the floorspace found within the centre to a level significantly greater than that normally found within a Local Centre.

20. Notwithstanding this, however, it is not considered that the scale of the proposal, in itself gives significant grounds for refusal of the application. The principle of the scale of the extension is therefore considered to be acceptable subject to an assessment of harm on the neighbouring local and district centres

Impact on the Vitality and Viability of defined centres

21. As detailed above, the scale of the proposed extension is such that it could, if approved and implemented, cause a significantly increase the attraction of Ingleby Barwick Local Centre and effectively elevate its status in the retail hierarchy. The role of a local centre is to meet the day-to-day needs of a catchment area focused upon the immediate surrounding residential areas, complementing (rather than competing with) the higher order facilities provided within Thornaby and Yarm.
22. The applicant's agent (GVA) state that the existing Tesco store is currently trading at a level around 16% above Tesco's company average It is also indicated that such overtrading impacts upon the operation of the store itself, in terms of congested aisles and checkouts, as well as a busy car parking area. In response to concerns from the LPA, GVA have undertaken an additional assessment of the trade diversion impact likely to result from the additional comparison goods floorspace proposed. This includes an allowance for a more significant proportion of trade diversion from Thornaby and is based on the level of turnover of existing facilities as set out in the 2008 Stockton and Middlesbrough Joint Retail Study 2008. It looks at scenarios both before and after implementation.
23. The trade diversion impacts forecast upon centres and other retail destinations in both of these assessments are all below 1% (with the exception of Ingleby Barwick, reflecting the increase in turnover resulting from the Tesco extension). The level of impact forecast upon Thornaby is 0.8% of its existing turnover under the first scenario, and 0.5% for the second, reflecting the higher level of turnover achieved by the centre following the recent implementation of the redevelopment scheme. Notwithstanding the assessment, concerns remain regarding the level and order of impacts forecast, particularly given these impacts still appear to be weighted towards out of centre destinations, including those at Portrack Lane and Teesside Park, where only a relatively limited proportion of the floorspace would compete directly with that proposed by Tesco.
24. A sensitivity analysis of the GVA assessment (which examines the likely trade diversions, on the basis of a more cautious approach, see the table appended to this report) has been carried out to address this issue. This sensitivity analysis also uses a higher turnover figure based on the assumption that extensions normally achieve a level of turnover equivalent to around half that being achieved by the existing store. On the basis that the existing store is understood to be trading at a level around 16% above the Tesco company average, it is forecast that the extension could generate additional comparison goods turnover in the order of £7m. The table illustrates that even in the worst case scenario, the comparison goods turnover generated by the proposed Tesco extension would be limited to an impact just 3.3%. All other forecast impacts indicated levels would be below 2% and it is not considered that they represent cause for concern in relation to the overall vitality and viability of Thornaby, or any other existing centre.

25. In relation to Thornaby District Centre in particular, GVA also argue that; there has been consistently high levels of interest in the vacant units within the centre; that there has been rapid letting of units to national multiple retailers since it opened in April 2009; that five of the seven available units in Thornaby centre are currently under offer or subject to detailed discussions with likely tenants; that there has been the creation of additional floorspace; that the centre is trading well and attracting retailer interest, with letting activity very high; and the total amount of vacant floorspace (1,611 sq.m) equates to 6.5% of the total within the centre (24,870 sq.m), which is lower than the national average (9.1%).
26. On the basis of discussions with the letting agents for the new development in Thornaby (Sanderson Weatherall), the information provided by GVA in relation to vacant units in the centre appears correct. It is understood that there are just two units within the centre as a whole which are not either under offer or subject to discussions with prospective tenants, However, it is important that the development (of Thornaby Town Centre) is allowed to reach a normal level of trading, and the potential impact of the proposed new developments elsewhere should be carefully considered. In assessing the proposed Tesco extension consideration is given to the context of the above, and particularly the likelihood of the majority of the remaining vacant units being occupied within the foreseeable future.
27. Whilst there remains some disagreements of the assessment carried out by GVA Grimley (GVA) in certain aspects (e.g. in relation to an appropriate Design Year, turnover and potential trade diversion impact upon Thornaby). In considering a number of factors (the low levels of trade diversion forecasts upon Thornaby and other existing defined centres, the recent investment experienced in the Thornaby District Centre and the fact that all but two of the units currently vacant in Thornaby District Centre are either under offer or subject to discussions with potential tenants) it is considered that the development will not have a significant material impact on Thornaby District Centre or the other defined retail centres.
28. The objections and concerns raised over the impacts of the proposed extension on businesses within Ingleby Local Centre are also noted. Tesco's have acknowledged the potential for their store to have impacts on these businesses given their specialist nature. Accordingly planning conditions (nos. 14 and 15) have been suggested. These conditions would apply to the whole store and are considered to be acceptable.
29. Whilst the view remains that the proposals would significantly increase the attraction of the store and that the extended store would be large, given the defined role of Ingleby Barwick as a Local Centre. In the absence of any material harm resulting from the proposed extension to the store, it is not considered that the scale of the proposals in itself, gives significant grounds for refusal of the application. It is therefore judged that there are no substantive grounds for the refusal of the application in terms of policy contained within PPS 4 or the Local Plan Alteration policies.

Character of the area;

30. Whilst the proposed extension is of a large nature, increasing the frontage of the building by approximately one third, it is considered that in terms of the overall visual appearance of the proposed extension it is in keeping with the general style and appearance of the existing unit and in this respect accords with saved policy GP1 of the Local Plan.
31. Various discussions/correspondence has taken place with the applicants with regards to the landscaping details, resulting in various changes being made to help improve the visual appearance of the development, particularly in relation to the new car park. The Councils Landscape Officers have considered the revised information submitted and consider the revised plan acceptable. Details of the final planting scheme in terms of species mix, densities, planting methods and maintenance are required and can be controlled through planning conditions.

32. Further details with regards to hard surfacing, means of enclosure, street furniture, lighting and site levels can be addressed via planning conditions.
33. In view of the above the proposed development is considered to be visually acceptable and the proposed development is considered to be in accordance with Local Plan policy GP1 and guidance set out in PPS1, in that the development will be in keeping with the overall character of the area.

Amenity;

34. Given there is an existing retail use for the site and the Ingleby Barwick Local Centre is situated an acceptable distance away from the neighbouring residential properties, that the proposed development would not significantly worsen the existing situation in terms of the impact on residential amenity to justify a reason for refusal.
35. Although the proposed new car parking area would mean that vehicular traffic would be located nearer to residential properties, the visual impacts would be screened by the existing landscaping along Barwick Way. Any noise implications arising from the car park extension are also considered to be limited given the busy nature of Barwick Way that separates the proposed car park from the surrounding residential properties.

Access and Highway Safety;

36. The Acting Head of Technical Services and the Highways Agency have considered the information supplied as part of the application and against relevant guidelines and policies. A Transport Assessment has been submitted in support of the development. Robust Assessments of this have been undertaken with reference to traffic flows. These show that the junction of Blair Avenue, Ingleby Way, Myton way and Myton Road (a four arm roundabout) has major movements coming from the northern arm, the eastern arm into the supermarket (south eastern arm). In order to accommodate the additional traffic, the Highway Authority has developed a scheme that proposes mitigation including some widening of this roundabout and along Ingleby Way/Myton Way. The cost of such works should be secured through a section 106 agreement as detailed in the Heads of Terms.
37. In terms of the internal arrangements of the site, a revised layout plan has been submitted to address previous concerns. The current car parking provision is 404 spaces and the proposal increases the car parking provision to a total of 539 spaces. This includes 27 disabled car parking spaces and 19 parent and child spaces and is considered acceptable for the size of the extension proposed. Whilst the layout effectively creates two car parks and it is likely the existing car parking area is to be favoured, it is considered to be the best achievable layout given the constraints of the site. A further pedestrian link adjacent to the proposed zebra crossing point between car parking areas should be introduced and this can be secured through the use of a planning condition. Cycle parking within the development is indicated although cycle parking for staff should be covered and secure, again details of which can be addressed via a planning condition.
38. In terms of the location of the recycling facility, this has been reconsidered by the applicant. The revised plans show that its location is to remain as existing with an access from Myton Road. The layout plan also indicates a vehicle surface/speed table to act as a traffic calming measure and to improve pedestrian facilities across Myton Road to create better connectivity to the reminder to the Local Centre. Further details are required and should be conditioned as part of any planning approval. Details with regard to a full Travel Plan which includes targets and a monitoring strategy should also be conditioned to promote sustainable travel to the site.

39. On the basis of the of the above and subject to the required highway mitigation measures being incorporated with any planning approval, The Acting Head of Technical Services offers no objection to the proposed development.

Residual Issues;

40. Concerns regarding the validity of the pre-consultation exercise are noted, but this is a matter that Tesco would use to inform their planning application and the various comments are detailed within the submitted Statement of Community Involvement.

41. Concerns regarding increases in litter and noise and disturbance from deliveries, are duly noted. As the proposal is seeking an extension to the existing store and there is no evidence to suggest that there will be a significant increase in the number of vehicles serving the store, it is not considered the proposal will worsen the existing situation. In terms of litter this would be the responsibility of Tesco and should be assessed during the ongoing management of the store.

42. Concerns regarding the duplicated (pro forma) letters are noted. However, as detailed earlier in this report these are recorded as petitions and only class as 1 letter of objection per petition.

CONCLUSION

43. In conclusion, whilst the view remains that the proposed extension is not of an appropriate scale to that of Ingleby Barwick Local Centre and that it may increase the attraction of this local centre, the impacts of the proposed extension on neighbouring retail centres are considered to be extremely limited. In the absence of being able to demonstrate any significant harm resulting from the proposed extension to the store, it is not considered that the scale of the proposals in itself, gives sufficient grounds for refusal of the application.

44. The design and layout of the proposed extensions and car park area are considered to be acceptable and will not result in significant visual harm to Ingleby Barwick Centre. Whilst the extension may increase the number of persons visiting the store it is an existing retail use and the proposed development is not considered to significantly worsen the existing situation in terms of the impacts on existing levels of residential amenity.

45. A Transport Assessment has been submitted and considered. Clearly the store expansion has the potential to increase the attraction and no. of persons visiting the store, a highway mitigation strategy has therefore been agreed which will result in various highway improvement being carried out. It is the view of the Acting Head of technical Services that these mitigation measures are sufficient to address any impacts on the highway network.

46. On the basis of the above considerations, the proposed development is considered to be acceptable and in accordance with the relevant planning policies, subject to the entering into and completion of, a section 106 agreement and the conditions set out earlier in this report.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550

Financial Implications

As report.

Environmental Implications

As Report

Community Safety Implications

N/A

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

Stockton-on-Tees Local Plan

Regional Spatial Strategy for the North East

Planning Policy Statement 1; Delivering Sustainable Development

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Planning Policy Guidance 13: Transport,

Planning Applications 05/3457/FUL & 06/3299/REV

WARD AND WARD COUNCILLORS

Ward Ingleby Barwick West

Ward Councillor Councillors K Dixon, R Patterson & J Kirby