

DELEGATED

**AGENDA NO 3
PLANNING COMMITTEE**

UPDATE REPORT

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

An amended red line boundary plan has also been submitted to regulate and reflect changes made to the site layout, For clarity Members should be aware that although changes have been made to the site plan originally submitted, the position of the recycling facilities and the internal road layout have returned to their original position/layout i.e they are to remain as existing.

In addition a plan showing the highways improvements has also being provided for members by the Technical Services department. Both plans are attached to this update report.

Clarification has been asked for over the size of the store in relation to the Durham Road, Tesco Extra store, and over opening hours. The store size of the Durham Road Tesco Extra is approximately 15,200 sqm (approximately 161,500 ft²) of net floorspace (source – VOC – valuations). For comparison the Ingleby store once extended would have a net sales area of 4270 sqm (Approximately 45,960 ft²). It can also be confirmed that the Ingleby Barwick Stores operates on a 24 hr basis with the exception of Monday when it is open from 8am-midnight and Sunday 10am -4pm.

In relation to Ingleby Barwick Town Councils comments on the in-store Police Office, Tesco wish to clarify that the provision of a room within the store 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.

An additional letter from a neighbouring business has also been received, this is detailed in the report below and raises no new issues which have not already been addressed in the previous planning report.

The recommendation for approval remains as detailed in the original report to planning committee members and subject to the additional and amended planning conditions below.

RECOMMENDATION

Planning application 09/1899/FUL be Approved subject to conditions 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
4461/P01V	22 February 2010
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.

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 and highway/pedestrian safety.

14. Retail restriction - Pharmacy

No part of the store shall 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,

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

15. Retail restriction - DIY goods

No part of the store shall exceed 70 sqm for the sale and display of DIY and decorators' supplies. 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.

Additional condition – Constructioun Management plan

Prior to commencement of development, a construction management plan shall be submitted to and agreed in writing with the Local Planning Authority. Such a scheme shall detail means of access, enclosures, storage of materials and car parking arrangements for construction personnel. The construction management plan shall be implemented in accordance with these agreed details during construction of the store extension.

In the interest of pedestrian and highway safety.

Additional condition – Car parking provision

Prior to the first occupation of the proposed store extension, all associated car parking shall be constructed and marked out in accordance with plan 4461/P01V and made available for use by patrons of the store, unless otherwise agreed in writing with the Local Planning Authority.

Reason; In the interest of pedestrian and highway safety.

PUBLICITY

A further letter has been received from Alan Watson the owner of Fix-it DIY and Hardware in relation to the agreed planning conditions that aim to protect the vitality and viability of local shops.

It is commented that should the planning permission not be accepted because of the objections, Tesco may reapply and not give local shops any consideration and they feel obliged to accept the proposal of no more than 70 sqm for the sale of DIY and Decorators supplies. It is noted that Tesco have sent out letters to the public stating the extension would not affect his business, however, it is considered that any extension to the current sales area of DIY and painting supplies would affect the business.

It is confirmed that there is no objection to the development at this stage provided that the condition is imposed to strictly limit the floorspace, though in an ideal world it would have been preferred not to see any increase in floorspace for the products they sell.

MATERIAL PLANNING CONSIDERATIONS

Conditions 14 and 15 have been amended in order to strengthen the purpose of these conditions. These conditions are to apply to the store as a whole and will ensure that should Tesco require any variation to these conditions, that a section 73 application to vary/remove planning conditions will be required to be submitted to the Local Planning Authority for consideration.

Additional conditions have also been requested by the Technical Services department to protect pedestrian and highway safety in relation to providing the additional car parking provision and a construction management plan.

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

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this 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

As original committee report

WARD AND WARD COUNCILLORS

Ward	Ingleby Barwick West
Ward Councillor	Councillors K Dixon, R Patterson & J Kirby