

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**17 November 2010**

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

**10/2144/FUL**

**Finchale Avenue, Billingham,**

**New food store with associated servicing, car parking and landscaping**

**Expiry Date 17 November 2010**

### **SUMMARY**

The application site lies on the corner of The Causeway (south) and Finchale Avenue (east) upon the former college site with John Whitehead Park to the east. Billingham Town Centre lies on the opposite side of The Causeway and is directly opposite the edge of the defined retail centre.

Planning Permission is sought for the erection of a food store for the discount supermarket operator ALDI. The store will provide an internal sales area of 990m<sup>2</sup> and a gross floor area of circa 1500m<sup>2</sup>. Ancillary warehousing, loading bay, offices and staff rooms are also included within the proposed development. The proposed opening hours of the development are between 8am and 8pm.

It is not considered that the applicants have satisfactorily addressed the sequential approach to site selection nor demonstrated that the proposed development would not impact upon the ability to attract the future investment and the new occupiers required in order to facilitate the regeneration of Billingham District Centre. Concerns also remain over the impact the proposed development may have on the general level of amenity of neighbouring residents.

Consequently the proposed development is considered to be contrary to planning policy contained within PPS4 and also of the core strategy and Local Plan Alteration,

### **RECOMMENDATION**

**Planning application 10/2144/FUL be Refused for the following reasons**

- 01 In the opinion of the Local Planning Authority the applicant has failed to satisfactorily demonstrate that no other sequentially preferable sites exist within Billingham Town Centre. The proposed development is therefore considered to be contrary to policy CS5 of the Core Strategy and guidance contained with Planning Policy Statement 4.**
- 02 In the opinion of the Local Planning Authority, the proposed development would have an unacceptable impact future investment and the long term vitality and viability within Billingham District Centre and is therefore contrary to policies CS5 of the Core Strategy,**

**S2 of the Local Plan Alteration and guidance contained with Planning Policy Statement 4.**

**03 In the opinion of the Local Planning Authority the proposed development would adversely affect the amenities of the occupiers of the surrounding residential properties by virtue of noise and disturbance from the delivery activity and plant room at times beyond what could normally be expected harming the peaceful enjoyment of their homes, contrary to PPS1.**

**BACKGROUND**

1. In 1996 planning permission was sought by Morrison's for the erection of a supermarket, a non food retail outlet, garden centre, training centre, public house and petrol station on the site (ref 96/1731/P). The application was refused due to the impact the proposal would have on the vitality and viability of Billingham Town Centre, the impact on the amenities of the occupiers of the surrounding residential properties and the adverse impacts the proposal would have on highway safety. An appeal was subsequently lodged and dismissed.
2. In 2006 an outline application for residential development including new vehicular access onto Finchale Avenue (ref 06/1983/OUT) was approved subject to a section 106 agreement. This was followed by two reserved matters applications comprising 176 dwelling houses, the first being withdraw and the second receiving approval (ref 06/3524/REM & 07/0858/REM). Two further applications to make changes to the previously approved housing layout have also been received (applications 10/0074/VARY & 10/1757/FUL).

**PROPOSAL**

3. Planning Permission is sought for the erection of a food store for the discount supermarket operator ALDI. The store will measure a maximum of approximately 59m (l) x 26m (w) and reach a maximum height of 5.5 metres with the internal sales area of the proposal measuring 990m<sup>2</sup>. Ancillary warehousing, loading bay, offices and staff rooms are also included within the proposed development. The proposed opening hours of the development are between 8am and 8pm. The external walls of the building will be constructed of white render with parapet walls and glazing and a total of 72no car parking spaces are provided within the site.
4. Recently revised plans have been received to amend the layout of the proposal, which increases the amount of landscaping along both Finchale Avenue and The Causeway. Further information has also been received by the applicant in relation to a number of issues raised by the Local Planning Authority. These include statements which claim all outstanding design issues have been addressed, as well as further information to clarify why the proposed application on the site adjacent to Argos does not meet the applicant's requirement in terms of car parking arrangements.

**CONSULTATIONS**

5. The following consultees were notified and any comments received are set out below:-

**Billingham Town Council**

Members discussed this application in great detail and have asked me to confirm that the majority vote is to OPPOSE this application for the following reasons:

- Members felt that the application to place a supermarket at the college gardens site would adversely affect the vitality and viability of the Town Centre and its redevelopment.
- Consideration is to be given to impact this would have on the residents who have just purchased homes on this site.

- Traffic implications on Finchale Avenue. The increase in traffic on Finchale would add to the continuing problems of double parking and traffic congestion.
- Lack of area to landscape around the proposed building.
- Allowing such new development would contravene the local plan and the Core Strategy Development Plan (2010).

**Local Ward Councillor - Ann McCoy**

While I understand there is some support for ALDI development from residents my concerns are the detrimental effect it could have on the Town Centre re development. It would be a disaster if anything interfered with the progress made so far and leave Billingham worse off in the long run

**Local Ward Councillor Mrs M B Womphrey**

No comments received

**Local Ward Councillor M E Womphrey**

No comments received

**Head of Technical Services**

General Summary

This development is unacceptable in landscape terms and further information is required in order to demonstrate it is acceptable in highway terms as detailed below.

Highways Comments

This application is for a proposed food store on land that has extant permission for residential dwellings. The Causeway and Finchale Avenue have grass verges between the footway and carriageway. The Visibility splay from the proposed access is clear and therefore acceptable. The developer has demonstrated that an articulated vehicle can turn within the site, however, there are significant concerns regarding pedestrian movements from the seven parking spaces on the northern boundary that would directly conflict with reversing manoeuvres of articulated vehicles and these should be removed on safety grounds. The development currently indicates 75 parking spaces, it is recommended that 7 of these are removed as previously mentioned and also a further 4 spaces are likely to be lost in order to accommodate an increased landscape buffer. It is therefore acceptable that a minimum of 64 car parking spaces are provided in order to accommodate this development.

The pedestrian crossing point on Finchale Avenue is a splitter island on approach to The Causeway roundabout. Dropped kerbs and tactile paving are provided. The pedestrian route leads to the puffin at the pedestrian access to Billingham Centre. The crossing point on The Causeway is a paved route across the verges and central reservation. There are no dropped kerbs or tactile paving. The continuation of the route to Billingham town centre is poor in terms of footpath width and clear crossing points on Rothbury Street.

Total traffic generation from the site is expected to be 46 arrivals, 47 departures during the evening peak hour and 49 arrivals, 47 departures during the peak Saturday hour. This is split into 60% Primary Transfer (from existing food stores), 30% diverted trips and 10% Pass-by trips. Existing traffic surveys show that there are 921 vehicles in the morning peak and 1145 vehicles in the evening peak in the area.

The Transport Assessment strongly suggests that there will be linked trips with the town centre. Therefore, there must be good pedestrian facilities linking the two sites. There is an existing pedestrian route along The Causeway to the Town Square. The pedestrian access to the site is on The Causeway adjacent to a pedestrian crossing point leading towards West Precinct. Currently, this is a poor pedestrian route with no dropped crossing or tactile paving on The

Causeway, a narrow pedestrian route and unclear indications of the best route into West precinct. Dropped crossings towards the Town Centre will therefore be required and the developer will need to enter into a S.278 agreement for their implementation.

There have been no accidents causing personal injury recorded in the vicinity of the food store in the last 3 years. It is not expected that this development will adversely affect highway safety.

The proposed pedestrian route within the site is acceptable. The proposed cycle parking is within close proximity of the store entrance, a provision for 12 cycles is required. Car parking including the provision of disabled parking is within the maximum range in accordance with the Councils Supplementary Planning Document 3: Parking Provision in New Developments, however amendments are recommended to the layout in order for it to be acceptable in landscape terms. In order for the development to be acceptable in highway terms any changes need to demonstrate the servicing arrangements can be accommodated.

In highway terms there is no objection to the proposals subject to suitable pedestrian improvements being agreed and any layout changes being satisfactory in highway terms.

Further comments received (4/11/10):

In reference to previous comments dated 14/10/10 which still stand it was stated that the proposed development could reduce its car parking numbers from 75 down to 64 in order to accommodate the development and remove the outstanding concerns in relation to highway safety. The revised plan fails to address these recommended changes and therefore urban design are unable to support this application as there are still concerns regarding pedestrian movements from the seven parking spaces on the northern boundary that would directly conflict with reversing manoeuvres of articulated vehicles.

Landscape & Visual and Built Environment Comments

Regarding this application we make the following comments:

The current layout is not acceptable as the frontage landscaping on the southern edge along the Causeway Road is insufficient for the current street scene allowing for only a 2metre wide planting area. Adjacent areas along this important road corridor, in front of the existing buildings and car parks allow for at least 4 metres of soft landscaping with large areas of parkland landscaping such as John Whitehead Park located to the east.

It is therefore recommended that the reduction in parking numbers as detailed above will allow for a minimum 4 metres landscape treatment along the boundary of the car park. This landscape treatment should consist of large specimen tree planting (minimum 20cm girth) and bulbs within a grassed area to suite existing landscape areas along The Causeway. This proposed landscape area could be adopted by the council as part of highway verge or title transferred as open space provided suitable commuted sums were forthcoming.

The boundary treatment to the frontages of The Causeway and Finchale Avenue should be of a high quality such as a well designed feature brick wall/pier detailing and railing detail.

Suitable screen landscaping should be provided in the gardens of the houses facing the northern boundary of this development as the plan shows an area of planting fully enclosed by fencing which would create a litter trap area which could prove unsightly. However should planting be provided within the sites boundary then it is recommended that the acoustic barrier is provided along the actual boundary line with planting being open to the front to allow better maintenance.

Any proposed landscape treatment to the northern boundary should be continued into the area currently identified for car parking which are to be removed in accordance with Highway recommendations above.

On the western site boundary screen planting must be provided to allow for any redesign of the housing scheme see application 10/1757/ful allowing for a minimum of 4 metres width softening views of the building. The removal of the 3 parking bays along this western edge will facilitate an increased landscaping strip to provide an improved buffer between the proposed parking area and the adjacent housing scheme.

With regards to the elevational treatment and its potential impact on the street scene it is recommended that an increased glazed frontage is investigated along the south elevation due to its prominent location on an important road corridor.

In landscape, visual and built environment terms there is no objection to proposals subject to the landscape revisions being made and any layout changes being agreed.

Given the constraints of the site it would best if this development were located within the town centre among other commercial uses.

Further comments received (4/11/10):

It is noted that the frontage landscaping throughout the site has been increased to a minimum of 4 metres and that an improved boundary treatment is proposed.

There are however still concerns in relation to the maintenance of the enclosed planting to the north of the plant area. As detailed in previous comments, this area of planting could create a litter trap area which could prove unsightly. As a minimum a footpath should be provided within this area so that it can be appropriately accessed for maintenance. However it is recommended that the acoustic barrier is provided along the actual boundary line with planting being open to the front to allow better maintenance.

Again any proposed landscape treatment to the northern boundary should be continued into the area currently identified for car parking which should be removed in accordance with Highway recommendations above.

Again the removal of the 3 parking bays along this western edge in accordance with the recommendations to reduce parking will facilitate an increased landscaping strip to provide an improved buffer between the proposed parking area and the adjacent housing scheme. This should remove any concerns in relation to the amenity value of the adjacent properties.

General comments in relation to the elevational treatment still stand

Previous comments in relation to general planting requirements and boundary treatment still stand and can be dealt with via condition.

In landscape, visual and built environment terms there is no objection to proposals subject to the landscape revisions being made and any layout changes being agreed.

Environmental Policy

The sustainability report has been considered and whilst renewable energy is not specifically mentioned, the applicant is recovering 40% of heat demand from the refrigerators in store. This is equivalent to running a heat pump system and is acceptable. Other aspects of energy efficiency are also acceptable.

The draft Travel Plan that has been submitted as part of this application forms a good starting point; the omission of any timescales for the implementation of the Full Travel Plan is not acceptable. An action plan of how it is to be developed once the store is opened detailing timescales and to who has responsibility for each action should be included. The ongoing implementation of the Travel Plan should be a condition should the development be approved.

### Flood Risk Management

In July 2010, Finchale Avenue which is adjacent to the application site experienced surface water flooding in July 2010. The existing surface of the site is grassed open space with a proposed tarmac finish to the car park and block paving and concrete finish to loading area.

As there has been recent surface water flooding on Finchale Avenue, the development should not contribute to an increase in surface water in the area. There is therefore no objection subject to permeable surface materials being used for the footpaths, car park and any other suitable areas. The development must not cause an increase in the surface water drainage requirements of the area.

### **Environmental Health Unit**

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

- Noise disturbance from plant
- Noise disturbance from access and egress to the premises
- Light Intrusion
- Construction Noise
- Unexpected land contamination
- Reporting unexpected land contamination

### **Northern Gas Networks**

According to our records NGN has no gas main in the area of your enquiry. However, our records indicate that gas pipes owned by other Gas Transporters may be present in this area.

### **Nathaniel Litchfield and Partners (on behalf of the Spatial Plans Manager)**

This note has been prepared by Nathaniel Litchfield and Partners (NLP) on behalf of Stockton-on-Tees Borough Council. It provides a review of the current planning application made by Aldi Stores Ltd (Aldi) for a new discount food store, comprising 1,540 sq.m gross/990 sq.m net sales floorspace, on land east of Finchale Avenue, Billingham.

PPS4 was published in December 2009, and applies to all forms of economic development, which includes main town centre uses, such as retail. It seeks to promote the vitality and viability of town centres, by focusing new economic growth and main town centre uses therein, and providing a wide range of services in an attractive environment.

Alteration Number 1 to the Stockton-on-Tees Borough Local Plan was published in 2006 and replaced the shopping chapter in the previously adopted plan (June 1997).

Policy S2 sets out a number of criteria against which proposals for new retail and town centre uses located outside of existing centres should be considered. These criteria reflect policy contained within the old PPS6: Planning for Town Centres (superseded by the new PPS4), and include those relating to need, the sequential approach, impact upon existing centres, scale and accessibility. Policy S13 also allocates a number of sites, including the wider Billingham Centre, for mixed use development.

The Stockton Local Development Framework (LDF) Core Strategy was adopted in March 2010. Policy CS5 defines Stockton as a Town Centre, with Billingham, Thornaby and Yarm as District Centres.

### **Sequential Assessment**

The Planning and PPS4 Statement submitted provides a detailed assessment of four separate sites within Billingham District Centre, in terms of their potential to accommodate the proposed Aldi food store. These sites are all identified as part of a Master Plan, which has been prepared for Billingham District Centre by Stockland, the Council's preferred developer. This statement concludes that there are no sites which are suitable, available and viable for the proposed food store.

There would appear to be scope to accommodate new food retailing on the other three sites, particularly the existing Asda store and the plot adjacent to Argos. Asda have been successfully trading from their existing store, which provides a similar level of retail floorspace (around 1,300 sq.m gross/800 sq.m net) to the proposed new Aldi, and will become available, should they relocate on to the Queensway/Kingsway House site. The store could clearly be refurbished for re occupation by Aldi, making use of existing car parking at Rothbury Street, immediately to the west. In relation to the plot adjacent to Argos, there would also appear to be potential to incorporate land and buildings immediately to the north in any proposed new development. Whilst this land is currently part of the curtilage to The Billingham Arms Hotel, it lies within the ownership of Stockland, and offers potential to help accommodate a new food store, particularly given the existing car parking which lies to the north and north-east.

It is therefore further discussions be held between Aldi and both Stockland and Council Officers, in order to establish whether any of the above sites could realistically accommodate such a store. In doing so, regard should be had to the requirement for flexibility in relation to scale, format, car parking and the scope for disaggregation, as set out in Policy EC15.1 of PPS4. On the basis of the information submitted, however, it is not considered that the applicants have demonstrated compliance with the sequential approach.

### **Impact**

Taking into account the scale and nature of the proposals, and the assessment undertaken in Section 9.0 of the applicant's Statement, it is accepted that the proposals would result in some benefits in terms of sustainability, accessibility to food store provision and employment creation.

Subject to the design and appearance of the proposals being considered acceptable by the Council - and with the exception of any possible effect upon the regeneration of Billingham District Centre (which is considered further below) – it is not considered that the development would be likely to have any significant adverse impact in terms of those considerations set out under Policy EC10.2.

#### *Impact upon Investment in Centres*

It is contended in the applicants' Planning and PPS4 Statement that the proposed development of a large new food store in Billingham District Centre will not be compromised by the provision of a new Aldi store. It is further contended that the new Aldi would complement the redevelopment of the district centre, showing commitment by private investors, and enhancing the overall retail offer.

In the context of the policies contained within both the adopted Core Strategy and Alteration No. 1 to the Local Plan, the emerging proposals for the redevelopment of Billingham District Centre should be afforded significant weight in the determination of the application. Stockland are putting together their plans for the redevelopment of the centre and, even if there are no 'readymade' sites in the current Master Plan, it would likely that such plans could accommodate a new discount food store. The development of a new Aldi store, particularly if

located at the eastern end, could act as a second food store anchor to the centre, and help to increase footfall across the centre as a whole, as well as stimulate commercial interest in other sites/vacant floorspace.

From discussions with Council Officers, we are aware of concerns expressed by Stockland in relation to the current Aldi proposals, and their potential effect upon the wider planned redevelopment in Billingham. In particular, the approval and implementation of a new Aldi could absorb available expenditure capacity, and impact upon the ability of Stockland to attract new operators, including on the four sites identified in the current Master Plan.

#### *Locally Important Impacts*

The applicant's Planning and PPS4 Statement does not specifically address any locally important impacts set out in the development plan. Notwithstanding this, however, Policy S13 of Alteration no. 1 to the Local Plan allocates the wider Billingham Centre for mixed use development, and Core Strategy Policy CS5 also affords priority to the regeneration of the centre. As set out above, any possible effects which the proposals would have upon the demand from operators, and the ability to bring forward those sites identified in the Master Plan, should be taken into account in the determination of the subject application.

#### **Conclusions**

On the basis of the information submitted, it is not considered that the applicants have satisfactorily addressed the sequential approach to site selection. In particular, there would appear to be scope to accommodate new food retailing on the sites identified in the Billingham District Centre Master Plan, particularly the existing Asda store and the plot adjacent to Argos.

The trade diversions which would result from the proposed new Aldi would be relatively low, and the new store would help to enhance consumer choice in Billingham. However, the proposed development could impact upon the ability to attract the future investment and new occupiers required in order to facilitate the regeneration of the centre, as envisaged by the adopted development plan, and including through the development of the sites identified in the Master Plan.

(For full comments please see appendices)

#### **Development and Regeneration**

From a regeneration point of view, we continue to support the delivery of the agreed masterplan for Billingham Town Centre. As such we would encourage, in line with current planning policy, the development of a food store within the town centre boundary as opposed to one in an out of centre location.

The development of a food store on the proposal site could potentially jeopardise the delivery of a food store within Billingham Town Centre, which is an integral part of the overall masterplan for Billingham Town Centre. SBC are committed, in partnership with current owners Stockland, towards an in-centre store which will anchor the retail offer at one end of the town centre and in doing so generate the footfall and linked trips from which other businesses will benefit. Clearly the proposed Aldi location will fail in this respect.

There are sites within the town centre and identified within the agreed masterplan, which, are considered to be sequentially preferable to the out of centre site as proposed. For these reasons, R and ED object to this application.

#### **Alexander Cunningham MP (Stockton North)**

I would like to formerly oppose the application by Aldi to develop a new store outside Billingham town centre on the grounds that it would be detrimental to the development of the



town centre. I met with the company last week and advised them that I would oppose their application on those grounds.

That said I also made a commitment to write to you to encourage both organisations to get together again and look for a pragmatic solution to site Aldi within the town centre. The area originally the site of Forum House along side the Argos Store could be a good site for development particularly as there are good car parking facilities adjacent to it.

I understand that there may be some issues with that particular site but do hope that everyone will work together – Aldi could be a good anchor for that end of the town centre and provide a wider choice for local shoppers.

I look forward to a solution that works for everyone.

### **Billingham Town Centre Residents Association**

Billingham Town Centre residents object to the plans for the following reasons;

1. Site is too close to residential area
2. Will have an impact on traffic along Finchale Avenue
3. The impact that the scheme will have on the masterplan for the town centre and will attract trade away from the centre

Would welcome the addition of an Aldi store within the centre

### **PUBLICITY**

6. Neighbours were notified through neighbour letter, a site notice and press advert and comments received are summarised below:-

A total of 34 letters of support have been received raising the following issues;

- Will kick start regeneration of Town Centre
- Will not compete with existing business
- Will provide more choice/competition
- Help attract other retailers
- Provide much needed parking spaces
- Job creation
- Provide healthy competition
- Will remove an eyesore
- Will reduce travel to other Aldi stores

#### Supporters:

Mrs B Bartle - 52 Roseberry Road Billingham  
Mr and Mrs Smith – 2 Cambrian Road, Billingham  
Stephen Westcough – 5 Horsley Way, Billingham  
Jacqueline Westcough – 5 Horsley Way, Billingham  
Miss B Goddard - 78 Sidlaw Road Billingham  
Yuill Homes - Cecil House Loyalty Road  
Mr A G Lavender - 74 Corfe Crescent Billingham  
John Clarke - 23 Langton Avenue Billingham  
Mrs M Pearson - 26 Cambrian Road Billingham  
M Spark - 73 Dawson House Queensway  
Mrs A Cook - 31 Dunbar Road Billingham  
J Berry - Je.berry@ntlworld.com  
Mrs K Andrew - 28 Grampian Road Billingham  
Mrs J Bell - 6 Cambrian Road Billingham  
R Aithwaite - 75 Corfe Crescent Billingham

Mrs A Leighton - 82 Sidlaw Road Billingham  
Chris McKenna - 14 Hambleton Square Billingham  
I Thompson - 7 Porlock Road Billingham  
Mr C Firth - 9 Richmond Crescent Billingham  
Alison Lamb - 100 Queensway Billingham  
Mrs M Feegan - 4 Lumley Road Billingham  
Mr and Mrs M Hewson - 56 Hambleton Square Billingham  
Mrs Y Cooper - 77 Corfe Crescent Billingham  
Mrs Rushmer - 96 Corfe Crescent Billingham  
Mr D Mineham – 38 Roseberry Road, Billingham  
Mrs O'Brien – 16 Hambleton Square, Billingham  
F Plumber  
L Hadaway – 11 Porlock Road, Billingham  
Mrs J Crawford - 12 Hambleton Square Billingham  
Hazel Lowdon - 1 Wingate Avenue, Billingham  
Graham Lowdon - 1 Wingate Avenue Billingham  
Mr and Mrs Dallison  
Mr and Mrs Angel - 9 Melrose Avenue Billingham  
Mrs V Richardson - 54 Roseberry Road Billingham

A total of 56 objections have also been received, the following objections have been raised;

- Do not need another food store
- Land has a covenant for sport and recreation large area already built on
- Deemed an out-of-centre site and nothing has changed since inspectors decision
- Unlikely that linked trips would occur
- Large amount of trade would be diverted from the town centre (25% impact)
- Vitality and viability of the District Centre would be adversely affected
- Applicant has failed to comply with the sequential approach
- Increase traffic
- Potential Anti social behaviour
- Jeopardise regeneration of Billingham Town Centre
- Problems with width of the road/access for delivery vehicles
- Billingham has fragile retail structure
- Approval of scheme may force small businesses out of the centre
- An Aldi within the centre would bring more trade
- Business should be in the town centre close of shops and not on the outskirts
- Support Stockland's masterplan
- Tesco when opened crippled business, Aldi could further harm town
- May deter other supermarkets coming too the town
- Could cause congestion for local residents
- De-valuation of property
- Unaware of plans and wouldn't have purchased property otherwise

Objectors:

Mrs Pamela Hutchison - 3 Lammermuir Road Billingham  
Thomas Eggar Associates on Behalf of ASDA  
Mr Sean M Martin – 11 Park View, Finchale Avenue  
Ray McCall - Raymond.mccall@yahoo.co.uk  
G A McNeil - 20 Roseberry Flats The Causeway  
Mr and Mrs Richardson  
Mrs J M Martin - 11 Park View Finchale Avenue  
Chris Wotherspoon – 108 Queensway, Billingham  
Jane Dawson – 1 Town Square  
Julie Hankey – 51 Queensway, Billingham

Barnacles – 146-150 Queensway  
 Swinton – 72 Queensway  
 Bon Marche – 64-66 Queensway  
 L Robinson – 154B Queensway  
 Corals - Queensway  
 Ray Patterson – Hays Travel  
 Cheryl Jefferson – Co-op Travel – 68 Queensway Billingham  
 M+Co – Queensway Billingham  
 Jemmitt Lund – 10 Hastingsway, Billingham  
 Kelly Hinckes – 136 Braemar Road  
 Catherine Quinn – 46 Denbigh Road  
 Sally Day – 134 Pentland Avenue  
 Richard Dunn – 35 Weardale Crescent  
 Pat Wakelin – 4 Avon Grove, Billingham  
 Tracey Marcuzzi – 20 Cheviot Crescent  
 Mrs Ann Owens – 33 Grampian Road, Billingham  
 Julie Dotchin & Alison Graham – 112-114 Queensway, Billingham  
 Amy Cashmarl – 7 Grampian Road  
 Danika Stirling – Cotswold Crescent  
 Ian McClelland – 65 Queensway  
 Mrs H Peebles – 8 Springhill Grove, Ingleby Barwick  
 Dr Ian Lane & Dr Paul Averley – Queensway Dental Practice  
 Stacey Cain – 80 Braid Crescent  
 Michael Fairweather – 9 Samphires, Port Clarence  
 Lisa Murray – 178 Cotswold Crescent  
 Mrs J Orr – 34 Hylton Road  
 Mr R H Buckley – 39 West Precinct, Billingham  
 Elsie Blakelock – 86 Pentland Ave, Billingham  
 John Fox – c/o Mr Moo's Butchers'  
 Alan Twist – 73 East Precinct, Queensway  
 Phil Ridley – The Cube, Barrick Road, Newcastle  
 Peters – 49 Queensway  
 Gary Roberts – 120 Queensway  
 Moss & Campbell Ltd – 31-35 West Precinct, Billingham  
 J A Teasdale – 24 North Park, Billingham  
 Sadi Worton – 1 Dawson House  
 Mrs G Williamson – 4 Barkstone Close, Billingham  
 JP & B Burke – 10A Kenilworth Road, Billingham  
 Mr & Mrs Mullen – 15 Buxton Gardens, Billingham  
 Mrs Pauline Johnson – 14 Barkstone Close, Billingham  
 Rita Bashier – 16 Elton Road  
 Mrs Shaw – 30 Barton Crescent, Billingham  
 Wilf Lockheed – 22 Barton Crescent  
 Mr and Mrs Malcolm – 18 Gardenia Way, Billingham  
 Mr Derek Kingston – 12 Barton Crescent

7. Comments have also been received from Stockland the land owners of Billingham Town Centre

**Montagu Evans LLP on behalf of Stockland (In summary)**

Montagu Evans LLP acts as planning consultant to Stockland UK (SUK). We are writing in respect of the recently-submitted planning application by Aldi referred to above. Since 2007 SUK has been the principal private sector stakeholder in Billingham town centre and have worked closely with the Council and town centre businesses to develop a Town Centre Masterplan which was adopted by Stockton on Tees Council in February 2010.

The site lies outside Billingham District Centre whose accepted boundary is on the south side of The Causeway, a dual carriageway which runs in an east-west direction, north of the District Centre. SUK therefore has concerns that the proposed operation, if granted planning permission, will cause significant detriment to Billingham District Centre at a crucial stage in its planned regeneration by SUK. After approval of the town centre masterplan earlier this year SUK have begun negotiations to attract new national retailers to vacant units within the town centre. SUK would therefore consider provision of retail floorspace in an out-of-town location as inconsistent with the objectives of PPS4 (Planning for Sustainable Economic Growth) and the recently adopted Stockton-on-Tees 2010 Core Strategy.

SUK do not consider that the proposal satisfies a number of the impact considerations for proposals for economic development set down at Policy EC10 of PPS4 or more specifically meet the sequential and impact requirements required by Policies EC15 and EC16 of PPS4.

Policy CS5 (Town Centres) of the Stockton-on-Tees Core Strategy is quite clear in stating that priority will be given to regeneration initiatives in Billingham (and Thornaby). The objective is qualified by the suggestion that the regeneration exercise seeks to improve the vitality and viability of Billingham town centre and upgrade the retail offer in consultation with the local community

SUK would wish to focus on one of those four sites dismissed in the sequential assessment as not being suitable, available and viable. This is the plot adjacent to Argos, adjacent to Moreland Avenue and The Causeway. It is identified within the Billingham Town Centre Masterplan as the Phase 3 site. SUK can confirm that the Phase 3, in-centre site, is available for development with no insurmountable legal or ownership problems. Appendix 4 of Aldi's Planning Statement suggest Stockton Borough Council are the owners of the site. This is incorrect, SUK owning that land identified in the appendix plan. It can also be confirmed that SUK are more than willing to bring forward the site and that land around it for development and can point to a recently submitted speculative food store application for a site which includes the identified Phase 3 lands.

Aldi has made clear the scale and form of development and what is required from a site they seek to operate from. It is our contention that the current application for a food store on the Phase 3 site meets all of the self-imposed requirements and operator preferences. The in-centre proposals are the same size as that which is proposed on Finchale Avenue. It has clear visibility from The Causeway, provides over 100 parking spaces and also a straightforward servicing arrangement.

Further validity to the argument that the in-centre, Masterplan Phase 3 site, is completely viable, is the fact that SUK can confirm that they have had met over the last couple of months with a number of discount food store operators including Aldi, to talk specifically about this in-centre development opportunity. SUK has received keen interest from the operators, who in pursuing interest, have clearly indicated that the store can broadly meet operational requirements.

SUK are in preliminary discussions with potential occupiers on the Phase 1 Kwiksave/car repair unit. Significantly SUK have also held negotiations with operators in respect of the Phase 3, East Precinct Unit. A Council decision to approve a significant amount of out-of-centre retail space, less than 12 months after committing, through the Masterplan, to the regeneration of the town centre would completely undermine its own town centre strategy and lead to loss of confidence and demand by existing operators, potential operators and

investors. It is extremely likely that there would be negative repercussions relating to the current contractual negotiations for the proposed town centre retail units

SUK would assert that, in the face of this guidance, the proposals for an out of centre foodstore represent a significant threat to the vitality and viability of Billingham District Centre. Billingham within its masterplan and development strategy is at a critical point in terms of its regeneration. SUK, the Council and existing traders within the District Centre have all closely cooperated, since SUK acquired the District Centre, to reach a position where a robust development strategy is in place to allow quantitative and qualitative improvements. A significant out of centre retail proposal would be seen as fundamentally undermining a recently established development plan strategy, lead to levels of trade diversion from the centre and crucially, potentially lead to loss of interest from prospective operators needed to reinforce the existing offer.

As set out above there are a number of concerns regarding the impact of the Aldi foodstore proposals on Billingham District Centre. In assessing the application against Policies EC10 and EC16 of PPS4 SUK would contend that the proposal would severely impact on existing and proposed private investment in the centre, it would negatively impact on the vitality and viability of the District Centre and any approval of the proposal would wholly undermine a clearly defined town centre strategy developed alongside the local development framework which itself clearly commits to the regeneration of Billingham District Centre. The Strategy which has been developed by SUK and the Council and subject to extensive consultation, has reached a critical stage where prospective operators are currently in negotiation with Stockland. Any indication that the Council is not committed to the development plan or the Masterplan objectives for the District Centre would almost certainly impact on these negotiations with the likelihood that potential town centre investment and commitments would likely to be reviewed. These factors are allied to the most significant weakness of the application which is that the accompanying sequential site assessment fails to meet the demands and requirements of Policy EC15 of PPS4, specifically in terms of providing evidence that key sequentially preferable sites have been thoroughly assessed for availability, suitability and viability.

Therefore in light of current national planning policy guidance referred to we currently wish to object to the proposals made in planning application and trust that you will acknowledge this objection in determining the application on the 17 November.

(For full comments please see appendices)

### **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 Plan is the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP).
9. The following planning policies are considered to be relevant to the consideration of this application:-

#### **Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel**

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:

- i) The Tees Valley Metro;
- ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
- iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
- iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.

5. Improvements to the road network will be required, as follows:

- i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
- ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;
- iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
- iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.

7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.

8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

### **Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change**

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic

properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.

8. Additionally, in designing new development, proposals will:

\_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

\_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

\_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

\_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

### **Core Strategy Policy 5 (CS5) - Town Centres**

1. No further allocations for retail development will be made other than in or on the edge of Stockton Town Centre during the life of the Core Strategy.

2. Stockton will continue in its role as the Borough's main shopping centre. Up to 2011, the need for additional capacity can mostly be met through committed developments and the occupation and reoccupation of vacant floorspace. Beyond 2011, there may be a requirement to bring forward new retail developments within the town centre in the first instance, to improve quality and widen the range of the shopping offer in the Borough. The creation of specialist roles for Stockton, for example as a sub-regional historic market town, or through the concentration of a mix of ethnic retailers or small independent chrysalis stores, will be supported. Other initiatives will include:

- i) Improving the main approaches to the town via the Southern, Eastern and Northern Gateways, through creating new development opportunities and promoting environmental improvements;
- ii) Promoting a balanced and socially inclusive cultural sector and 24-hour economy across the town centre, particularly in the vicinity of Green Dragon Yard;
- iii) Providing additional leisure opportunities, and other town centre uses, in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth;
- iv) Improving pedestrian links to the riverside.

3. Billingham, Thornaby and Yarm will continue to function as district centres. Priority to regeneration initiatives will be given to:

- i) Thornaby centre
- ii) Billingham centre

Proposals which support Yarm's specialist niche role in offering higher quality comparison shopping, together with leisure and recreation opportunities will be supported, provided that the residential mix within the district centre is not compromised.

4. Elsewhere, within the local shopping centres of Billingham Green in Billingham, Myton Way at Ingleby Barwick, Norton High Street and High Newham Court in Stockton, and the neighbourhood centres, development will be promoted and supported provided that it complements and does not adversely impact upon the regeneration of the town and district centres, and where it is in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth.

5. The use of upper floors above shops and commercial premises, particularly for residential purposes, will be encouraged, to support the viability and vitality of the centres.

6. The existing roles played by Teesside Park as an out-of-town location, and Portrack Lane as out-of-centre site, are recognised. Whilst no additional retail or leisure development proposals will be encouraged in these locations or any other out of centre locations, any proposals which emerge will be dealt with as under 7 below.

7. Should any planning application proposals for main town centre uses in edge or out-of-centre locations emerge, such proposals will be determined in accordance with prevailing national policy on town centre uses as set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth or any successor to Planning Policy Statement 4.

### **Policy S2**

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

- i) there is clearly defined need for the proposed development in the catchment area it seeks to serve; and
- ii) it can be clearly demonstrated that there are no other sequentially preferable sites or premises which are available, suitable and viable to accommodate the identified need the proposed development seeks to serve, starting from sites :-
  - 1) within the Primary Shopping Area within Stockton Town Centre or within the boundaries of the various District or Local Centres defined under Policy S1; followed by
  - 2) on the edge of the Primary Shopping Area within Stockton Town Centre or on the edge of the boundaries of the District and Local Centres within the Borough, then
  - 3) in out-of-centre locations which are well served by a choice of means of transport, close to an existing centre, and which have a high likelihood of forming links with the centre; and only then
  - 4) in other out of centre locations;



- iii) the proposal would not have an adverse impact, either individually or cumulatively with other committed developments, upon any proposed strategy for a centre, or the vitality and viability of any centre within the local retail hierarchy set out in Policy S1 or nearby centres adjoining the Borough; and
- iv) the proposal would be appropriate in scale and function to the centre to which it relates
- v) the proposed development would be accessible by a choice of means of transport, including public transport, cycling and walking, and
- vi) the proposed development would assist in reducing the need to travel by car, as well as overall travel demand.

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

### **Policy S13**

Sites for major retail development are allocated at the following locations within the Town Centre and District Centres as listed in Policy S1:-

- i) Billingham Centre, for mixed use development
- ii) Thornaby Centre, for mixed use development
- iii) East of The Square and south of Church Road, Stockton, for mixed use development.

The following site is allocated for small-scale retail development immediately adjoining Thornaby District Centre:-

- iv) Land at Allensway, Thornaby, for mixed use development, providing it cannot be accommodated in the adjoining District Centre and would not undermine its vitality and viability, or put at risk the redevelopment and regeneration strategy for the District Centre, which is needed to safeguard its vitality and viability. Proposals with a dominant food retail content will not be acceptable.

In association with other agencies and authorities, the Council will prepare a series of detailed strategies or action area plans for Stockton Town Centre and the area of the River Tees corridor beyond the defined Town Centre boundary.

Planning Policy Statement 1: Delivering sustainable development

Planning Policy Statement 4: Planning for sustainable economic growth

PPG13: Transport

### **SITE AND SURROUNDINGS**

10. The application site lies on the corner of The Causeway (south) and Finchale Avenue (east) upon the former college site with John Whitehead Park to the east. Billingham Town Centre lies on the opposite side of The Causeway (a dual carriageway) and is directly opposite the edge of the defined retail centre. The site lies approximately 200m from the West Precinct and 250m from the Town Square.
11. Planning consent has previously been granted for a residential development on the site, at present the site is currently vacant. To the north of the sites lie either newly constructed dwellings or those under construction. Once complete the College Gardens site will encompass the application site to both the north and west.

### **MATERIAL PLANNING CONSIDERATIONS**

12. The main planning considerations of this application are compliance with planning policy; and the impacts of the development on; the character of the area; the amenity of neighbouring

occupiers; access and highway safety; and residual issues arising out of consultation responses.

**Principle of Development;**

13. The application site lies within the limits to development and can be classed as previously developed land. However, with the site being outwith Billingham District centre it is subject to a number of national and local planning considerations.
14. PPS1 sets out the governments overarching aims for sustainable development. The main stands of this policy include a focus of high quality design, promoting social inclusion; reducing the dependence on the car and protecting the vitality and viability of town centres.
15. PPS4 applies to all forms of economic development, which includes main town centre uses, such as retail. It seeks to promote the vitality and viability of town centres, by focusing new economic growth and main town centre uses therein, and providing a wide range of services in an attractive environment. PPS4 makes clear that all applications for economic development, including retail, should be assessed against a number of impact considerations that include; reducing climate change; increasing accessibility through a choice of transport modes; encouraging high quality design; creation social inclusion; economic and regeneration benefits; and, impact on local employment.
16. As part of the requirements set out in PPS4, proposals for main town centre uses which are not located within an existing center or in accordance with an up-to date development plan are subject to two tests, the sequential assessment and an impact assessment arising from the development. Policy EC16 sets out those impact requirements, these criteria relate to the following; the impact upon existing, committed and planned public and private investment in centres; the impact on town centre vitality and viability; in-centre trade/turnover; scale; and locally important impacts on centers.
17. The recently adopted Core Strategy was adopted contains a retailing policy, CS5. This policy defines Stockton as a Town Centre, with Billingham, Thornaby and Yarm as District Centres. It also states that; no further allocations for retail development will be made in the Borough during the lifetime of the Core Strategy; that priority will be given to regeneration initiatives in Thornaby and Billingham Centres; and that applications for main town centre uses in edge or out of center locations will be determined in accordance with national policy.
18. Saved Policy S2 of the Local Plan Alteration sets out a number of criteria against which proposals for new retail and town centre uses located outside of existing centres should be considered, such as the sequential approach, impact upon existing centres, scale and accessibility. Saved Policy S13 also allocates a number of sites, including the wider Billingham Centre, for mixed use development. In view of these Planning Policy considerations the above issues are discussed in detail below;

Out of Centre/Edge of Centre

19. The application site is located on the opposite side of a busy dual carriageway to the edge of the defined centre of Billingham District Centre. It is argued by the applicants that the site is an edge of centre location based on the proximity of the site to the Town Centre and the linkages to the Asda store.
20. Equally at the time of the Morrison's application the site was considered to be an out of centre site. In considering the appeal the inspector noted that the site suffered poor linkages to the town centre and could not be classed as a truly edge of centre site. Little has changed in terms of the definition of an edge of centre site since PPG6 was amended to its current form as PPS4. Clearly the Causeway dual carriageway is a barrier to the District centre and linkages to the town centre and Asda are along footpaths adjacent to the Causeway and via signalled

crossing. Linkages to the west precinct are, however, via a narrow crossing, car park/service area and alleyway and is not a particularly attractive route. Therefore despite its close proximity it is not considered that the site is truly edge of centre.

21. Regardless of whether the store is an edge or out of centre location there remains the need for the applicant to conduct a sequential approach to site selection in order to demonstrate that there are no sequential preferable site locations either within or on the edge of centre. This issue is discussed in more detail below.

#### Sequential Assessment

22. The Planning and PPS4 Statement submitted provides a detailed assessment of four separate sites (Queensway/Kingsway House, the existing Asda store, land adjacent to Argos and the former Kwiksave site) within Billingham District Centre, This statement concludes that there are no sites which are suitable, available and viable for the proposed foodstore.
23. Despite the applicants statements regarding the sequential assessment there would appear to be scope to accommodate new food retailing on the other three sites, particularly the existing Asda store (should they relocate) and the plot adjacent to Argos. More recently an application has been submitted by Stockland to demonstrate that the plot adjacent to Argos could accommodate a food store of the same size and layout as proposal under this application. The plot is therefore considered to be available, suitable and viable in a sequentially preferable location. The applicant should therefore have regard to the requirements set out in policy EC15 of PPS4 for flexibility in relation to the scale, format, car parking and the scope for disaggregation.
24. Further information from Turley's has again discounted this site primarily on the basis of the need for convenient and available car parking for the store. It is argued that the proposal increases the available parking by only 5 spaces and currently that these spaces are well used. It is however, important to note that Billingham currently benefits from free parking with unrestricted parking durations. Suitable parking arrangements could therefore be achieved through the introduction of short stay parking or other measures. This would however, be a matter for further discussion between the applicant and the landowner (Stockland). Members may also wish to note that the Lidl store within Stockton Town Centre operates without any designated parking.
25. On the basis of the information submitted, it is therefore not considered that the applicants have demonstrated compliance with the sequential approach.

#### Retail Impact

26. Policy EC10.2 sets out a number of criteria against which all proposals for economic development, including new retail uses should be assessed against. Taking into account the scale and nature of the proposals it is accepted that the proposals would result in some benefits in terms of sustainability, accessibility to foodstore provision and employment creation. However, concerns remain over the possible effect upon the regeneration of Billingham District Centre.

#### *Impact upon Investment in Centres;*

27. It is contended in the applicants' Planning and PPS4 Statement that the proposed development of a large new foodstore in Billingham District Centre will not be compromised by the provision of a new Aldi store nor that the new Aldi effect the regeneration of the town centre. However, the adopted Core Strategy, Alteration No. 1 to the Local Plan and, the emerging proposals for the redevelopment of Billingham District Centre should be afforded significant weight in the determination of the application. The recent application by Stockland demonstrates that a new discount foodstore could be accommodated within the District Centre, and if located in such an area could act as a second foodstore anchor to the center. Furthermore the approval and

implementation of a new Aldi could absorb available expenditure capacity, and impact upon the ability of Stockland to attract new operators.

28. Stockland have made comments with reference to this application and has raised concerns that approval of the Aldi store on this location would potential undermine the agreed masterplan and also discourage future investors and tenants within each of the three phases identified within the masterplan. A number of other objections have also been received raising concerns over the impact of the proposal on the planned regeneration of Billingham District Centre.

*Impact on Town Centre Vitality and Viability*

29. The likely impact of the proposed new Aldi store upon the vitality and viability of existing centres, including Billingham, should be viewed in the context of the current health of the centre, including the range of existing uses it contains. It is therefore considered unlikely that the new store would have any significant impact upon the range of existing uses contained within the centre, or its wider vitality and viability. It is expected that the majority of the trade diversion would be likely to be experienced by the existing Asda (which is performing strongly) and the Tesco at Leeholme Road which is in an out-of-centre location.

*Impact on In-Centre Trade/Turnover;*

30. The Planning and PPS4 Statement includes a quantitative assessment of the trade diversions likely to result from the proposed new Aldi store, as well as the expenditure capacity available to support new retail floorspace in Billingham. This assessment is based on the capacity assessment contained within the Stockton and Middleborough Joint Retail Study (January 2008), as updated with more recent growth rates.

31. The convenience goods trade diversion impacts forecast upon existing stores in Billingham District Centre are all relatively low (at below 10%), and unlikely to affect the overall viability of any existing stores and when comparing the levels of turnover estimated to be achieved by existing facilities there would appear to be sufficient convenience goods expenditure capacity to support the turnover of the new Aldi store. However, even taking the approach that 100% of expenditure generated within the Billingham area can be retained within this area (which is not considered realistic) the levels of capacity forecast are insufficient to be able to accommodate both the new Aldi and a large new foodstore in the centre.

*Locally Important Impacts;*

32. Policy S13 of Alteration no. 1 to the Local Plan allocates the wider Billingham Centre for mixed use development, and Core Strategy Policy CS5 also affords priority to the regeneration of the centre. Any possible effects which the proposals would have upon the demand from operators, and the ability to bring forward those sites identified in the Master Plan, should be taken into account in the determination of this application.

*Scale;*

33. Given that the new Aldi would be similar in size to the existing Asda, and only around half the size of any large new store developed at the western end of the centre (around 3,000 sq.m gross) it is not considered that the proposals raise any significant issues in terms of scale.

*Economic/ Regeneration benefits;*

34. Clearly the proposed development would have some economic benefits in terms of investment within the local area and in terms of job creation both during and after construction. However, consideration also needs to be given to the effects approval of the scheme would have on the wider regeneration aims and aspirations for Billingham District Centre. A food store within the District centre would have the opportunity of being an anchor within the centre offering benefits of generating footfall and creating linked trips from which other businesses may benefit. On this

basis it is not considered that these economic benefits would outweigh the harm that would occur to Billingham District Centre should the application be approved.

### *Summary*

35. On the basis of the information submitted, it is not considered that the applicants have satisfactorily addressed the sequential approach to site selection. In particular, there would appear to be scope to accommodate new food retailing on the sites identified in the Billingham District Centre Master Plan, particularly the plot adjacent to Argos. Equally the proposed development could impact upon the ability to attract the future investment and new occupiers required in order to facilitate the regeneration of the centre, as envisaged by the adopted development plan and including through the development of the sites identified in the Master Plan.
36. On the basis of the application as it currently stands, it is not considered that the current Aldi proposals can be supported in terms of planning policy contained within PPS4.

### **Character of the area;**

37. The application site is situated upon a prominent corner in close proximity to Billingham Town Centre. Residential development lies to the north and west of the site, given the proposed building will have a maximum height of 5.5m the overall scale and massing is considered to be acceptable. Within the immediate vicinity are also a range of building styles and materials, the proposals modern design and use of render is therefore judged to be appropriate. It is considered the proposed elevations and relationship to the street scene could be improved with further glazing along the southern elevation (along the causeway), this is however, not considered to be sufficient enough to justify a refusal of the application.
38. Suitable screen landscaping should be provided in the gardens of the houses facing the northern boundary of this development as the plan shows an area of planting fully enclosed by fencing which would create a litter trap area which could prove unsightly. However should planting be provided within the sites boundary then it is recommended that the acoustic barrier is provided along the actual boundary line with planting being open to the front to allow better maintenance.
39. Concerns remain with regards to the landscaping to the north as this would be situated between two fences and creates the potential for a litter trap. As a minimum a footpath should be provided within this area, although it is recommended that the acoustic barrier is provided along the actual boundary line with planting being open
40. On balance the proposed development is therefore considered to be visually acceptable, accords with policy CS3 and will not have an adverse impact on the character of the area so as to justify a refusal of the application.

### **Amenity;**

41. Given the proposed development is of a commercial nature with blank elevations toward the surrounding residential properties and given distances in excess of 15-20m to the store, it is not considered that the proposal will have an undue effect on levels of privacy. Equally, the single storey nature of the proposed development it is not considered to have any significant impacts on a loss of light or an overbearing impact on the neighbouring residential properties.
42. The Environmental Health Unit have considered the proposed development and despite some reservations regarding the proximity of the development to the residential properties consider that it is no nearer to other development across the borough. A number of planning conditions are therefore recommended including a curfew on delivery times between 10pm and 7am. Concerns also remain regarding the possible impacts of the development from the plant room and it is suggested that a noise report be submitted to demonstrate that the existing

background noise level will not be increased by the development. Given the close proximity of both the delivery area and the plant room it is considered that the proposed development would have an unacceptable impact on the general residential amenity levels that would be expected by the neighbouring residential properties.

43. Several of the proposed car parking spaces (northern and western boundaries) are in close proximity to the neighbouring residential gardens and properties of the College Gardens housing development. It is expected that noise and disturbance would occur from the general activity and use of these spaces and various times throughout the day, on each day of the week. Whilst the provision of 1.8m high close boarded fencing and a restriction on hours of opening, as indicated by the applicants agent may negate some of the impacts of the development from these neighbouring properties it is considered that this would not be sufficient enough to ensure that reasonable standards of residential amenity would remain for the occupiers of the neighbouring residential development.
44. In view of the above the proposed development is therefore considered to have a detrimental impact of the levels of residential amenity that could reasonably be expected to be enjoyed from such residential properties.

#### **Access and Highway Safety;**

45. The Head of Technical Services has considered the information submitted as part of the application and against relevant highway design and guidance.
46. The Visibility splay from the proposed access is clear and it has been demonstrated that an articulated vehicle can turn within the site. The access arrangements are therefore considered to be acceptable. The Transport Assessment strongly suggests that there will be linked trips with the town centre. Therefore, there must be good pedestrian facilities linking the two sites. Whilst access to the Town Square is considered appropriate, linkages to the west precinct are poor. Dropped crossings towards the Town Centre will therefore be required and the developer will need to enter into a S.278 agreement for their implementation.
47. A total of 72 parking spaces have been shown, this provision is within the maximum range of the Councils Supplementary Planning Document 3: Parking Provision in New Developments. However, it is considered that several of the parking bays shown on the submitted scheme need to be removed either due to highway safety or amenity/landscape reasons. It is considered that the proposed development could operate satisfactorily with 64 car parking spaces. The revised plan has therefore failed to address concerns regarding pedestrian movements from the seven parking spaces on the northern boundary that would directly conflict with reversing manoeuvres of articulated vehicles. The remaining pedestrian routes within the site are acceptable although the provision of 12 parking spaces will be required.
48. Despite the concerns raised regarding pedestrian/vehicle conflict in the absence of an objection from the Head of Technical Services it is not considered that there are sufficient grounds to refuse the application.

#### **Residual Issues;**

49. Concerns in relation to anti social behaviour are duly noted, however, it is not anticipated that the proposed development would result in significant amounts of anti-social behaviour given the proposed hours of opening. After this time this would be a matter for the community safety officers and a policing issue.
50. Several comments have stated that approval of an Aldi would reduce travel to other stores within either Hartlepool or Norton. Whilst it is accepted that this would occur the same could be said if the store was to be located within the District Centre. On this basis it is therefore considered that these comments cannot be afforded significant weight.

51. Concerns raised in relation to a de-valuation of property are duly noted. However, this is not a material planning consideration and cannot be considered as part of this application.
52. Issues raised in relation to land covenants are noted, however, this is a civil issue and not a matter for consideration as part of this planning application.

### **CONCLUSION**

53. Given the above it is not considered that the applicants have satisfactorily addressed the sequential approach to site selection nor has it been satisfactorily demonstrated that the proposed development would not impact upon the ability to attract the future investment and the new occupiers required in order to facilitate the regeneration of Billingham District Centre.
54. Concerns also remain over the impact the proposed development may have on the general level of amenity that could be expected from those residential properties that surround the application site.
55. Consequently the proposed development is considered to be contrary to planning policy contained within PPS4 and also local planning policies CS5 of the core strategy and S2 of the Local Plan Alteration, and is recommended for refusal.

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

### **WARD AND WARD COUNCILLORS**

**Ward** Billingham Central  
**Ward Councillors** Councillor B Woodhouse & Councillor Ann McCoy

### **IMPLICATIONS**

#### **Financial Implications.**

None

#### **Environmental 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**

Stockton on Tees Core Strategy  
Stockton on Tees Local Plan Alteration  
Planning Policy Statement 1: Delivering sustainable development  
Planning Policy Statement 4: Planning for sustainable economic growth  
PPG13: Transport

Planning Applications 96/1731/P, 06/1983/OUT, 06/3524/REM, 07/0858/REM, 10/0074/VARY & 10/1757/FUL.