

DELEGATED

AGENDA NO

PLANNING COMMITTEE

12 January 2011

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

10/2743/FUL

**Moreland Avenue/The Causeway, Billingham,
Erection of foodstore (1540 sqm gross) with associated car parking and landscaping**

Expiry Date 27 January 2011

SUMMARY

Members will be aware that in 2007 Stockland purchased Billingham Town Centre. Since this time they have liaised with retailers, the Council and local residents to develop a long term regeneration strategy resulting in an overall Masterplan for the District Centre.

Planning permission is sought for the erection of a new food store within Billingham District Centre. The development will provide a gross floor area of 1540 sqm and it is indicated that the net tradable area will be 990 sqm, with the hours of opening indicated as being unknown. Car parking provision is allocated to the south and west of the proposed store, although it is not specifically allocated for the proposed food store.

The proposed development is considered to be in a suitable location and of an appropriate scale and design so as not to affect the setting of the listed Forum building or the character of the area. The proposal is also not considered to pose any significant risks to highway safety, the amenity of neighbouring occupiers or archaeological remains. Consequently the proposed development is recommended for approval as set out below.

RECOMMENDATION

Planning application 10/2743/FUL be Approved subject to Section 106 and subject to the conditions below;

Should the Section 106 Agreement not be signed by the 27th January 2011 then the application be refused.

Approved plans

01 *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
1055/P(--)<i>00</i>	22 October 2010
1055/P(--)<i>01</i>	22 October 2010
1055/P(--)<i>02</i>	22 October 2010

1055/P(--)
03
1055/P(--)
04

22 October 2010
22 October 2010

Reason: To define the consent.

Materials

02 *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.

External lighting:

03 *Details of all external lighting of the building and car park area, including the siting, colour and 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

Means of enclosure:

04 *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.

Site and floor levels:

05 *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

Surface water limitation:

06 *No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.*

Reason: To prevent the increased risk of flooding

Hard Landscaping:

07 *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; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (eg incidental buildings, public art and street furniture).

Reason: In the interests of visual amenity.

Soft Landscaping:

08 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 occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. 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.

Landscape Maintenance:

09 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.

Construction Activity:

10 No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 9.00 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.

Noise disturbance from plant:

11 Before any plant is brought into use the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to submitted to and approved in writing by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background levels of noise as agreed without the agreement in writing of the Local Planning Authority.

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

10% Renewables:

12 No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-

site renewable energy equipment. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the local planning authority shall be satisfied that their day-to-day operation will provide energy for the development for so long as the development remains in existence.

Reason: To limit the energy requirements of the development in accordance with the Regional Spatial Strategy, PPS1 Delivering sustainable Development, PPS22 Renewable Energy and government guidance on climate change.

Tree Assessment:

13 Notwithstanding the submitted information, an assessment of the existing trees on the East Precinct shall be submitted to the Local Planning Authority. Such an assessment shall demonstrate the health and amenity value of trees within this area and any impact on the future proposals for new paving in this area. Any trees to be retained/removed shall be in full accordance with the findings of the agreed report.

Reason; In the interests of the visual amenity of the locality.

BREEAM:

14. The development must obtain at least a very good Building Research Establishment Environment Assessment Method (BREEAM) rating if commenced before 1 January 2013 and a minimum rating of excellent if commenced after that date, unless otherwise agreed in writing with the Local Planning Authority or any other equivalent Building Regulation rating at the time of the submission of the application for reserved matters.

Reason: In order to minimise energy consumption in accordance with Stockton-on-Tees Adopted Core Strategy policy CS3.

INFORMATIVES

General Policy Conformity;

The proposal is also considered to be visually acceptable, does not harm the setting of a listed building 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.

CS2 - Sustainable Transport and Travel, CS3 - Sustainable Living and Climate Change, CS4 - Economic Regeneration, CS5 - Town Centres, Policy S13 – Major development opportunities, EN28 – Listed Buildings and EN39 - Existing Hazardous development

Public sewers;

The applicant should be aware that a150mm public sewers cross the proposed development site and is shown both built over and cut through on the application. Northumbrian Water Ltd will not permit a building over or close to its apparatus (in accordance with applicable 3m sewer easements). Diversion or relocation of the apparatus may be possible at the applicants full cost. The developer should contact Maurice Dunn at this office (0191 4196577) to discuss the matter further.

HEADS OF TERMS

Entering into of a Local Labour agreement

Contribution of £20,000 towards new bus shelter

Contribution of £2,000 towards a traffic regulation order to extend the taxi rank.

BACKGROUND

1. Members will be aware that in 2007 Stockland purchased Billingham Town Centre. Since this time they have liaised with retailers, the Council and local residents to develop a long term regeneration strategy resulting in an overall Masterplan for the District Centre which was approved by the Council in April 2010. Since this time Stockland have been in discussions with Officers regarding the current scheme.

PROPOSAL

2. Planning permission is sought for the erection of a new food store within Billingham District Centre. The proposed store will measure approximately 31.5m (w) x 59m (l) and have a maximum height of 5.5m. The development will provide a gross floor area of 1540 sqm and it is indicated that the net tradable area will be 990 sqm, with the hours of opening indicated as being unknown.
3. Car parking provision is allocated to the south and west of the proposed store, although it is not specifically allocated for the proposed food store.

CONSULTATIONS

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

Head Of Technical Services

I refer to your memo dated: 01/11/10

Reference drawing no: 1055/P(--)-02

General Summary

Urban Design has no objections subject to the comments below.

Highways Comments

The Transport Statement describes the various ways of accessing Billingham Town Centre; however, it omits any reference to taxis. Visitors to Billingham Town Centre are known to travel by bus to the centre and use a taxi for the journey home and the new foodstore will have customers using that form of transport. Taxis currently use a lay-by in front of The Billingham Arms for a rank; this is 30m long and can accommodate 6/7 taxis. As this is inadequate taxis frequently park on the verges of The Causeway and in the Billingham Arms car park whilst waiting for a space on the rank. The development builds over the Billingham Arms car park and removes that option. As the access to the Billingham Arms car park is to be closed, the lay-by for the taxi rank should be extended by 24m to increase the taxi rank capacity. The cost of extending the taxi rank will be in the region of £20,000 and should be met by the applicant.

Car parking requirements for the proposed foodstore will be met by the public car parks available within Billingham town centre.

Servicing to the rear of other shops (Argos etc) served by the existing car park is unaffected and therefore acceptable.

The area to the west of Moreland Avenue where the proposed service and delivery yard will be located is adopted highway and should therefore be stopped up under the Town and Country Planning Act 1990. This is likely to cost in the region of £2,000 which should be met by the applicant.

The applicant should provide £22,000 by way of a S106 agreement in order to fund the items above.

Travel Plan

The Travel Plan Framework submitted as part of this development is acceptable, however below are suggestions for improvement:-

- It is a positive action that the store will have a Travel Plan Coordinator (TPC) put in place prior to the opening of the store. Following the appointment of the Town Centre wide TPC the store should still maintain a Travel Plan 'champion' to be the main contact for this TPC to liaise with and to ensure that the measures and targets for the stores Travel Plan are met.
- In order to encourage staff to cycle and walk to work the inclusion of secure lockers within the store would be an acceptable measure.
- A guaranteed ride home should be something that is adopted as part of any car sharing scheme to encourage the usage of such a scheme. Evidence has shown that this measure is rarely required but having it in place offers peace of mind to those users of the scheme.

Flood Risk Management Comments

The proposed development is not located within a flood zone and given that the existing site is predominantly hardstanding area we raise no objection to this application. However, we recommend that permeable surface materials should be used for any footpaths, car parking or any other suitable areas.

Environmental Policy Comments

Design and Access Statement mentions Core Strategy CS3 which requires 10% embedded renewables but the only comment on energy is that; the design of the building will allow for high standards of insulation and air leakage to meet or exceed the requirements of Approved Document L2A of the current Building regulations.

The Planning and PPS4 Statement mentions the developers environmental and energy efficiency credentials but does not mention any specific action for this Food store. Paragraph 6.71 states '...need to achieve an appropriately high BREEAM rating.'

Details are required of the predicted energy demand of the building and from this the design elements that will provide 10% on site renewable energy supply.

Landscape, Visual Comments & Built Environment Comments

No objections in principle subject to the following comments:

In relation to the existing trees to be retained on the East Precinct, It is noted that the councils arboriculture officer identified on a previous site meeting during the masterplan stage that generally the trees are of moderate amenity value with some of the trees to the West struggling to flourish as well as they should. It was therefore recommended that as part of this design stage that the removal/retainment tree strategy should be agreed in conjunction with any public realm proposals. This will allow both the applicant and the local authority to assess the use of the public realm and determine what role the existing trees will play in these areas, taking into account long term aspirations, future tree health and impact on climate control in relation to surrounding buildings.

It is therefore recommended that a tree assessment is provided to demonstrate the health and amenity value of trees within this area. The result of the report could provide an impact on the future proposals for new paving in this area. Suggest wording in relation to this condition is provided in the informative below.

The treatment of the public space outside the entrance of the Forum will play an important role in providing a sense of arrival. Although it is preferred that an increased area of paving be provided

the success of this area will be dependant on its quality of materials and street furniture. It is essential that the design provides an element of distinctiveness to support the newly refurbished Forum which demonstrates a unique façade treatment.

Surfacing proposals to the proposed car park should reflect its public space context. Surface materials should be of a high quality where possible with parking bays possibly being indicated as block paving.

Surfacing proposals to both pedestrian crossing points should be treated in such a way to integrate them in with the proposed paving palette of materials. The crossing points should provide a sense of priority for pedestrian within the public space.

Both a hard and soft landscaping plan should be provided and suggested condition wording is provided in the informative below.

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
- Light Intrusion
- Construction Noise

Northumbrian Water Limited

I refer to your letter date 1st November 2010 and on web Site layout Plan. Thank you for consulting Northumbrian Water. I have the following comment to make:

Condition

Development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Ltd. Thereafter the development shall take place in accordance with the approved details.

Reason

The existing 150mm public sewers cross the proposed development site and is shown both built over and cut through on the application. Northumbrian Water Ltd will not permit a building over or close to its apparatus (in accordance with applicable 3m sewer easements). Diversion or relocation of the apparatus may be possible at the applicants full cost.

The developer should contact Maurice Dunn at this office (0191 4196577) to discuss the matter further.

Northern Gas Networks

No objections

Development And Regeneration

We support the development of a foodstore on the proposed site and see it as a vital element of the overall masterplan for the regeneration of Billingham town centre. Delivery of a foodstore on this site is a key phase in the regeneration of Billingham town centre and will serve to support wider regeneration aspirations for the town centre

We feel that a foodstore in this location, best supports the aims of the masterplan for the town centre and the proposed layout will help maintain a gateway through to the Forum from the main town centre area serving to assist in increasing footfall through the town centre.

We feel the parking arrangements and location of the store will help provide linked trips to other stores within the centre, further supporting regeneration proposals and the designs for pedestrian movement provides clear access from the store to the town centre and through to the Causeway.

Tees Archaeology

Thank you for the details of the above planning application. There are no known archaeological sites in the area and I have no comments to make in this regard.

I presume that the council will take into consideration the impact of the proposal on the adjacent listed building (Billingham Forum) and distinctive architectural qualities of the town centre.

Spatial Plans Manager

The site is allocated for a major retail led mixed-use development by policy S13 (i) of Local Plan Alteration Number 1. The Stockton and Middlesbrough joint retail study states that, "there is also (sic) an important need to enhance convenience retail provision within Billingham District Centre, where a site is currently being assembled with the intention of accommodating a new foodstore, to complement the wider regeneration of the centre. Indeed, the adopted Local Plan Alteration No. 1 already allocates land in Billingham for major mixed use development, including retail. Given this allocation, any planning application proposals for a new foodstore would not be required to be justified in terms of need, or the sequential approach. However, it will be necessary to ensure that any such development is of a scale appropriate to the existing centre and its catchment, and would not increase the attraction of the centre of the extent that it would have an adverse impact upon other existing centres."

In view of the above and the fact that the proposed development is situated within the boundaries of Billingham District Centre and is of an appropriate scale for a district, the proposal is considered to accord with the principles of national planning guidance and CS5 of the core strategy. We therefore have no objections to the proposed development.

Hopefully you will find the above in order, should you have any queries please do not hesitate to contact me.

Stockton Police Station - Eddie Lincoln

No comments received

Health and Safety Executive

The HSE do not advise against the granting of planning permission

Alex Cunningham MP – Stockton North

I would like to support the planning application above which affect Billingham Town Centre.

The proposal provides a new anchor store which I believe will find an early tenant helping give a major boost both to the town centre redevelopment and provide the people of Billingham with greater choice when shopping. It is also directly in line with the long-running policy of development within the town centre rather than on its fringes.

PUBLICITY

5. A total of 16no. letters of support and 2no. petition supporting the application have been received. The comments received generally offer support and welcome the development of the food store within the Town Centre

Supporters:

S Vass - 80A Queensway Billingham
A Carruthers - 31 Queensway Billingham
G Sandbach - 80B Queensway Billingham
H Russell - CGalleries
Savers - 62 Queensway Billingham
Mr K Walters - 4 Marton Drive Billingham
Dorothy Perkins - 112-114 Queensway Billingham
D Jeffery - 130 Queensway Billingham
A Ramesden - 27 Kennedy Gardens Billingham
Cooplunds - 45 Queensway Billingham
Dorothy Harrison - 16 Cowpen Lane Billingham
Bonmarche - 64 - 66 Queensway Billingham
Rowland Pharmacy - 39 Queensway Billingham
Whitegates - 8 Town Square Billingham
The Co-Operative Travel - 68 Queensway Billingham
Mrs Watson - 27 Kennedy Gardens Billingham
30 Petitioners In Support Of Application - C/O Drummonnds 63 Queensway
6 Petitioners In Support Of Application - C/O Joannas Kitchen Queensway

PLANNING POLICY

6. 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)
7. 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 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.

Policy EN28

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

Policy EN39

The expansion of existing industrial or commercial undertakings in the vicinity of hazardous installations will normally be permitted if it can be shown that additional people and buildings will not be placed at unacceptable risk because of the proximity of the installation.

Planning Policy Statement 1: Delivering sustainable development

Planning Policy Statement 4: Planning for sustainable economic growth

PPG13: Transport

SITE AND SURROUNDINGS

- 8. The application site is situated on the corner of Moreland Avenue and The Causeway, within Billingham Town Centre. To the south-east of the site lies the existing Argos store, to the west the Billingham Arms, John Whitehead Park to the north, and to the East, Billingham Forum.
- 9. The application site itself is made up from a variety of land uses which include the Billingham Arms car park, an extension to the Billingham Arms as well as its yard, the public car park and an area of public realm (formerly Forum House).

MATERIAL PLANNING CONSIDERATIONS

10. The main planning considerations of this application are compliance with planning policy, the impact of the development on the character of the area, the amenity of neighbouring occupiers, highway safety and flood risk.

Principle of development;

11. The application site lies within the boundaries of the defined Billingham District Centre and is allocated for a major retail led mixed-use development by policy S13 (i) of Local Plan Alteration Number 1. Furthermore the Stockton and Middlesbrough joint retail study states that an important need to enhance convenience retail provision within Billingham District Centre. Given this allocation, any planning application proposals for a new foodstore would not be required to be justified in terms of need, or the sequential approach. However, it will be necessary to ensure that any such development is of a scale appropriate to the existing centre and its catchment.
12. Furthermore the application site is identified within the Billingham master plan for development of a new store. Although the indicative master plan drawing shows a building in of a larger size and in a different location this has been subject to many discussions with Council officers and also to a public consultation exercise.
13. In view of the above and the fact that the proposed development is of an appropriate scale for a Billingham District centre, the proposal is considered to accord with the principles of national planning guidance and CS5 of the core strategy.

Character of area;

14. The application site is situated upon a prominent corner within Billingham Town Centre. Billingham Town Centre has a wide range of building styles and size, although there remains a predominately 1960's style. The proposed building will have a maximum height of 5.5m the overall scale and massing is considered to be acceptable. Whilst the proposed design is contemporary in comparison to its surrounding the use of render is judged appropriate.
15. It is acknowledged that the proposal would result in the loss of some public realm outside of the Forum. Whilst it may be preferable for this area to be paved, it is considered that the space can be made equally attractive through the use of high quality materials and street furniture which will integrate with the newly refurbished Forum. Surfacing proposals to the proposed car park also should reflect its public space context and be of a high quality where possible and integrate with the wider palette of materials for Billingham Town Centre as a whole. It is also recommended that the crossing points provide a sense of priority for pedestrians within the public space. These issues can be addressed through the use of a planning condition for hard surfacing materials.
16. 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.

Setting of listed building;

17. To the immediate east of the application site lies the grade II listed Forum Theatre, which along with the Forum building as a whole is undergoing some refurbishment and enhancement. The Forum Theatre, auditorium, stage and fly tower was officially listed in October 2004 on the basis of Billingham UDC being the first town to build a sports centre and theatre on a common site and its architectural merit. Within the listing description, reference is made to its contemporary design and layout based on a horseshoe form of Italian opera and is considered to be unique for its date. It is noted that the Forum Theatre has a well-detailed auditorium and is theatrically well composed, being well equipped with backstage facilities and a traditional fly tower (rare at the time of construction) and good sightlines.

18. Given that the Forum complex as a whole will remain a dominant feature within Billingham Town Centre and a relatively open aspect will remain from the main shopping areas, the proposal is not considered to have a detrimental impact on the setting of this grade II listed structure. The proposal is therefore, considered to accord with saved policy EN28 of the Local plan.

Amenity;

19. The application site lies within Billingham Town Centre where there are a range of retail and leisure uses. There are no residential properties within the immediate vicinity of the site and those that are in the outlying area are a significant distance from the site. The proposed store is therefore considered to be compatible with the surrounding uses and will not cause significant harm to levels of amenity that are currently enjoyed. Given the above there are no grounds to justify a refusal of the application on amenity grounds.

Access and Highway Safety;

20. The submitted Transport Statement has been considered by the Head of Technical Services and is largely considered acceptable. However, whilst it describes the various ways of accessing Billingham Town Centre it omits any reference to taxis. Visitors to Billingham Town Centre are known to travel by bus to the centre and use a taxi for the journey home and customers of the new food store are considered likely to use such arrangements. Taxis currently use a lay-by in front of The Billingham Arms for a rank; this is 30m long and can accommodate 6/7 taxis, as this is inadequate taxis frequently park on the verges of The Causeway and in the Billingham Arms car park whilst waiting for a space on the rank. As the development will build over the Billingham Arms car park and remove this option the lay-by for the taxi rank should be extended to increase the taxi rank capacity, the cost of which will be in the region of £20,000 and should be met by the applicant.
21. The overall car parking requirements for the proposed foodstore will be met by the public car parks available within Billingham town centre, whilst servicing to the rear of the existing stores remains unaffected, both are considered acceptable. However, the nearby bus stops are to be replaced as part of the Tees Valley Bus Network Improvement scheme and a contribution of £20,000 for a new bus shelter will be required. This is the cost of acquiring and installing a single shelter with real time bus service display. Furthermore the area to the west of Moreland Avenue where the proposed service and delivery yard will be located is adopted highway and should therefore be stopped up under the Town and Country Planning Act 1990. The cost of which is in the region of £2,000 and which should be met by the applicant.
22. The Travel Plan Framework submitted is acceptable, however, several improvements could be made. These may include a Travel Plan 'champion' to be the main contact for Billingham Town Centre travel plan co-ordinator; the inclusion of secure lockers within the store to encourage staff to cycle and work to work; and a 'guaranteed ride home' as part of any car sharing scheme.
23. Given the above, the Head of Technical Services has no objections to the proposed development and it is not considered there are any significant highway safety risks.

Flood Risk;

24. Although the proposed development is not located within a flood zone and given that the existing site is predominantly hardstanding area, the Head of Technical Services therefore raises no objection on flood risk management issues. They would however, recommend that permeable surface materials be used for any footpaths, car parking or any other suitable areas. This can be addressed via a planning condition.

Environmental Policy;

25. Policy CS3 of the Core Strategy requires major developments to provide 10% embedded renewable technology within the scheme. The submitted design and access statement makes reference to the fact that the design of the building will allow for high standards of insulation and restrict and air leakage to meet or exceed the requirements of building regulations.
26. Further details are therefore required to show how 10% of the predicted energy demand of the building will be provided through on site renewable energy, this can also be addressed via a planning condition.

Public Safety;

27. The Health and Safety Executive have confirmed that they have no objections to the granting of planning permission on public safety grounds. The proposal is therefore not considered to pose any significant risk to public safety in accordance with saved policy EN39 of the Local Plan.

Residual Issues;

28. Northumbrian Water have requested that a planning condition be imposed on the development that requires either the diversion or redesign of the proposal to avoid building over a nearby public sewer. Whilst these comments are appreciated this is a civil issue and a matter for the applicant and Northumbrian Water. An informative is however, suggested to make the applicant aware of this issue.

CONCLUSION

29. In view of the above material planning considerations the proposed development is considered to be in a suitable location and of an appropriate scale and design so as not to affect the setting of the listed Forum building or the character of the area. The proposal is also not considered to pose any significant risks to highway safety, the amenity of neighbouring occupiers or archaeological remains.
30. Consequently the proposed development is recommended for approval subject to the conditions set out above and the completion of a section 106 agreement for the Heads of Terms set out above.

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

WARD AND WARD COUNCILLORS

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

IMPLICATIONS

Financial Implications.

None

Environmental Implications.

As report.

Community Safety Implications.

Section 17 of the Crime and Disorder Act 1998 has been taken into account in preparing 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

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