

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

2 March 2011

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

10/3029/FUL

**Wilkinsons Landscapes Limited, East Brocks Farm, Eaglescliffe
Resubmission of application for erection of new garden centre with ancillary cafe, external sales area, service yard together with car park and turning areas, landscaping, mounding and water reservoir, separate office building and widened access road from A67**

Expiry Date 3 March 2011

SUMMARY

The application is for the erection of a retail garden centre and ancillary café in the countryside to the west of Eaglescliffe. The site is a field to the east of Wilkinsons Landscapes plant nurseries and landscape contractors holding at East Brock Farm. The building works would include a sales, café, office and facilities building of 1190sqm floor area with 2 canopies for additional covered sales areas of 810sqm next to an external sales area of 7000sqm. A separate head office building of 150sqm would be located near to the entrance into the site. Around these buildings and retail uses would be display gardens and a children's play area.

The access road leading to Wilkinsons Landscapes existing depot from the A67 would be widened and an access made into the site with car parking for 113 cars. An alternative access would be formed to the SKYLINK business development at the airport if that development and access road was ever implemented. Two pond reservoirs would be formed for water balancing and irrigation. Embankments and tree planting would add screening to the boundaries of the site. Access would be available through the car park into the grassed eastern end of the application site which the applicants say could be used without formal approval on up to 28 days of the year as an overflow car park.

The applicant's existing site includes plant growing nursery area, a landscape contractor's compound, potting sheds and a portacabin office. A greenhouse has been erected and an area laid out for the display of plants for sale to visiting members of the public. The applicants state that: "The dedicated Plant Centre was established in 2003" as a display window for the nursery. This retail use amounts to more than ancillary and has not had the benefit of any planning approval and is currently being investigated.

The application has been supported by a Retail Impact Assessment, Retail Impact Statement, Transport Assessment, Travel Plan, Flood Risk Assessment, Non Mains Drainage Assessment, Phase 1 Habitat Survey, Planning Statement and Design and Access Statement and other supporting plans.

Planning approvals have been granted for garden centres on the site the last approval being in 1997 (reference No.97/0010/P). Those planning approvals have expired without the discharge of conditions or implementation of the schemes. These approvals are a material planning

consideration. Since the 1997 approval the Council has adopted the Local Plan 1997. Alteration No.1 and The Core Strategy and Government planning policy advice has changed. Planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal is for retail development in the countryside outside of any designated town centre or even settlement boundary. The Councils planning policies are intended to support the viability and vitality of existing retail centres. According to the applicants the site would sell everything expected at a garden centre. The list provided by the applicant includes a wide range of goods besides plants, anything to do with their care, maintenance and presentation, books, dvds, tools, machinery, furniture and furnishings, lighting and heating, barbecues, clothing, outdoor play equipment, pots, ponds, fish, garden buildings, conservatories, swimming pools, spas and hot tubs, seasonal gifts and cards, artificial plants, art prints and café. Most of these goods are suitable for sale from retail units within town centres or existing garden centres within settlement boundaries and do not need or justify a rural location.

The applicant's Retail Impact Assessment is based on the premise that there would be 2,000sqm of covered retail space. However there would be 2,208sqm of covered retail and associated offices but also an external display area giving of 7,000sqm giving a total of 9,208sqm of retail and associated floor space accessible to the public. This amounts to a major retail development and not a small expansion of an existing plant growing and garden design business. The retail garden centre and café would become a major destination for members of the public as is evidenced by the numbers of proposed car parking and the additional number required by Head of Technical Services in accordance with Council standards. The scale of development would make it far more than farm diversification or an incidental sales outlet.

The proposed garden centre would be physically independent of the existing plant nursery and landscape contractors area and would only share an access to the A67. There would be little in the way of business integration between the sites. Young plants would be transferred to the garden centre from the existing growing areas in the same way as they are supplied to other retail outlets. The garden design business office could be located in a town centre where it would be more accessible to the public. Although there is an element of unauthorised retail use at the Wilkinsons landscapes existing site, the development of a major retail unit would have an adverse impact on existing retail centres and established garden centres.

The proposed development is not supported by information on the impact it would have on protected wildlife species although a Phase 1 Habitat Survey has been carried out. The applicant's Planning Statement refers to advice previously given to the applicants that Great Crested Newts may be present on site and says that a further survey would be carried out before development commenced. Natural England has objected to the proposed development: "on the basis that there is reasonable likelihood of legally protected species being present and adversely affected by the development. The application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. For this reason we recommend that you either refuse planning permission or defer a decision pending a revised proposal that addresses the deficiencies." The lack of survey information makes the proposed development contrary to Core Strategy policy CS10 and Government advice in PPS9: Biodiversity and Geological Conservation August 2005.

Due to the speed of traffic on the A67 and the accident record in the vicinity of the access the Head of Technical Services requires widening of the A67 and the creation of right hand turn protection into the access in the form of a 'ghost island'. Without this the application cannot be supported. The applicant's Transport Assessment says that this is not necessary and it does not form part of the proposals. In pre-application discussions the applicant's were informed that the alternative access from the SKYLINK road would be acceptable in principle subject to details. However the SKYLINK development including new road is in the hands of other private developers. A decision

as to whether this new road link would be formed is awaited. Without confirmation that it would go ahead or even the prospect that it would during the time period of an approval, the development would require improvements to the A67 at the access.

RECOMMENDATION

Planning application 10/3029/FUL be Refused for the following reasons

- 01. The proposed development is considered to be out of scale and inappropriate for the rural location for a destination retail garden centre with ancillary café that has unknown capacity for further retail when it has not been satisfactorily demonstrated that there are not sequential preferable sites that are not in an out-of-town location within the identified catchment area which includes main settlements. The impact assessment does not satisfactorily assess the trade draw from existing and planned town and retail centres and the potential impact on their vitality and viability and there is no justifiable need or wider economic benefit that would mean that the development is not contrary to Core Strategy Policies 1 (CS1) - The Spatial Strategy, Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel, Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change Core Strategy Policy 4 (CS4) - Economic Regeneration, Core Strategy Policy 5 (CS5) - Town Centres Local Plan Saved Policies, Local Plan Saved Policy EN13 and Alteration No.1 Saved Policies S2 and Policy S18 and Government advice in Local Plan Policy EN13, saved policy S2 of Local Plan Alteration Number 1 (2006, Planning Policy Statement 4: Planning for Sustainable Economic Growth: 29th Dec 2009, Planning Policy Statement 7: Sustainable Development in Rural Areas: 3rd August 2004 and Planning Policy Statement 7: Sustainable Development in Rural Areas August 2004,**
- 02. The proposed development is not supported by information on the impact it would have on protected wildlife species. The lack of survey information to adequately demonstrate whether or not the development would have an adverse effect on legally protected species makes the proposed development contrary to Core Strategy policy CS10 and Government advice in PPS9: Biodiversity and Geological Conservation August 2005.**

HEADS OF TERMS

The application has not been accompanied by any Draft 106 Agreement or other commitment to provide a contribution to highway works or for open space.

If members are minded to approve the application the applicant's would be required to fund alterations to the public highway in the vicinity of the site access.

As the development proposal relates to employment development an Open Space contribution would normally be required.

BACKGROUND

- 1. In 1991 approval was granted by application reference No.89/1329/P for 'Yard lake demonstration gardens play area, car park and landscape material storage and display area and service access'. Two further applications reference No.s 94/0093/P and 97/0010/P have also been approved for: 'Erection of glass houses, 3 poly tunnels, pergola, storage and display areas, service yard, car parks, demonstration gardens, creation of a lake, children's farm and play areas, office, toilets, cafe and improvement of access to A67 for a wholesale nursery and garden centre.' These were also approved with conditions including the same access and use restrictions as for 89/1329/P.**

2. These schemes had a smaller element of retail use than that now proposed and the approvals had a condition restricting the use to a wholesale nursery and garden centre and for no other purpose within Class A1 (retail) of the Town and Country Planning Use Classes Order 1987. The application site was not considered suitable for an unrestricted retail unit. These developments have not been implemented. Those approvals were also subject to a condition required in the interests of highway safety as follows:

Condition

“No part of the development hereby approved shall be commenced until the vehicular access to the A67 has been altered (including works in the carriageway) in complete accordance with a scheme to be agreed in writing with the Local Planning Authority and in complete accordance with the relevant Section 278 Agreement under the Highways Act 1980.”

3. Two more recent applications have both been withdrawn without a decision being made. An application reference No. 09/2812/FUL was submitted for the ‘Erection of new garden centre with ancillary cafe, external sales area, service yard together with car park and turning areas, landscaping, mounding and water reservoir, separate office building and widened access road from A67’. The application was withdrawn in order for the applicants to have time to address a number of outstanding concerns that had been raised at that time.
4. A previous application reference No.07/1751/FUL for ‘Erection of new garden centre, ancillary offices and cafe, external sales area, service yard, widening of access road, car park and turning areas and associated landscaping, mounding and water reservoir. Erection of office building for Wilkinson Landscapes Ltd’ was also withdrawn due to the lack of a Transport Assessment.
5. Other applications relating to Wilkinsons land are as follows:
 - 06/1965/FUL Retrospective application for the change of use from store to form part of dwelling house. Approved with conditions.
 - 03/0195/P Conversion of farm outbuildings into 1 No. dwelling. Withdrawn.
 - 94/0115/P Erection of free standing externally illuminated sign. Approved with conditions.
6. Relevant applications on adjoining sites

08/0728/FUL Reserved matters application pursuant to the outline permission 95/1999/P (as amended 02/1963/P, 05/0957/ARC to extend the time, and 07/2393/ARC to enable general employment activities on 20 ha of the site) for airport related development and general employment (B1,B2 and B8) with associated access and landscaping. Approved with conditions.

07/2392/ARC Application under Section 73 for variation of Condition 8 of planning approval 95/1999/P (varied by 2 no. subsequent planning permissions - 02/1963/P and 05/0957/ARC to extend the period for submission of reserved matters) to allow general employment uses falling within use classes B1, B2 and B8 of the Town and Country Planning Act (Use Classes) Order 1987 as subsequently amended, on 20 hectares of the site. Approved with conditions.

05/0957/ARC Application under Section 73 to vary condition 02 of planning application 95/1999/P (as amended by condition 1 of 02/1963/P) to allow for the extension of the time period for the submission of reserved matters in respect of development for freight handling and distribution and packaging, freight forwarding and light industrial/commercial assembly. Approved with conditions in June 2005 with 5 year approval.

PROPOSAL

7. The application is for the creation of a garden centre in a field adjoining the existing Wilkinson's plant nursery and contracting business premises at East Brock Farm. The whole application site area including field and access amounts to 4.018ha. Two buildings would be erected. One would be the main garden centre sales building of 1190sqm floor area containing retail space, café, kitchen, stores and servicing facilities with a glazed entrance canopy of 58sqm on the eastern side facing the car park. This building would have natural coloured timber clad walls and green powder coated metal roofs. The roof would be a series of four ridges with rows of translucent roof lights running nearly the full length of the building along either side of the four ridgelines.
8. Open sided canopies with white PVC fabric roofs would be attached to the western and northern sides of the main building adding 810sqm to the covered retail space. The second building would be a landscape and constructors head quarters office of 150sqm to provide garden design service directly to visiting members of the public.
9. A further 7000sqm of external uncovered, sales area would be located to the western side of the main garden centre building with further display gardens for public viewing wrapping around it. This would give a total internal and external retail, café, office floor area of 9208sqm.
10. A children's play area would be located at the western end of the site along with two ponds for irrigation water balancing and storage. To the eastern side of the building would be the public car park of 113 spaces including 11 accessible bays. Staff car parking would be in the existing car park serving Wilkinsons Landscapes existing business and outside the application site area.
11. Mounding and planting is shown around the site to supplement the existing field boundary trees and hedges. An area of land at the eastern end of the site is shown as not being developed. This would have two field gates aligned with the car park access roads and has been shown as overspill car parking area in previous schemes.
12. The existing Wilkinsons land would revert to just being divided between plant nursery and landscape design and contracting uses.
13. The proposed garden centre would be accessed from the existing shared access from the A67.. The private road leading along the northern boundary of the site to the existing Wilkinsons Landscapes business premises at East Brocks Farm would be widened to 5.5m.
14. The plans also show that an alternative access could be taken from as yet undeveloped, but approved airport link road. This airport link road designed to serve approved developments at the Durham Tees Valley Airport would require a new roundabout junction to be constructed on the A67 and would run across fields outside the control of the applicant and to the north of their landownership and the application site.

CONSULTATIONS

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

15. Head of Technical Services

General Summary

Technical Services are unable to support this application as detailed below.

Highways Comments

The proposed development is for the erection of a new garden centre and associated facilities. The development has previously been considered under application ref: 09/2812/FUL that was withdrawn. Traffic information included within the Transport Assessment is from 2007 and has not been updated for this resubmitted application. It is noted that Long Newton Interchange has opened since this date and therefore it is considered likely that this TA is robust in terms of traffic use.

Access to the development is from the A67, the national speed limit of 60mph is in force as there is no street lighting and the centre line is marked with cats eyes and there are edge of carriageway markings in place. The junction is a simple priority junction that is 7.3m wide and there are adequate visibility splays in each direction.

A full Transport Assessment and Travel Plan have been produced in support of the application that shows the existing traffic flows are: eastbound 3,655 vehicles and westbound 3,565 vehicles. Traffic speeds (85%ile) are 65 mph. Proposed traffic flows for the development are:
Am peak: 39 arrivals, 2 departures
Pm peak: 21 arrivals, 40 departures
Saturday peak: 157 arrivals, 147 departures.

The accident record is above the national average for a rural principal road. Therefore, a simple priority junction is insufficient to cater for the additional demand generated by the development. It is necessary to provide a protected right turn lane at the access point.

The A67 principal road has a history of speed related accidents in the proximity of the site access. There have been highway improvements in recent years that have allowed vehicles to negotiate bends to the west of the site access, and these have reduced the accident rate. However, they have not reduced vehicle speeds and there have been 4 personal injury collisions during the period considered by the Transport Assessment, one of which caused fatal injuries. The accident rate for the 1.5 km section of A67 at the site access is 33 accidents per 100 million vehicle Kilometres, compared to the national average for this type of road of 21 accidents per 100 million vehicle kilometres. To address the increased safety risk associated with the intensification of the site access, an improved access is required. This should comprise of local widening of the A67 to accommodate a protected right turn lane. The developer must enter into a Section 278 agreement for the design and construction of the access with the Highway Authority.

There is an approved roundabout proposed for the Airport Southside development. When constructed, the East Brocks Farm development is proposing to use the roundabout for access, however the proposed interim arrangement is unacceptable.

The proposed development will significantly intensify the use of an existing, simple, priority junction on a principal road. At present the access is used predominantly by staff at Wilkinson's Landscapes with few customers visiting the site. The report estimates that during the 85%ile month the site will generate some 628 daily two-way trips during a weekday and 1,726 daily two-way trips at weekends. Paragraph 2.13 of DMRB TD 42/95 states that if there is evidence of high seasonal variations, then the appropriate seasonal flow may be used to justify the type of junction. The seasonal traffic flows are well within the range for which a right-turn lane is justified.

The requirement of a protected right turn lane is justified by the accident record on A67 in the vicinity of the East Brocks Farm access. Despite the improvement in the accident rate following the implementation of the Local Safety Scheme, accidents are still occurring at 33 accidents per 100 million vehicle kilometres. This is 50% higher than the rate (21) for this type of road

given in "Reported Road Casualties in Great Britain: 2008". Therefore, there is clearly an enhanced risk of accidents along this stretch of road. The 85thile traffic speed is 65 mph, which is in excess of the speed limit. All accidents along this link are speed related. The report points out that only 1 of the accidents related to right turn movements. This is likely to be because the majority of accesses along the link serve single properties and have minimal traffic value. There is another simple priority junction to the west of the railway bridge. However, the minor road forms a loop to Longnewton Lane, the Elementis site and back to the A67 at Hunters Green roundabout. Traffic generally uses the roundabout access of the loop therefore, there is minimal right turn traffic at the western leg of the loop. The development of East Brocks Farm will generate substantial turning movements at the access and be the only junction on the link with frequent right turn movements. This additional risk factor in an already hazardous section of road must be addressed. This is set out in Paragraph 2.20 of DMRB TD 42/95 "Ghost islands shall be used on new single carriageway roads, or in the upgrading of existing junctions to provide right turning vehicles with a degree of shelter from the through flow. They are highly effective in improving safety, and are relatively cheap, especially on wide 2-lane single carriageway roads where very little extra construction is involved".

The development of the site will generate substantial additional traffic at the access on the A67. The existing access is a simple priority junction with correct visibility and geometric standards. However, the intensification of the traffic, including right turn movements, on a link with an existing speed related accident record, requires improvements to the junction. The introduction of a right-turn ghost island is required to assist traffic to use the access safely. The enhancement is justified on the high seasonal traffic flows predicted for the spring and summer seasons.

In order for the development to be supported in highway terms, then a right-turn ghost island must be provided on the A67 at the access to the site. A previous Grampian condition has been suggested that delays opening of the additional facilities until the roundabout for the Skylink development is implemented. There have been significant delays to this project with no short term prospect of this highway infrastructure coming forward. It is therefore doubtful whether a Grampian condition is appropriate in these circumstances.

The development proposes a total sales area of 9000m², in accordance with the Council's current SPD3: Car parking in new developments, 300 car parking spaces should be provided. The development proposes 113 spaces including 11 disabled parking spaces, although there are discrepancies within other supporting documents on the amount of car parking, this should be clarified. Car park accumulation has been undertaken that demonstrates the worst case demand is likely to be 169 cars, this is in excess of the parking provided, however, it is proposed to provide additional overspill car parking in an adjacent field and this should be clearly demonstrated as it must be fit for purpose. A car park Management plan must be conditioned should the development be approved.

No pedestrian walkways are identified within the car parking area, this could lead to pedestrians 'squeezing' through parked vehicles, and should be revised accordingly. The proposed number of disabled car parking spaces is acceptable, however parent and child spaces are indicated closer to the building entrance and this should be revised. It is necessary that disabled parking spaces are located as close to the building as possible.

The layout plan does not indicate any identified pedestrian routes between the external sales area and the children's play area. There is also a looped block paved route that requires clarification as it links between the service yard and the bin area, it should be confirmed if this is a one way link and what its purpose is as there are no turning facilities. It should be clarified what type of service vehicles will visit the site and that they can turn satisfactorily within the service area.

A cycle shelter is indicated on the drawing that is to provide for 12 cycles, in accordance with SPD 3: Car parking in new developments 90 cycle parking spaces should be provided. This figure is clearly excessive for this location and in this case 12 spaces is deemed adequate as it is likely to cater for 40% of staff and will be supported through the introduction of a travel plan. The cycle parking will not be exclusive for staff use although the TA accepts cycling to the site by customers will be limited.

It is positive to see that the comments provided for the Travel Plan submitted with the previous application for this development (09/2812/FUL) have been followed in the newly submitted document.

It is indicated in paragraph 10.1.1 that this Travel Plan will also benefit the existing landscape service currently provided on this site – while the Travel Plan is submitted as a requirement in support of the planning application to redevelop part of the East Brook Farm site, the existing usage on the site should be included as an important part of its delivery. The Travel Plan should be for the whole site with the measures also covering the staff who work at the landscaping service part of the business, as reflected in the Title of the Travel Plan – East Brock Farm, Eaglescliffe.

This could open the possibility of the Travel Plan Coordinator being recruited from the existing workforce and a baseline travel survey being carried out prior to the redevelopment works being undertaken, giving a view of the current modal trip information to the site, from which the target for the Travel Plan can be established.

One of the important aspects of a Travel Plan is a commitment from the site owners/developer/end user – this would be a clear indication of this commitment.

It must be highlighted that the indicated source of the Framework Implementation Timetable does not provide confidence in the commitment to the Travel Plan

In summary, changes to the layout and Travel Plan are required as detailed above, however without the introduction of a ghost right turn to the development then this proposal is not supported in highway terms.

Landscape & Visual Comments

The revised plan shows changes to the proposed water reservoir dividing the former reservoir into two. We would have no objections to this from a landscape and visual viewpoint. We also have no objections to other minor amendments.

Other comments made in the memo re application 09/2812 remain as detailed in italics below:

There are no objections to the development. The proposed mounded native planting in area A on drawing CO674-08A together with the existing planting around the site will provide a good buffer screen to the development when viewed from the A67. The additional native planting in areas B-E will further help to soften the scheme. Planting densities are requested to assess the planting scheme more fully. The species chosen are acceptable.

The planting beds within the car park between the parking bays should be widened to a minimum of 2 metres to allow for adequate growth of the planting. The species chosen are acceptable but plant spacing's are required.

The types of materials selected for the hard landscaping – gravel and block paving acceptable but details are requested.

All the existing planting should be protected during any site works and suggested condition wording is located in the informative section at the end this memo.

The concerns of Durham Tees Valley Airport about the possibility of bird strikes and birds using this site are noted. It is possible the water reservoir could attract birds and present a problem but it is not felt that the extra planting around the site boundaries would be a problem as it is small linear strips of planting unlikely to attract large bird numbers. The reservoir could be covered to alleviate the problem. In this instance it may be best to contact the Tees Valley wildlife trust to assess the wildlife potential of the development in relation to bird strikes.

Lighting details are requested as this is rural area.

Flood Risk Management Comments

The access from the A67 to the site is on a steep slope however, the access road and proposed development site seem relatively level. The proposed site appears to have trenches along the boundary opposite the A67. The applicant has stated in the Design and Access Statement that no level changes will be made within the site.

The applicant is proposing a storage reservoir to provide a source of rainwater for irrigation purposes, a swale, constructed along part of the southern boundary of the site, to collect rapid response run-off from impervious areas at ground level.

The water course flows to the south of the site in an easterly direction. The watercourse is a tributary of Nelly Burdon's Beck which flows into the River Tees at Yarm.

The proposal is for a balancing pond which receives incoming water from the swale and any overflow from the storage reservoir, with a controlled discharge from the balancing pond to the watercourse. The applicant will require consent from the Environment Agency to discharge into Nelly Burdon's Beck; we require confirmation that the applicant has this permission.

The development must not increase the risk of surface water run off from the site. Any run off must not exceed green field rates. Any increase in surface water generated by the development or existing surface water/ ground water issues on the site must be alleviated by the installation of a suitable drainage system within the site. The Authority supports the use of sustainable urban drainage systems. The applicant needs to confirm that the existing greenfield runoff for this site will not be increased by the proposed development. The application also needs to provide full drainage design details and maintenance proposals for the storage reservoir and pond.

Environmental Policy Comments

The Design and Access Statement needs to be specific regarding energy supply. The concept of using solar panels and ground source heat pumps with under floor heating is encouraging and would almost certainly meet the requirements for at least 10% embedded renewables. However, assurance is needed that this work will be done along with numerical evidence of predicted energy demand and the contribution from these technologies required enabling compliance with the Stockton-on-Tees Borough Council Core Strategy CS3 to be confirmed.

Also clarification as to whether the solar panels are for electricity or hot water or both is required.

16. Environmental Health Unit

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

- **Construction Noise**
All construction operations including delivery shall be restricted to 8 am – 6 pm on weekdays and 9 am – 1 pm on a Saturday and no Sunday or Bank Holiday working.
- **Unexpected Land contamination**
In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the LPA to prior resumption of the works.

17. Health and Safety Executive

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

18. Northern Gas Networks

No comments received.

19. CE Electric UK

No comments received.

20. Northumbrian Water Limited

I refer to letter dated 9th December 2010 and on web Site layout Plan. Thank you for consulting Northumbrian Water. The application has been examined and Northumbrian Water has no objection to the proposed development. For your information, there are no public sewers near this site.

21. Waste Management

No comments received.

22. Councillor J Fletcher

Thank you for your letter of 9-12-10. My comments are based on the information I hold and may be varied should I learn more. The Application Site is just outside the boundary of the ward I represent. My main concerns therefore are:

The effect of the proposal on residents of this Ward whose homes border the Application Site;
& The effect on road safety on the A67, which at this point is a 60-mph. road, of increased traffic to & from Wilkinsons Landscapes Ltd.

No doubt Officers will check on the former point and SBC engineers on the latter.

23. Aislaby and Newsham Parish Council

No comments received.

24. Tees Archaeology

No comments received.

25. Network Rail

Thank you for your letter of 09/12/2010 providing Network Rail with an opportunity to comment on the above mentioned application.

In relation to the above application I can confirm that Network Rail have no observations to make.

26. Spatial Plans Manager

It is understood that the application seeks planning permission for:

- the erection of a retail unit providing:
 - retail sales area with ancillary offices, staff room, toilets
 - outdoor retail sales area totalling 810 sq m underneath a canopy on two side of the building
 - An ancillary café measuring 180 sq.m
- the laying out of an external sales area of 7000 sq m
- the erection of an office of 150 sq m to form the Customer Sales and administrative head quarters for Wilkinson Landscapes Ltd.
- the laying out of a fenced service yard
- the laying out of a widened access road from the A67, car park and turning areas
- landscaping, mounding and water reservoir

It is considered that the main policy considerations for this application are:

1. The nature of the existing and proposed operations at East Brocks Farm.
2. Is the proposal acceptable in terms of PPS4 and the development plan?
3. Is the development suitable in terms of sustainability and visual impact, given its location outside of defined settlement limits?

1. Nature of the proposal

Existing use

It is understood that the site currently operates principally as a landscape business, plant nursery and retail plant centre. However, from my brief assessment of the planning history of the site, I am unable to ascertain when planning permission was granted for retail sales on the site, which the supporting information states commenced in 2003. This issue must be addressed before this application is determined. For the purpose of this response, the existing situation on site will be considered as lawful and it is assumed that the sales element of the business is related to products grown on site. The accompanying planning statement also outlines a previous consent at the site dating back to the 1990s, this has now expired. The plans in the applicant's statement show an operation that is not as extensive as that now sought.

Given the location of the proposal I would suggest that it may be worthwhile consulting Darlington Borough Council regarding this application.

Proposed use

It is noted that the change of the existing garden centre to plant nursery is detailed in the proposal (drawing C0674-15A) but is identified on the submitted documentation as being outside of the planning application boundary (red-edge). As this would be a change of use from retail (A1 use-class) to plant nursery (sui-generis use class), planning permission would therefore be required.

It is understood that the development seeks a landscape design office (150 sq.m) and a garden centre with a gross floorspace of 2,000 sq.m, 810 square metres of this building is classed as outdoor covered sales area. This allows a net sales area estimated at approximately 1,490 square metres, with a café (including kitchen) measuring about 260 sq.m. The proposal also involves an outdoor uncovered sales area comprising 7,000 sq.m.

The applicants state that the business is linked to other activities at East Brocks Farm but no details have been provided with regard to what the existing and proposed proportion of goods sold are grown on site or what plants will be sold from the building. Furthermore, the applicants

seek a planning condition limiting the goods which can be sold from the site to horticultural goods and the ancillary café. This includes a wide coverage of goods, most of which will have to be brought onto the site (for example garden buildings, pots, furniture, machinery, composting). There is no condition sought which would limit the sales of these goods.

The impact statement indicates that the existing turnover of the retail sales element of the proposal is £200,000 and this is expected to increase to £1.5million, an increase of 750%. In comparison the nursery area is expected to grow by only about 50%. Clearly a substantial part of the increase in the stated turnover and floorspace sales density will be delivered by stock delivered to the site.

On this basis, it is considered that the proposed garden centre is of a scale that sets it apart from the existing nursery business and should be subjected fully to the tests within PPS4.

Assessment against PPS4

Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) includes a number of policies relating to new retail development. The policies considered relevant to this application are:

- Policy EC10: Determining Planning Applications for Economic Development
- Policy EC11: Determining planning applications for economic development not in accordance with an up to date development plan
- Policy EC12: Determining planning applications for economic development in rural areas
- Policy EC14: Supporting evidence for planning applications for main town centre uses
- Policy EC15: The ... sequential assessment...
- Policy EC16: The impact assessment ...
- Policy EC17: The consideration of planning applications for development of main town centre uses not in a centre and not in accordance with an up to date development plan

Please also note that PPS4 is accompanied by a practice guide which provides guidance on how the tests in the document should be undertaken.

In addition to the above the following local policies are also relevant:

- Core Strategy Policy CS5 – Town Centres
- Local Plan Alteration Number 1 Policy S2 – Major retail development and other town centre uses beyond defined retail centres

Please note that Policy S19 of Local Plan Alteration Number 1, 'Garden Centres' has now been deleted and is not a material consideration in this application.

It is considered that the majority of these policy issues can be covered by Development Services officers. Therefore this statement focuses on the scale of the development, the sequential test, the impact assessment, economic benefits of the development. The final section outlines other material considerations.

Scale

It is understood the businesses at East Brocks Farm emerged from a need to diversify the operations on the farm. These operations have grown successfully to the current business. However, the new proposal is essentially 9,000 square metres of retail sales area in an out-of-town location. As stated above, there is also no firm evidence that the goods sold on the site will necessarily be grown on site. It is considered that a development of this scale could be considered as inappropriate for the location.

In addition, it would be unreasonable to limit the proportion of goods sold from the garden centre to produce grown on site. Therefore at some point the garden centre and nursery could theoretically be severed and operated in separate ownerships.

In determining this planning application consideration should also be given to the recent decision (09/3013/FUL) at the former outdoor sales area for the former Homebase (now Asda Living) at Teesside Park. In this application, the applicant Council had sought a legal opinion that identified that the now redundant outdoor sales area of the building was classed as retail floorspace. The Council's solicitor agreed that retail floorspace was the established use.

The implications of this decision are that if the proposal is approved:

1. the outdoor sales area could be covered over at some point in the future
2. the extent of the planning permission could be used to justify a larger indoor floor area

Given the above it is considered that the application should be subject to the sequential test and impact test as set out in PPS4.

The Sequential Test

PPS4 requires sites to be assessed on their suitability and availability. In doing this the guidance states that a flexible approach should be applied which looks at disaggregating elements of the proposal.

From the information accompanying the application it is difficult to understand whether a smaller floorspace requirement could be sought for the development in a more central location. For example the ancillary café, at 180 square metres (seating area) is larger than most town centre restaurants and could accommodate a significant number of covers. It is also noted that according to information sourced from the Valuation Office Agency (VOA) the ancillary café at B&Q at Portrack Lane, which is a larger operation, the ancillary café equals 72 square metres in a large unit. Likewise it is not known generally how the remainder of the store will be set out and if plants will be displayed indoors. Finally there is no justification why the outdoor sales area must be 7,000 sq.m and why this could not be reduced.

In addition saved policy S2 of Local Plan Alteration Number 1 (2006) directs retail development to:

1. The Primary Shopping Area within Stockton Town Centre or the boundaries of the various district or local centres
2. Then locations on the edge of the above areas
3. Then out-of-centre locations which are well served by public transport and which have a high likelihood of forming a link with the centre
4. Only then in other out-of-centre locations

The sequential test accompanying the application principally looks at vacant units within Stockton, Billingham, Yarm and Thornaby. There is also a brief assessment of some sites in these areas. However, this sequential test is considered deficient as it does not look at any other location within points 2, 3 and 4 outlined above.

Furthermore as the site is an out-of-town location this is sequentially less preferable to an out-of-centre location, which would generally be any location within the surrounding main settlements.

Finally the impact assessment submitted suggests that the development has a

20-minute/10-mile catchment area which crosses the administrative boundaries with Darlington, Middlesbrough and Hambleton Borough Council's and to a lesser extent Hartlepool Borough Council and Durham County Council.

It is considered that given the proposals location, the size of this catchment area and the scale of the development at the very least the development should also look at Middlesbrough and Darlington Town Centres and suitable locations within the limits of these towns.

The Impact Assessment

The impact assessment that accompanies the application is underpinned by a quantitative need assessment. Given the location of the site this need assessment should have regard to the Stockton and Middlesbrough Retail Study and the most recent retail study produced by Darlington Borough Council.

The Stockton and Middlesbrough retail study (2008) identified a total comparison goods (items not obtained on a frequent basis such as clothing, footwear, household and recreational goods) capacity across the study area of approximately £655million to 2021. Existing commitments are identified to provide 30% of the floorspace for this capacity. The study concludes that, in terms of bulky goods retailing, Stockton Borough is well catered for, however, there is a qualitative need to enhance the range and choice of facilities within the Middlesbrough area, in particular at the Cannon Park site.

In late 2010 the Council (with assistance from Nathaniel Lichfield and Partners) undertook an update of the retail study using the latest information available. This looked purely at expenditure within Stockton-on-Tees Borough and used updated population estimates and more recent data from Experian on growth in retail spend. The study concluded that there was no capacity for growth in comparison goods retail within Stockton Borough until beyond 2016. This is based on the projections in Experian Retail Planner Note 8.1 which identifies that spend on comparison goods between 2009 and 2013 is likely to be much less than the previous period.

The need assessment submitted with the planning application, which forms the basis of the retail impact assessment, identifies a large catchment area which will experience a growth in expenditure on all comparison goods to 2015 of approximately £200million. Of this it is estimated that there will be a growth in spend on horticultural items of approximately £7million to 2015. The assumptions in this assessment are discussed below.

The catchment area is extensive covering a 10-mile radius based on the assumption that this is 20-minute drive time. However, this does not respect the geography of the area and is a simple circle on the map. This does not reflect the road system in the area and it is therefore considered that an accurate 20-minute drive time would be much less than the catchment displayed. The effect of this assumption is to create an increased population within the development's catchment area.

The retail expenditure growth figure applied in the justification of 5.9% growth in spending between 2010 and 2015, is considered to be overly optimistic. The Council's previous retail studies have used Experian information on the growth in retail expenditure, the latest version of this being Experian Retail Planner Note 8.1. This predicts that comparison retail spend will be relatively flat between 2009 and 2011 and no higher than 2.7% there after. The applicants' planning statement asserts that garden equipment spend will grow above this but provides no evidence for this assumption. The statement therefore predicts high growth in spend on horticultural goods.

The statement also lacks an assessment of how existing retail floorspace for horticultural goods across Darlington, Middlesbrough Stockton (the identified catchment area) soaks up this expenditure and the market share of existing centres. The turnover of this floorspace would then be used to assess the capacity for new floorspace and the potential trade draw from centres. Instead the statement assumes that the main impact will be on out-of-centre sites.

As a result of the large population and growth in spending, the proposal is considered to be a small development when judged against expenditure growth as the turnover is estimated at only £1.5million. This total turnover equates to a sales density per sq.m of approximately £175 per square metre, based on a total sales area of about 8,600 sq.m and not differentiating between horticultural items and non-comparison floorspace. No comparisons with other garden centres are provided to justify these figures and this turnover appears to be a modest estimate for such a large sales area in what is envisaged to be a destination store with ancillary cafe.

Furthermore if the principle of the 9,000sq.m (gross) floor area is established, this could potentially be reformatted to create a building with a larger floor area and a likely increased turnover. The principle of the retail floorspace could not be revisited at this time, unless the application expired without being implemented.

In conclusion the retail impact assessment does not sufficiently conclude what capacity for retail development there will be to the design year of 2015. It is therefore not possible for the impact assessment to satisfactorily assess the trade draw from existing centres. The statement is based on the anecdotal claim that the impact from the proposal will be felt by out-of-centre floorspace only and that there will be no impact on existing and planned floorspace (for example Cannon Park).

Finally the statement has identified a qualitative need for a plant based garden centre outlining that there are only a few similar plant based garden centres in the catchment area and that the facilities provided by DIY stores are not as large or specialist as this proposal. However, this assertion is not backed up by any evidence of why the offer from the store will be significantly different than already offered in the catchment area.

In determining the impact of the proposal, the assumptions in this statement should be weighed up against the Stockton and Middlesbrough Retail Study (2008), the recent update for Stockton Borough (2010) and any relevant evidence from Darlington Borough Council.

Economic Benefits of the Proposal

It is understood from the planning application form that the proposal will create a further 9 jobs, on top of the 48 jobs existing on site, along with an unknown number of temporary jobs from the construction of the development.

The planning statement includes a section detailing how the three businesses at East Brocks Farm are inextricably linked and emphasises this as a benefit. However, as discussed above, the three businesses could easily be severed, nullifying this economic benefit and therefore limiting the weight of this consideration in decision making.

Rural diversification is also identified as a significant consideration in this application. However, as the proposal appears to be a stand-alone garden centre, it is considered that guidance within the Core Strategy (particularly Policy CS4, point 8i) and PPS7 regarding rural diversification is of little relevance to this proposal. Further to this, whilst PPS7 is generally supportive of farm diversification, it also notes that this should not result in excessive expansion or encroachment of built development into the countryside. Core Strategy Policy CS4.8 is also supportive of rural enterprises, where they require a rural location, support the

rural economy and contribute to rural diversification. As outlined above, the Spatial Planning Team is concerned that this proposal does not meet these criteria.

Other than this, the application holds no other evidence on the economic benefit of the proposal other than that in the impact assessment, which is discussed above. Overall it is considered that the application does not make a convincing case that this proposal would result in a wider economic benefit.

Other Material Considerations

As noted above, it is considered that the proposed garden centre is of such a scale that it is set apart from the existing nursery business and should therefore be considered as a separate proposal. As a result, a number of material considerations should also be taken account in determining the application; however this is not an exhaustive list.

Reference should be made to Local Plan Policy EN13, which concerns development outside the limits to development. Consideration should be given to whether any of the five criteria by which development outside the limits to development can be justified have been met. Whilst Policy EN13 states that development outside the limits to development which contributes to the diversification of the rural economy may be permitted, this is only where it does not harm the character or appearance of the countryside. Reference should also be made to the key principles set out in Planning Policy Statement 7 regarding sustainable development in rural areas. Consideration must be given to whether a development of the proposed type, scale and design is appropriate in this rural location, particularly given its function as a strategic gap between the main settlements within Stockton Borough and Darlington. In addition, consideration should be given to the future implications for the potential area of previously developed land created by removing the existing development.

PPS4 states that all proposals for economic development should be judged against whether the proposal has been planned to limit carbon dioxide emissions, accessibility and design considerations amongst other things. As noted in the analysis of the sequential test above, consideration should be given to the sustainability of the proposal's location in terms of the spatial strategy contained within the Core Strategy and in particular policies 2 (Sustainable Transport and Travel) and 5 (Town Centres). In addition, Core Strategy Policy 3: Sustainable Living and Climate Change requires that non-residential developments exceeding 1000 square metres gross floor space provide at least 10% of their total predicted energy requirements on site from renewable energy sources. Whilst the submitted Design and Access Statement makes reference to the potential to install ground source heat pumps and solar panels, there seems to be no explicit explanation of how this requirement will be met.

27. The Environment Agency

Thank-you for referring the above application, which we received on 9 December 2010, and for allowing us additional time to comment. We consider that the proposed development will be acceptable providing the following planning conditions are imposed on any grant of planning permission:

1. Condition Flood Risk

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason

To prevent the increased risk of flooding, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Advice to Applicant

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDs approach.

In accordance with Approved Document Part H of the Building Regulations 2000, the first option for surface water disposal should be the use of sustainable drainage methods (SUDS) which limit flows through infiltration e.g. soakaways or infiltration trenches, subject to establishing that these are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries ground water pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

2. Condition Water Pollution

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason

To prevent pollution of the water environment.

We also wish to make the following comments:

Advice to Applicant

Environmental Permit

Under the terms of the Environmental Permitting Regulations (England and Wales) 2010, anyone intending to discharge volumes of sewage effluent of 5 cubic metres per day or less to surface waters or 2 cubic metres per day or less to ground may be eligible for an exemption and will need to register with us before they commence making the discharge.

An Environmental Permit is normally required from us for discharges above this volume. It is illegal to discharge sewage effluent without either an exemption registration or an Environmental Permit.

In addition, the site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

Abstraction Licence

An abstraction licence may be required if water is taken from adjacent watercourses to fill the reservoir. In addition to this an impounding licence may be required for works that impound, obstruct, or divert the flow of any inland water, such as a dam, weir or similar. More details regarding an abstraction licence can be found on the following link: <http://www.environment-agency.gov.uk/business/topics/water/32020.aspx>.

If you have any further queries or require any additional information, please do not hesitate to contact me on the details below.

28. Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. We have considered the proposal against the full range of Natural England's interests in the natural environment. Based on the information provided with the application, our comments are as follows:

Natural England objects to the proposed development on the basis that there is reasonable likelihood of legally protected species being present and adversely affected by the development. The application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. For this reason we recommend that you either refuse planning permission or defer a decision pending a revised proposal that addresses the deficiencies.

Our concerns relate specifically to the likely impact upon great crested newts. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 'Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.'

Although the application has been supported by a Phase 1 Habitat Survey, no assessment has been made of the sites potential to support protected species, notably great crested newts (GCNs). In my response of 6th January 2010 to the original application (copy enclosed), I highlighted the presence of two ponds within 500m of the application site, the closest being within 150m. Natural England's advice at that time was that GCN surveys should be undertaken prior to the granting of planning to determine if GCN were likely to be using the site, and if so, allow for the development of a suitable mitigation scheme.

Section 5.4 of the Planning Statement states that;

A Phase 1 Habitat Survey has been submitted with the application. The Environment Agency has indicated that they consider the area to accommodate Great Crested Newts. These are protected species. A survey will be carried out prior to any commencement of development and if they are found to be on site, the appropriate mitigation will be designed and implemented'.

However – as noted in my previous response - ODPM Circular 06/2005 states that;

'The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat'.

and;

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'.

In the absence of an appropriate level of survey – or other compelling evidence that great crested newts are likely to be absent from the site - Natural England do not consider that the application meets the requirements of ODPM Circular 06/2005 as it is not considered that a reasoned assessment of the likely impact of the proposal on the species has been made. As such, Natural England advises that appropriate survey work (following recognised survey standards) is undertaken prior to the granting of planning permission to allow, where necessary, for the development of a suitably informed mitigation strategy.

Breeding Birds

It appears that small sections of hedgerow will be removed to facilitate the development. As such, Natural England recommends that the following condition is attached to any permission which may be forthcoming:

Any on site vegetation clearance should avoid the bird breeding season (March to end of August) unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no active nests are present.

Reason: To conserve protected species and their habitat

Landscaping Proposals

Under section 40(1) of the Natural Environment & Rural Communities Act 2006 a duty is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species.

When considering applications the council should maximise opportunities in and around developments for building in beneficial feature as part of good design, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. This is in accordance with the duty on the council described above and in paragraph 14 of PPS 9. Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably experienced persons holding any relevant licences.

Further information on protected species surveys can be found in Planning for Biodiversity and Geological Conservation: A Guide to Good Practice (pages 48-50) which can be downloaded at <http://www.communities.gov.uk/publications/planningandbuilding/planningbiodiversity>.

Guidelines on mitigation can also be downloaded from the publications at <http://naturalengland.twoten.com/NaturalEnglandShop/browse.aspx>.

Please note that if planning permission is granted, the applicants should be informed that this does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 06/2005.

If the application is amended with additional information, Natural England should be re-consulted.

29. National Grid

No comments received.

30. Tees Valley Wildlife Trust

We have reviewed the information in the ecological surveys submitted with the application and compared this to our own records for the area. The application does not appear to have any significant impacts on ecology. We note the statement regarding great crested newts made by the applicant in their Planning Statement. According to our records, there is a breeding pond supporting great crested newts just over 1 km to the east of the application site. There do not appear to be any habitats that would support breeding great crested newts within the application site. We would therefore support the statement made by the applicant regarding surveys and mitigation and believe this could be achieved through planning conditions rather than needing further investigation prior to planning permission being considered. We do not object to the application.

31. Highways Agency

No objections in principle offers no objection.

32. Durham and Tees Valley Airport

No comments received.

33. Yarm Town Council

No comments received.

34. Egglecliffe and Eaglescliffe Council

No comments received.

PUBLICITY

35. Neighbours were notified. No representations have been received as a result of site and neighbour notification.

PLANNING POLICY

36. 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)

37. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 1 (CS1) - The Spatial Strategy

1. The regeneration of Stockton will support the development of the Tees Valley City Region, as set out in Policies 6 and 10 of the Regional Spatial Strategy 4, acting as a focus for jobs, services and facilities to serve the wider area, and providing city-scale facilities consistent with its role as part of the Teesside conurbation. In general, new development will be located within the conurbation, to assist with reducing the need to travel.

2. Priority will be given to previously developed land in the Core Area to meet the Borough's housing requirement. Particular emphasis will be given to projects that will help to deliver the Stockton Middlesbrough Initiative and support Stockton Town Centre.

3. The remainder of housing development will be located elsewhere within the conurbation, with priority given to sites that support the regeneration of Stockton, Billingham and Thornaby. The role of Yarm as a historic town and a destination for more specialist shopping needs will be protected.

4. The completion of neighbourhood regeneration projects at Mandale, Hardwick and Parkfield will be supported, and work undertaken to identify further areas in need of housing market restructuring within and on the fringes of the Core Area.

5. In catering for rural housing needs, priority will be given to the provision of affordable housing in sustainable locations, to meet identified need. This will be provided through a rural exception site policy.

6. A range of employment sites will be provided throughout the Borough, both to support existing industries and to encourage new enterprises. Development will be concentrated in the conurbation, with emphasis on completing the development of existing industrial estates. The main exception to this will be safeguarding of land at Seal Sands and Billingham for expansion of chemical processing industries. Initiatives which support the rural economy and rural diversification will also be encouraged.

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 4 (CS4) - Economic Regeneration

1. A range of opportunities will be provided within the employment land portfolio to meet the requirement set out in the Regional Spatial Strategy, as follows:
 - _ General Employment Land 255 hectares (ha)
 - _ Key Employment Location (Wynyard) 70 ha
 - _ Durham Tees Valley Airport 50 ha
 - _ Land for Chemical and Steel Industries, up to 445 ha
2. The main locations for general employment land will be:
 - _ Durham Lane Industrial Estate. 40 ha
 - _ Belasis Technology Park 20 ha
 - _ Teesside Industrial Estate 30 ha

- _ Urray Nook 20 ha
- _ Core Area 10 ha

3. Land for general employment uses will be released in phases as follows:

- a. 2004 - 2011 0 ha
- b. 2011 - 2016 60 ha
- c. 2016 - 2021 60 ha
- d. 2021 - 2024 40 ha

4. The target for the annual average development of all types of employment land is 13 hectares over the life of the Core Strategy.

5. To maximise opportunities for the delivery of the Regional Spatial Strategy requirements land will be safeguarded for chemical production and processing, subject to environmental constraints, in the following locations:

- a. North Tees Pools up to 100 ha
- b. Seal Sands up to 175 ha
- c. Billingham Chemical Complex up to 65 ha

If evidence comes forward that the Billingham Chemical Complex (formerly known as the ICI Process Park) is not suitable for these purposes, other specialist uses will be considered, such as reprocessing industries and biotechnology laboratories. These are also suitable locations for the installation of new, or expansion of existing potentially hazardous or polluting industries, although these will need to be sensitively and safely located.

6. Land will also be safeguarded on the north bank of the River Tees in the Haverton Hill and Port Clarence areas. Priority will be given to developments requiring a port or river-based site. No port or river based development will be permitted on, or on land immediately adjacent to, the North Tees Mudflat component of the Tees and Hartlepool Foreshore and Wetlands Site of Special Scientific Interest (SSSI).

7. Employment sites which are viable and attractive to the market will be protected from increasing pressure for redevelopment for alternative uses which may secure higher land values, for example housing.

8. Additionally, support will be given to:

- i) Suitable enterprises that require a rural location and which support the rural economy and contribute to rural diversification;
- ii) The establishment of new enterprises, particularly where related to existing industries, assisting them to evolve with advancing green technologies;
- iii) The expansion of research-based businesses associated with Durham University's Queen's Campus;
- iv) Growth in sustainable tourism, particularly in the following locations:
 - a. The River Tees as a leisure, recreation and water sports destination, with regard given to the protection and enhancement of the character of tranquil areas along the river corridor between the towns of Stockton and Yarm;
 - b. Preston Park;
 - c. Sites linked to the area's industrial heritage, including early history, railway and engineering heritage and the area's World War II contribution; and
 - d. Saltholme Nature Reserve.
- v) The creation of employment and training opportunities for residents by developers and employers.

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.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

1. In taking forward development in the plan area, particularly along the river corridor, in the North Tees Pools and Seal Sands areas, proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast SPA and Ramsar site, or other European sites, either alone or in combination with other plans, programmes and projects. Any proposed mitigation measures must meet the requirements of the Habitats Regulations.

2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.

ii) Green wedges within the conurbation, including:

_ River Tees Valley from Surtees Bridge, Stockton to Yarm;

_ Leven Valley between Yarm and Ingleby Barwick;

_ Bassleton Beck Valley between Ingleby Barwick and Thornaby;

_ Stainsby Beck Valley, Thornaby;

_ Billingham Beck Valley;

_ Between North Billingham and Cowpen Lane Industrial Estate.

iii) Urban open space and play space.

4. The integrity of designated sites will be protected and enhanced, and the biodiversity and geodiversity of sites of local interest improved in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation, ODPM Circular 06/2005 (also known as DEFRA Circular 01/2005) and the Habitats Regulations.

5. Habitats will be created and managed in line with objectives of the Tees Valley Biodiversity Action Plan as part of development, and linked to existing wildlife corridors wherever possible.

6. Joint working with partners and developers will ensure the successful creation of an integrated network of green infrastructure.

7. Initiatives to improve the quality of the environment in key areas where this may contribute towards strengthening habitat networks, the robustness of designated wildlife sites, the tourism offer and biodiversity will be supported, including:

i) Haverton Hill and Seal Sands corridor, as an important gateway to the Teesmouth National Nature Reserve and Saltholme RSPB Nature Reserve;

ii) Tees Heritage Park.

8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

10. When redevelopment of previously developed land is proposed, assessments will be required to establish:

_ the risks associated with previous contaminative uses;

_ the biodiversity and geological conservation value; and

_ the advantages of bringing land back into more beneficial use.

Local Plan Saved Policies;

Policy EN13

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
- (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or

In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:

- (iii) It contributes to the diversification of the rural economy; or
- (iv) It is for sport or recreation; or
- (v) It is a small scale facility for tourism.

Policy EN38

Residential development or development which attracts significant numbers of people, particularly the less mobile, will be permitted in the vicinity of a hazardous installation only where there is no significant threat to the safety of the people involved.

Alteration No.1 Saved Policies

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 S18

Where planning permission is required for retail developments associated with horticultural nurseries or for farm shops, proposals will only be permitted provided that : -

- i) satisfactory parking and access arrangements are provided in accordance with the volume of traffic likely to be generated by the proposed development, and
- ii) wherever possible, the retail operation is carried out in an existing building on the farm in accordance with Policy EN20, and only if this cannot be achieved, then any new building associated with the proposal should be designed and built in character with the adjacent farm buildings and in accordance with other relevant policies of the Local Plan, and
- iii) any associated signage/ advertising does not constitute an intrusive feature in the landscape, and
- iv) proposals are small in scale and ancillary to the main use of the farm, and
- v) the operation does not cause significant harm to a local centre as defined at Policy S1, a nearby village shop or local amenity; and
- vi) the goods sold will predominantly (at least 75%) be those produced on site or from other local farms.

SITE AND SURROUNDINGS

38. The site is an agricultural field of 4.018 ha located in the open countryside 1.5 Km to the west of Eaglescliffe and on the south side of the A67 which leads to Durham Tees Valley Airport. The field is immediately to the east of the Wilkinsons Landscape contractors and plant nurseries and would share the same private access road. The field is reasonably level with hedgerows around most of its boundary and trees along the southern and western sides. Two underground pipelines run north to south across the eastern end of the site. These are the Teesside to Saltend Ethylene pipeline and Elton Feeder No. 6 pipeline.
39. The applicant's 'Land Use Plan as Existing' shows Wilkinsons Landscapes business ownership to the west of the site amounts to a further 19074 sq m of land. The existing plant nursery occupying 9868 sq m of this, the landscape design and contracting base a further 8338 sq m, a portakabin office 176 sq m and staff car parking 692 sq m. The plan shows an area of 3909 sq m as being a "Retail Plant Centre" although this has never been authorised for planning purposes.
40. The agricultural field which is the application site is surrounded by farmland other than Wilkinsons existing uses to the west with Aislaby Grange Farm and a group of residential chalets and caravans with associated stables, stores and other buildings to the south. A water course flows to the south of the site in an easterly direction which is a tributary of Nelly Burdon's Beck which flows into the River Tees at Yarm.
41. The Durham Tees Valley Airport is 1 km to the west of the site and the railway 150m to the north running east to west. The Elementis Chromium plant at Urray Nook is some 400m to the north east.

MATERIAL PLANNING CONSIDERATIONS

42. The main considerations of this application relate to the principle of the development, the impacts on the character and appearance of the area, nature conservation, highway safety and any other material planning consideration.

Principle of the development

43. The main policy considerations are as identified in the Spatial Planning advice and relate to the nature of the existing and proposed operations at East Brocks Farm; the acceptability in terms of Government advice in PPS4 and PPS 5, the development plan and the suitability in terms of sustainability and visual impact, given its location outside of defined settlement limits.
44. The application site is located outside of any defined settlement boundary limits as defined by the adopted Stockton on Tees Local Plan. The proposals relate to the creation of a major retail unit in a field with a site area of 4.018 ha. The retail buildings and display areas of 4208 sq m

would occupy approximately ¼ of the land. A large proportion of the rest of the land would be accessible to the public as garden display areas, children's play area or parking for 113 shopper's cars. The eastern end of the site would be left grassed but have gates from the car parking area so that it could easily be utilised as an overspill car park. This garden centre would be major retail development located in the countryside where retail development is strictly controlled and restricted by the Council's planning policies and central Government advice.

45. It is understood the businesses at East Brocks Farm emerged from a need to diversify the operations on the farm. These operations have grown successfully to the current business. Wilkinsons business is related to the growing of plants as an agricultural or horticultural activity which in itself is an acceptable use of land in the countryside. The retail sales area currently operating at the site grew from an incidental or ancillary use and is otherwise unauthorised. The existing retail area is shown as being outside the red edge application boundary.
46. The existing plant nursery and landscaping business operates in an area of 2.2115 ha which is about half the size of the 4.018 ha field area of the application site for the proposed garden centre. However, the new proposal is essentially 9,000 square metres of retail sales area in an out-of-town location. As stated above, there is also no firm evidence that the goods sold on the site will necessarily be grown on site. It is considered that a development of this scale could be considered as inappropriate for the location.
47. The proposed garden centre would be situated in a separate field screened from the existing plant nursery and contractors yards. There would be no physical link other than a sharing of the same access onto the A67. This separation means that the proposed garden centre could operate as a stand alone retail centre. The only sharing of facilities would be that the staff of the garden centre would use the existing staff car park and access onto the public highway.
48. Core Strategy Policy 4 (CS4) Economic Regeneration supports suitable existing and new enterprises that require a rural location and which support the rural economy and contribute to rural diversification. However this is substantially more than an expansion of the existing plant growing and landscape contractor's base and is a diversion into purely retail activity that does not need to be located in the countryside.
49. The applicant's diagrammatic plan showing the interconnectivity between the existing business and proposed retail garden centre illustrates that the only business link would be that plants would be transferred to the garden centre for sale from the existing growing areas. This transferring of plants from a growers is no different to the supply of retailers in a town centre, to a supermarket or a DIY store. No details have been provided of what the existing and proposed proportion of goods sold are grown on site or what plants will be sold from the proposed building. It would be unreasonable to limit the proportion of goods sold from the garden centre to produce grown on site. The proposed garden centre would not be integrated so as to be inseparable from the existing Wilkinsons business activities and therefore at some point the garden centre and nursery could theoretically be severed and operated in separate ownerships. This does not represent an appropriate growth or diversification of the existing business that is appropriate in the countryside.
50. The Council's Local Plan Saved Policy EN13 limits new development to what is required to the use of the land. The proposals are for the erection of a garden centre whose principle purpose is retail sales to the public. This is not incidental or ancillary to any agricultural or horticultural activities. It does not represent farm diversification and is not necessary for farming or forestry operations. It is not for sport or recreation or a small scale facility for tourism. As such the retail use is not in accordance with planning Policy EN13.

51. The applicants have proposed a condition listing what would be sold. The list includes a wide range of goods besides plants and anything to do with their care, maintenance and presentation. The list includes books, dvds, tools, machinery, furniture and furnishings, lighting and heating, barbecues, clothing, outdoor play equipment, pots, ponds, fish, garden buildings, conservatories, swimming pools, spas and hot tubs, seasonal gifts and cards, artificial plants and art prints. This is in addition to the café over which no restrictions are proposed by the applicants. Nearly all of the goods listed would have to be brought onto the site and are more suitable for sale from retail units within town centres or garden centres within settlement boundaries. It would only be a proportion of the plants themselves that would have been grown on the adjoining nursery or on site and that proportion is not known. There is therefore no need or justification for the sale of the range of goods that would have to be imported to this rural location.
52. As stated by the Spatial Plans Manager “In determining this planning application consideration should also be given to the recent decision (09/3013/FUL) at the former outdoor sales area for the former Homebase (now Asda Living) at Teesside Park. In this application, the applicants legal advisors had sought a legal opinion that identified that the now redundant outdoor sales area of the building was classed as retail floorspace. The Council’s solicitor agreed that retail floorspace was the established use.
53. The implications of this decision are that if the proposal is approved:
- the outdoor sales area could be covered over at some point in the future
 - the extant of the planning permission could be used to justify a larger indoor floor area

Given the above it is considered that the application should be subject to the sequential test and impact test as set out in PPS4.”

54. It is a material planning consideration that planning permissions have been granted in the past by applications in 1991, 1994 and the latest by reference No .97/0010/P. That application was for the erection of glass houses, 3 poly tunnels, pergola, storage and display areas, service yard, car parks, demonstration gardens, creation of a lake, children’s farm and play areas, office, toilets, cafe and improvement of access to A67 for a wholesale nursery and garden centre. Those approvals were subject to a condition that required a scheme to improve the access onto the A67, including works in the carriageway, be approved before development commenced. Those approvals have expired without the conditions being discharged and the development commencing on site.
55. Although those approvals indicate that the site was acceptable in principle at that time the planning policy situation and Government advice in planning policy statements has significantly changed. The Core Strategy now forms the basis of policy along with Saved policies in the 1997 Local Plan and Alteration No.1 of 2006. The existing application is to be determined in accordance with those planning policies and current Government advice.
56. The proposed retail development in both buildings and external areas and the associated visitor attractions are main town centre uses. Core Strategy Policy 5 (CS5) - Town Centres says that 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. Planning Policy Statement 4 (PPS4) requires that a sequential assessment and a retail impact assessment are required for planning applications for main town centres uses that are not in an existing centre and over 2,500 sq m gross floorspace. The applicant has provided a Sequential Assessment and a Retail Impact Assessment.
57. In considering sequential assessments PPS4 requires that developers demonstrate that there are no town centre sites to accommodate the proposed development. Preference is also given

to edge of centre locations which are well connected to the centre by means of easy pedestrian access rather than rural green field locations. Developers need to demonstrate flexibility in terms of scale by reducing floor space and the scope for disaggregating specific parts of a retail development onto separate, sequentially preferable, sites. Evidence which claims that the class of goods proposed to be sold cannot be sold from the town centre should not be accepted.

58. From the information accompanying the application it is difficult to understand whether a smaller floorspace requirement could be sought for the development in a more central location. For example the ancillary café, at 180 square metres (seating area) is larger than most town centre restaurants and could accommodate a significant number of covers. It is also noted that according to information sourced from the Valuation Office Agency (VOA) the ancillary café at B&Q at Portrack Lane, which is a larger operation, the ancillary café equals 72 square metres in a large unit. Likewise it is not known generally how the remainder of the store will be set out and if plants will be displayed indoors. Finally there is no justification why the outdoor sales area must be 7,000 sq. m and why this could not be reduced.
59. In addition saved policy S2 of Local Plan Alteration Number 1 (2006) directs retail development to:
 - 1) The Primary Shopping Area within Stockton Town Centre or the boundaries of the various district or local centres
 - 2) Then locations on the edge of the above areas
 - 3) Then out-of-centre locations which are well served by public transport and which have a high likelihood of forming a link with the centre
 - 4) Only then in other out-of-centre locations
60. The sequential test accompanying the application principally looks at vacant units within Stockton, Billingham, Yarm and Thornaby. There is also a brief assessment of some sites in these areas. However, this sequential test is considered deficient as it does not look at any other location within points 2, 3 and 4 outlined above.
61. Furthermore as the site is an out-of-town location this is sequentially less preferable to an out-of-centre location, which would generally be any location within the surrounding main settlements.
62. Finally the impact assessment submitted suggests that the development has a 20-minute/10-mile catchment area which crosses the administrative boundaries with Darlington, Middlesbrough and Hambleton Borough Council's and to a lesser extent Hartlepool Borough Council and Durham County Council.
63. It is considered that given the proposals location, the size of this catchment area and the scale of the development at the very least the development should also look at Middlesbrough and Darlington Town Centres and suitable locations within the limits of these towns.
64. The impact assessment that accompanies the application is underpinned by a quantitative need assessment. Given the location of the site this need assessment should have regard to the Stockton and Middlesbrough Retail Study and the most recent retail study produced by Darlington Borough Council.
65. The Stockton and Middlesbrough retail study (2008) identified a total comparison goods (items not obtained on a frequent basis such as clothing, footwear, household and recreational goods) capacity across the study area of approximately £655 million to 2021. Existing commitments are identified to provide 30% of the floorspace for this capacity. The study concludes that, in terms of bulky goods retailing, Stockton Borough is well catered for, however, there is a

qualitative need to enhance the range and choice of facilities within the Middlesbrough area, in particular at the Cannon Park site.

66. In late 2010 the Council (with assistance from Nathaniel Lichfield and Partners) undertook an update of the retail study using the latest information available. This looked purely at expenditure within Stockton-on-Tees Borough and used updated population estimates and more recent data from Experian on growth in retail spend. The study concluded that there was no capacity for growth in comparison goods retail within Stockton Borough until beyond 2016. This is based on the projections in Experian Retail Planner Note 8.1 which identifies that spend on comparison goods between 2009 and 2013 is likely to be much less than the previous period.
67. The need assessment submitted with the planning application, which forms the basis of the retail impact assessment, identifies a large catchment area which will experience a growth in expenditure on all comparison goods to 2015 of approximately £200 million. Of this it is estimated that there will be a growth in spend on horticultural items of approximately £7 million to 2015. The assumptions in this assessment are discussed below.
68. The catchment area is extensive covering a 10-mile radius based on the assumption that this is 20-minute drive time. However, this does not respect the geography of the area and is a simple circle on the map. This does not reflect the road system in the area and it is therefore considered that an accurate 20-minute drive time would be much less than the catchment displayed. The effect of this assumption is to create an increased population within the development's catchment area.
69. The retail expenditure growth figure applied in the justification of 5.9% growth in spending between 2010 and 2015, is considered to be overly optimistic. The Council's previous retail studies have used Experian information on the growth in retail expenditure, the latest version of this being Experian Retail Planner Note 8.1. This predicts that comparison retail spend will be relatively flat between 2009 and 2011 and no higher than 2.7% there after. The applicants' planning statement asserts that garden equipment spend will grow above this but provides no evidence for this assumption. The statement therefore predicts high growth in spend on horticultural goods.
70. The statement also lacks an assessment of how existing retail floorspace for horticultural goods across Darlington, Middlesbrough Stockton (the identified catchment area) soaks up this expenditure and the market share of existing centres. The turnover of this floorspace would then be used to assess the capacity for new floorspace and the potential trade draw from centres. Instead the statement assumes that the main impact will be on out-of-centre sites.
71. As a result of the large population and growth in spending, the proposal is considered to be a small development when judged against expenditure growth as the turnover is estimated at only £1.5 million. This total turnover equates to a sales density per sq.m of approximately £175 per square metre, based on a total sales area of about 8,600 sq.m and not differentiating between horticultural items and non-comparison floorspace. No comparisons with other garden centres are provided to justify these figures and this turnover appears to be a modest estimate for such a large sales area in what is envisaged to be a destination store with ancillary cafe.
72. Furthermore if the principle of the 9,000 sq .m (gross) floor area is established, this could potentially be reformatted to create a building with a larger floor area and a likely increased turnover. The principle of the retail floorspace could not be revisited at this time, unless the application expired without being implemented.

73. In conclusion the retail impact assessment does not sufficiently conclude what capacity for retail development there will be to the design year of 2015. It is therefore not possible for the impact assessment to satisfactorily assess the trade draw from existing centres. The statement is based on the anecdotal claim that the impact from the proposal will be felt by out-of-centre floorspace only and that there will be no impact on existing and planned floorspace (for example Cannon Park).
74. Finally the statement has identified a qualitative need for a plant based garden centre outlining that there are only a few similar plant based garden centres in the catchment area and that the facilities provided by DIY stores are not as large or specialist as this proposal. However, this assertion is not backed up by any evidence of why the offer from the store will be significantly different than already offered in the catchment area.
75. In determining the impact of the proposal, the assumptions in this statement should be weighed up against the Stockton and Middlesbrough Retail Study (2008), the recent update for Stockton Borough (2010) and any relevant evidence from Darlington Borough Council.
76. It is understood from the planning application form that the proposal will create a further 9 jobs, on top of the 48 jobs existing on site, along with an unknown number of temporary jobs from the construction of the development.
77. The planning statement includes a section detailing how the three businesses at East Brocks Farm are inextricably linked and emphasises this as a benefit. However, as discussed above, the three businesses could easily be severed, nullifying this economic benefit and therefore limiting the weight of this consideration in decision making.
78. Rural diversification is also identified as a significant consideration in this application. However, as the proposal appears to be a stand-alone garden centre, it is considered that guidance within the Core Strategy (particularly Policy CS4, point 8i) and PPS 7 regarding rural diversification is of little relevance to this proposal. Further to this, whilst PPS 7 is generally supportive of farm diversification, it also notes that this should not result in excessive expansion or encroachment of built development into the countryside. Core Strategy Policy CS4. 8 is also supportive of rural enterprises, where they require a rural location, support the rural economy and contribute to rural diversification. As outlined above, the Spatial Planning Team is concerned that this proposal does not meet these criteria.
79. Other than this, the application holds no other evidence on the economic benefit of the proposal other than that in the impact assessment, which is discussed above. Overall it is considered that the application does not make a convincing case that this proposal would result in a wider economic benefit.
80. The proposal relates to the provision of what is essentially a major retail development in an out of centre location. Major retail developments are guided by both national and local policy towards existing defined town centres or edge of centre sites. The proposed site is neither and as such would not conform with guidance. In such circumstances, out of centre sites would only be acceptable where it could be clearly demonstrated that there are no other sequentially preferable sites available or likely to be available within the term of the Local Plan. As such, a sequential assessment would need to be undertaken to support any application, along with retail impact assessments in respect to the existing centres.

Impact on character and appearance of the area

81. The application site is a field in the open countryside which has hedgerow boundaries and trees along the western and southern boundaries. The field is open and gently undulating with a general fall towards the south away from the A67. The field is separated from the A67 by the

access track to Wilkinsons Landscapes existing business and another track that runs parallel with the A67 and skirts East Brocks Farm to the north and west and which serves fields towards the airport. The roadway of the A67 is generally lower than the level of the application site as that road has been cut formed in a cutting so as to be able to go under the railway line which crosses the road to the northwest of the site. Views into the field from the A67 are therefore limited. Views from further north and Urray Nook are limited by the roadside planting on the northern side of the A67.

82. Views from the adjoining Aislaby Grange Farm and the group of chalets to the south west are also limited due to the intervening boundary hedges and trees. Wilkinsons existing plant nurseries and contractors base are screened from the site by the conifer trees on the western boundary.
83. The proposed plans show that additional planting would be carried out and landscaping mounds up to 3m high around parts of the site. These would supplement the existing planting and in particular would add further screening from the A67 to the northeast and Aislaby Grange and the closest neighbours to the southwest. The applicant has stated in the Design and Access Statement that no level changes will be made within the site.
84. The Head of Technical Services has no objections on landscape grounds. The proposed mounds and native planting together with the existing trees and hedgerows around the site are considered to provide a good buffer screen to the development and soften the impact of the scheme when seen from the A67 and elsewhere. However the planting beds within the car park between the parking bays are not considered to be wide enough and should be a minimum of 2 metres to allow for adequate growth of the planting. The species chosen are acceptable but details of plant spacing are required and plants would need to be protected during any site works.
85. No details are given of any external lighting. This would be required for access ways, open display areas, car parks and elsewhere. Lighting could have an adverse impact on the wider rural area if left uncontrolled. Light would spill from glazed roofs and walls of the building and could also be a source of distraction or confusion to aircraft on the final approach to the airport.
86. Durham Tees Valley Airport have not responded to consultation but on previous schemes had concerns about the possibility of the proposed ponds attracting birds leading to conflict with aircraft. Two ponds are shown in the south western corner of the site for irrigation water storage and balancing of potential flood waters. In addition there is a proposed swale to collect rapid run off of water from impervious areas of the site. It is possible that the water reservoirs could attract birds and present a problem.
87. The ponds and swale would discharge into the water course to the south of the site which is a tributary of Nelly Burdon's Beck which flows into the River Tees at Yarm. Development must not increase the risk of surface water run off from the site and must not exceed green field rates. Any increase in surface water generated by the development or existing surface water/ground water issues on the site must be alleviated by the installation of a suitable drainage system within the site. The Authority supports the use of sustainable urban drainage systems but confirmations about existing greenfield runoff for this site and full drainage design details and maintenance proposals for the storage reservoir and pond would be required.
88. Reference is made in the Design and Access Statement to insulated roofs and under floor heating and the potential for ground source heat pumps and use of solar panels. No specific details are given to ensure that at least 10% embedded renewables was achieved in compliance with Core Strategy policy 3. Numerical evidence of predicted energy demand and

the contribution from these technologies would be required to enable compliance with the Stockton-on-Tees Borough Council Core Strategy CS3 to be confirmed.

89. The proposed development would introduce buildings, structures, hard surfacing for paths, roads, car parking and service yards over an extensive area of a field in the open countryside. The buildings and the associated activities of visiting members of the public including traffic and car parking would have an impact on the countryside which would be mitigated to some extent by the proposed additional screening by planting and embankments. The scale and form of the buildings and their location in the central area of the site would also reduce the impact on the character and appearance of the countryside location.

Nature Conservation

90. The application site is within several hundred yards of ponds that are believed to be the habitat of Great Crested Newts and also a tributary of Nelly Burdon's Beck. The proposed development would create ponds, a swale, garden areas and have an area of field undeveloped except for use as an overflow car park which may all be attractive to wildlife.
91. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. European plant and animal species are also protected under the Conservation (Natural Habitats, &c) Regulations 1994. Some other animals are protected under their own legislation, for example Protection of Badgers Act 1992. When dealing with planning applications the local planning authorities must have regard to the impact on protected wildlife species in order to meet its obligations under these acts and regulations.
92. Natural England has objected to the proposed development: "on the basis that there is reasonable likelihood of legally protected species being present and adversely affected by the development. The application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. For this reason we recommend that you either refuse planning permission or defer a decision pending a revised proposal that addresses the deficiencies."
93. The application is supported by a Phase 1 Habitat Survey carried out by the applicant's planning consultants. This concludes that the site is of limited habitat value but does not assess the sites potential to support protected species. The applicant's Planning Statement refers to advice previously given to the applicants that Great Crested Newts may be present on site and says that a further survey would be carried out before development commenced.
94. Tees Valley Wildlife Trust has been consulted on this proposal. According to their records, there is a breeding pond supporting great crested newts just over 1 km to the east of the application site but there do not appear to be any habitats that would support breeding great crested newts within the application site. The Trust supports the statement made by the applicant regarding surveys and mitigation and believes that this could be achieved through planning conditions rather than needing further investigation prior to planning permission being considered. They therefore do not object to the application. It is noted that this advice is contrary to that of Natural England.
95. The likely presence of Great Crested Newts was known from the consultation response from Natural England and the Environment Agency at the time of the previously withdrawn applications. Following discussions with planning officers the last application reference No .09/2812/FUL was withdrawn to enable surveys and reports by specialist ecologists to be obtained. However, despite the opportunities for doing so since that withdrawal no reports following surveys for Great Crested Newts have been submitted with this current application.

96. Surveys for protected wildlife species need to be carried out at the appropriate time of year when the species is active. The applicants were aware that surveys were required and having failed to do so in the spring of 2010 could have delayed making of this current application until the surveys had been carried out during the spring of 2011. This would not have been unreasonable. considering that the applicants have had unimplemented planning approvals dating back to 1991.
97. Natural England has referred to their previous response which quoted ODPM Circular 06/2005 states that:
 “The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat’.
 and;
 ‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”
98. Court cases against other planning authorities have confirmed that a local planning authority must have all the necessary information about the impact on protected wildlife species at the time that it makes the decision on a planning application. It needs to know what the impact would be on all protected wildlife species and whether any of those impacts can or cannot be mitigated. It cannot rely on surveys being carried out after approval as it may not be possible to mitigate the impacts of the development. The required information has not been submitted with this application to enable an approval to be granted in this instance.
99. Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement says:
 “2. Development throughout the Borough and particularly in the Billingham, Saltholme and Seal Sands area, will be integrated with the protection and enhancement of biodiversity, geodiversity and landscape.” Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change also requires new development proposals to make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity.
100. The proposed development is therefore contrary to Core Strategy policy CS10 which seeks to protect wildlife habitats and biodiversity. It is also contrary to Planning Policy Statement 9: Biodiversity and Geological Conservation which states at paragraph 16: “Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.” The current application has not been supported with the necessary information as to whether there would be harm or not. The application is a speculative private venture and as shown above the retail development would have an adverse impact on the vitality and viability of town and other retail centres and there are no overriding reasons on grounds of needs or benefits to justify granting an approval for the scheme against the advice of Natural England.

Highway Safety

101. The application has been supported by a Transport Assessment and Travel Plan. The Transport Assessment (TA) was drawn up in 2007 and has not been updated for this resubmitted application. The Head of Technical Services notes that the Long Newton Interchange has opened since this date but considers that the TA is robust in terms of traffic use.
102. The applicants propose that the access to the development should utilise the existing one to their plant nursery and landscape construction base directly from the A67. The scheme also includes an option that should the SKYLINK business road to the Durham Tees Valley Airport

business developments then an access to that road could be formed. This SKYLINK road would have a new roundabout junction on the A67. The applicant's Transport Assessment concludes that customers are unlikely to travel to the garden centre other than by private car. It considers that the existing access is adequate for the traffic that would be generated whether or not the SKYLINK business road is constructed.

103. The A67 in the vicinity of the existing access has a national speed limit of 60 mph is in force. There is no street lighting or footpaths and the centre line is marked with cats eyes and there are edge of carriageway markings. The Head of Technical Services highway advice is that the A67 principal road has a history of speed related accidents in the proximity of the site access. The accident record is above the national average for a rural principal road. There have been 4 personal injury collisions during the period considered by the Transport Assessment, one of which caused fatal injuries. Due to the high accident record of this road the use of the existing simple priority junction to the A67 is insufficient to cater for the additional demand generated by the development. In the interests of highway safety it would be necessary to provide local widening of the A67 to accommodate a protected right turn lane at the access point.
104. The Governments Planning Policy Guidance 13: 'Transport' states at paragraph 29 that "Planning can also influence road safety through its control of new development. When thinking about new development, and in adapting existing development, the needs and safety of all in the community should be considered from the outset, and addressed in the Transport Assessment accompanying development proposals, taking account of the importance of good design.
105. At present the access is used predominantly by staff at Wilkinson's Landscapes with fewer customers visiting the site than proposed. The Transport Assessment report estimates that during the 85thile month the site will generate some 628 daily two-way trips during a weekday and 1,726 daily two-way trips at weekends. The Head of Technical Services notes that Paragraph 2.13 of The Highway Agency's document 'Geometric Design of Major/Minor Priority Junctions' DMRB TD 42/95 states that if there is evidence of high seasonal variations, then the appropriate seasonal flow may be used to justify the type of junction. The seasonal traffic flows are well within the range for which a right-turn lane is justified.
106. The Head of Technical Services highway advice is that: "The development of the site will generate substantial additional traffic at the access on the A67. The existing access is a simple priority junction with correct visibility and geometric standards. However, the intensification of the traffic, including right turn movements, on a link with an existing speed related accident record, requires improvements to the junction. The introduction of a right-turn ghost island is required to assist traffic to use the access safely. The enhancement is justified on the high seasonal traffic flows predicted for the spring and summer seasons. In order for the development to be supported in highway terms, then a right-turn ghost island must be provided on the A67 at the access to the site."
107. Previous planning approvals for a garden centre at this location were all made subject to a condition requiring alterations to the vehicular access onto the A67 including works in the carriageway, to be completed in accordance with a scheme to be agreed with the Local Planning Authority and in complete accordance with the relevant Section 278 agreement under the Highways Act 1980. The applicants consider that the cost of works to improve the access arrangements from the A67 would be a waste of resources if the alternative option of an access onto the SKYLINK road is made available. Those previous approvals have not been implemented according to the applicants Planning Statement because they "had insufficient resources to carry out all the works in developing the garden centre". This would have included the costs of the works to the A67 including widening and provision of a ghost island.

108. It has been suggested that a Grampian type condition be applied that delays opening of the garden centre until the roundabout and road for the SKYLINK development is implemented. A "Grampian condition" is a planning condition attached to a decision notice that prevents the start of a development until off-site works have been completed on land not controlled by the applicant. Usually this is related to works on land under the control of the local highway authority. In this instance it would depend on whether works were carried out by third parties on their own private land. These works would be outside the control of the applicants and the local highway authority.
109. There have been significant delays to the implementation of the SKYLINK business project which is dependent on public funding through One North East and other agencies. There is no definitive time frame for the implementation of this scheme.
110. If that SKYLINK road project is not to proceed or is significantly delayed then it would not be available during the life time of a normal 3 year planning approval and an approval would not be implementable without the works being undertaken to the A67.
111. The applicants have made it clear in the separate Transport, Planning and Design and Access Statements that they consider that there is no need to carryout or fund the works considered necessary by the Head of Technical Services. The application has not been accompanied by any Section 106 Agreement that they would pay the costs of these works. The applicants could challenge at appeal any approval subject to a Grampian style condition applied against their wishes.
112. The development proposes 113 spaces including with 11 disabled parking spaces as shown on the plans and confirmed in correspondence from the applicants. The development proposes a total sales area of 9000m² and in accordance with the Council's current SPD3: Car Parking in New Developments, 300 car parking spaces should be provided. The Head of Technical Services has undertaken car park accumulation that demonstrates the worst case demand is likely to be 169 cars. This is still in excess of the parking shown as being provided. The applicant has confirmed that they are not formally proposing to provide additional overspill car parking in the area of field left vacant. They consider that this area would not be used more than 28 days a year and does not require a formal permission. This area of retained field has no other access other than through the proposed car park for the garden centre. The Head of Technical services has asked for a car park Management Plan to be conditioned should the development be approved.
113. The Head of Technical Services notes that no pedestrian walkways are identified within the car parking area. This could lead to pedestrians 'squeezing' through parked vehicles, and should be revised accordingly. The proposed number of disabled car parking spaces is acceptable, however parent and child spaces are indicated closer to the building entrance and this should be revised. It is necessary that disabled parking spaces are located as close to the building as possible.
114. The layout plan does not indicate any identified pedestrian routes between the external sales area and the children's play area. There is also a looped block paved route that requires clarification as it links between the service yard and the bin area, it should be confirmed if this is a one way link and what its purpose is as there are no turning facilities. It should be clarified what type of service vehicles will visit the site and that they can turn satisfactorily within the service area.
115. A cycle shelter is indicated on the drawing that is to provide for 12 cycles, in accordance with SPD 3: Car Parking in New Developments 90 cycle parking spaces should be provided. This figure is clearly excessive for this location and in this case 12 spaces is deemed adequate as it

is likely to cater for 40% of staff and will be supported through the introduction of a travel plan. The cycle parking will not be exclusive for staff use although the TA accepts cycling to the site by customers will be limited.

116. It is indicated in paragraph 10.1.1 that the submitted Travel Plan will also benefit the existing landscape service currently provided on this site. While the Travel Plan is submitted as a requirement in support of the planning application to redevelop part of the East Brook Farm site, the existing usage on the site should be included as an important part of its delivery. The Travel Plan should be for the whole site with the measures also covering the staff who work at the landscaping service part of the business, as reflected in the Title of the Travel Plan – East Brock Farm, Eaglescliffe.
117. This could open the possibility of the Travel Plan Coordinator being recruited from the existing workforce and a baseline travel survey being carried out prior to the redevelopment works being undertaken, giving a view of the current modal trip information to the site, from which the target for the Travel Plan can be established. One of the important aspects of a Travel Plan is a commitment from the site owners/developer/end user – this would be a clear indication of this commitment. It must be highlighted that the indicated source of the Framework Implementation Timetable does not provide confidence in the commitment to the Travel Plan.
118. In summary the Head of Technical Services highway advice is that changes to the layout and Travel Plan are required, however without the introduction of a ghost right turn and road widening in the A67 then the existing access is not supported in highway terms. With the prospects of the airport SKYLINK road development being developed being unknown this approved link road and roundabout junction onto the A67 cannot be relied upon as providing a suitable alternative. As it stands the development would be unacceptable due to its adverse impacts on highway safety unless an approval was conditioned to an approval requiring the road widening and right hand turn improvements to be implemented.

Health and Safety

119. The application site falls within the outer Health and Safety zone of the Elementis Chromium at Urray Nook and Teesside to Saltend Ethylene Pipeline and within the middle zone of Elton feeder No.6 pipeline. Planning Policy EN38 allows development which attracts significant numbers of people in the vicinity of hazardous installations only where there is no significant threat to the safety of the people involved. In this instance the Health and Safety Executive does not advise, on safety grounds, against the granting of planning permission in this case. The views of the pipeline operator have been sought and Members will be informed of any comments received.

CONCLUSION

120. The application is for the erection of a retail garden centre and café in the countryside to the west of Eaglescliffe with a major retail area of 9228 sq m internal and external floor space. The access road leading to Wilkinsons Landscapes existing depot from the A67 would be widened and an access made into the site with car parking for 113 cars and access into additional land for use as an overflow car park. An alternative access would be formed to the SKYLINK business development at the airport if that development and access road was ever implemented. Two pond reservoirs would be formed for water balancing and irrigation. Embankments and tree planting would add screening to the boundaries of the site.
121. The applicant's existing site includes plant growing nursery area, a landscape contractor's compound, potting sheds and a portacabin office. A "dedicated Plant Centre was established in 2003" as a retail display window for the nursery. This retail use amounts to more than ancillary and has not had the benefit of any planning approval.

122. The application has been supported by a Retail Impact Assessment, Retail Impact Statement, Transport Assessment, Travel Plan, Flood Risk Assessment, Non Mains Drainage Assessment, Phase 1 Habitat Survey, Planning Statement and Design and Access Statement and other supporting plans.
123. Planning approvals have been granted for garden centres on the site the last approval being in 1997 (reference No. 97/0010/P). Those planning approvals have expired without the discharge of conditions or implementation of the schemes. These approvals are a material planning consideration. Since the 1997 approval the Council has adopted the Local Plan 1997. Alteration No.1 and The Core Strategy and Government planning policy advice has changed. Planning application are to be determined in accordance with current advice and planning policies.
124. The proposal is for retail development in the countryside outside of any designated town centre or even settlement boundary. The Councils planning policies are intended to support the viability and vitality of existing retail centres. According to the applicants the site would sell everything expected at a garden centre. The list provided by the applicant includes a wide range of goods besides plants, anything to do with their care, maintenance and presentation, books, dvds, tools, machinery, furniture and furnishings, lighting and heating, barbecues, clothing, outdoor play equipment, pots, ponds, fish, garden buildings, conservatories, swimming pools, spas and hot tubs, seasonal gifts and cards, artificial plants, art prints and café. Most of these goods are suitable for sale from retail units within town centres or existing garden centres within settlement boundaries and do not need or justify a rural location.
125. The applicant's Retail Impact Assessment is based on the premise that there would be 2,000 sqm of covered retail space. However there would be 2,208 sq m of covered retail and associated offices and an external display area giving a total of 9208 sq m of retail floorspace accessible to the public. This is a major retail development and not a small expansion of an existing plant growing and garden design business. The retail garden centre and café would become a major destination for members of the public as is evidenced by the numbers of proposed car parking and the additional number required by Head of Technical Services in accordance with Council standards. The scale of development would make it far more than farm diversification or incidental sales outlet.
126. The proposed garden centre would be physically independent of the existing plant nursery and landscape contractors and would only share an access to the A67. There would be little in the way of business integration between the sites. Young plants would be transferred to the garden centre from the existing growing areas in the same way as they are supplied to other retail outlets. The garden design business office could be located in a town centre where it would be more accessible to the public. Although there is an element of unauthorised retail use at the Wilkinsons landscapes existing site the development of a major retail unit would have an adverse impact on existing retail centres and established garden centres. The proposed use represents the introduction of a town centre use into the countryside.
127. The proposed development is not supported by information on the impact it would have on protected wildlife species although a Phase 1 Habitat Survey has been carried out. The applicant's Planning Statement refers to advice previously given to the applicants that Great Crested Newts may be present on site and says that a further survey would be carried out before development commenced. Natural England has objected to the proposed development: "on the basis that there is reasonable likelihood of legally protected species being present and adversely affected by the development. The application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

128. Due to the speed of traffic on the A67 and the accident record in the vicinity of the access the Head of Technical Services requires widening of the A67 and the creation of right hand turn protection into the access in the form of a 'ghost island'. Without this the application cannot be supported. The applicant's Transport Assessment says that this is not necessary and it does not form part of the proposals. In pre-application discussions the applicant's were informed that the alternative access from the SKYLINK road would be acceptable in principle subject to details. However the SKYLINK development including new road is in the hands of other private developers. A decision as to whether this new road link would be formed is awaited. Without confirmation that it would go ahead or even the prospect that it would during the time period of an approval, the development would require improvements to the A67 at the access.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Andrew Bishop Telephone No 01642 527310

WARD AND WARD COUNCILLORS

Ward Western Parishes
Ward Councillor Councillor F. G. Salt,

IMPLICATIONS

Financial Implications: None

Environmental 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.

Community Safety Implications:

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

Background Papers

The Town and Country Planning Act 1990.

Planning Policy Statement 1: Delivering Sustainable Development: 31st Jan 2005

Planning Policy Statement 4: Planning for Sustainable Economic Growth: 29th Dec 2009

Planning Policy Statement 7: Sustainable Development in Rural Areas: 3rd August 2004

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Guidance 13: Transport: January 2011

ODPM Circular 06/2005

Planning for Biodiversity and Geological Conservation: A Guide to Good Practice

Stockton and Middlesbrough (2008)

Stockton Borough Retail Study (2010)

Planning Application Files: 09/2812/FUL, 07/1751/FUL, 06/1965/FUL, 05/0957/ARC, 03/0195/P, 97/0010/P, 94/0115/P, 94/0093/P and 89/1329/P.