

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

14 MARCH 2012

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

12/0323/FUL

13 - 21 West Precinct, Billingham,

Change of use from A1 to A4 of existing Unit Nos. 13-21, provision of external seating areas through works to public realm and the creation of a new retail (A1) unit within the West Precinct.

Expiry Date 2 April 2012

SUMMARY

Members will be aware that in 2007 Stockland purchased Billingham Town Centre from the Council. Since this time they have liaised with retailers, the Council and local residents to develop a long-term regeneration strategy resulting in an overall Masterplan for the District Centre which was approved by the Council in April 2010. The applicants have spent much time since, trying to attract operators for a new food store and despite years of discussions with various supermarket chains, no occupier has been found. Stockland have subsequently had to change their strategy which now focuses on attracting new retailers and operators who will enhance the centre and its offer, as well as provide local employment. This has led to the current application.

Planning permission is sought for a change of use of units 13-21 of the West Precinct from A1 use (retail) to A4 use (drinking establishment), with external seating areas and for the creation of a new retail unit within the West Precinct, The submitted planning statement sets out that the proposed occupiers are Wetherspoon's and Fulton Foods (freezer food chain).

it is considered that the proposed change of use and the provision of the new retail unit will not have a detrimental impact on vitality and viability of Billingham Town Centre and are acceptable in planning policy terms. The external changes to the scheme are considered acceptable and should help to improve the visual appearance of the units.

Despite some concerns regarding the impact on the amenity to neighbouring occupiers and patrons of the Town Centre the proposal, adequate controls can be imposed through planning conditions and the development is considered acceptable in this regard. The proposal is also not considered to pose any significant harm to highway or public safety.

The application was advertised by letter to neighbouring occupiers and by a site notice. The consultation period for comment under the site notice expires on 14th March 2012. At present no objections have been received to the proposed development but it is recommended that a decision to approve be delegated to the Head of Planning to enable any representations as a result of the site notice publicity to be considered should the situation arise.

RECOMMENDATION

That planning application 12/0323/FUL be delegated to the Head of Planning for approval subject to the following conditions and informatives and to the consideration of any representations which may arise from the site notice consultation period;

Approved Plans;

01 *The development hereby approved shall be in accordance with the following approved plan(s);*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>150-008 REV 02</i>	<i>6 February 2012</i>
<i>SBC0001</i>	<i>6 February 2012</i>
<i>150-002 REV 02</i>	<i>6 February 2012</i>
<i>150-000 REV 02</i>	<i>6 February 2012</i>
<i>150-001 REV 02</i>	<i>6 February 2012</i>
<i>150-003 REV 02</i>	<i>6 February 2012</i>
<i>150-004 REV 02</i>	<i>6 February 2012</i>
<i>150-005 REV 02</i>	<i>6 February 2012</i>
<i>150-006 REV 02</i>	<i>6 February 2012</i>
<i>150-007 REV 02</i>	<i>6 February 2012</i>

Reason: To define the consent.

02 **Materials;**

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

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

03 **Fume extraction;**

Before development commences details of a ventilation and fume extraction system in accordance with the details to be submitted and agreed in writing with the Local Planning Authority for approval. Such details shall include a full technical specification by a suitably qualified technical professional person, specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment which shall be installed and used at the premises. The agreed extraction system shall be installed before the development is brought into use and be in full accordance with the agreed details. Thereafter the extraction system shall be retained in full accordance with the approved detail and shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.

Reason: To ensure a satisfactory form of development.

Fat/Grease Trap;

04 *Prior to the commencement of the use hereby permitted, details of a fat/grease trap to be installed in the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved details, and thereafter retained.*

Reason: To ensure a satisfactory form of development.

Hard Landscaping:

- 05 ***Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (eg public art and street furniture).***

Reason: In the interests of visual amenity.

Outdoor Seating Area:

- 06 ***Food and drink shall not be consumed in the external seating/ smoking area after 23:00. There shall be no music played in the external seating/smoking area, and no use of lighting likely to cause a nuisance to adjacent premises. Doors to the external area shall be fitted with a lobby and or self-closing devices to prevent the ingress of smoke and egress of noise. The sides of any shelters used for smoking shall be maintained so as not to be enclosed or substantially enclosed.***

Reason: To enable the Local Planning Authority to retain control over the development

INFORMATIVES

Summary reasons and General Policy Conformity:

The introduction of an A4 use and creation of a new retail unit is considered to be acceptable in principle and will not adversely affect the vitality or viability of Billingham Town Centre. The proposed development does not harm the character of the area, the amenity of neighbouring occupiers and is not considered to pose a significant risk to highway safety or public safety. The development has been considered against the policies below and it is considered that there are no other material considerations that indicate a decision should be otherwise.

Core Strategy;

CS2 - Sustainable Transport and Travel
CS3 - Sustainable Living and Climate Change,
CS5 - Town Centres, Policy

Local Plan Alteration No.1;

Policy S7 - Development and change of use within Thornaby and Billingham district centres
Policy S14 - Use classes A3, A4 and A5 'food and drink'.

Local Plan;

EN39 - Existing Hazardous development

National Planning Guidance;

Planning Policy Statement 1 (PPS1); Delivering sustainable development
Planning Policy Statement 4 (PPS4); Planning for sustainable economic growth
Planning Policy Guidance 13 (PPG13): Transport

Removal of retaining wall;

The plans indicate that part of raised feature wall is to be removed to give access to what is currently a disused play area. It is likely that this feature contains infrastructure associated with the district heating system. This system is known to contain asbestos and as such any disturbance of the feature would need to be referred to environmental health for further comment. It is also

advised that the existing retaining wall to the north of the proposed seating area be removed as part of any development, due to the likelihood of the wall being used for informal seating.

Hard Landscaping materials:

Stockton Borough Council and Stockland are currently undertaking a master planning exercise for Billingham Town Centre and materials for the floorscape are soon to be agreed. It is recommended that the materials and design of structures for the external areas of this proposed development follow those selected for the wider town centre to bring about a coordinated approach to the redevelopment of the town centre.

Accessibility:

There is the potential for conflict between pub patrons and shoppers between the two beer gardens due to patrons being required to cross a busy pedestrian area used throughout the day by shoppers, there is also a potential risk of broken glass in this area. An unobstructed footway should be maintained at all times for pedestrians and in some cases emergency vehicles. Views of Blind Voice and other disabled user groups should be sort regarding the installation of any barriers and other street furniture within the town centre (it is recommended that any barriers used to delineate external seating areas incorporate a tapping rail to assist blind and partially sighted pedestrians).

BACKGROUND

1. Members will be aware that in 2007 Stockland purchased Billingham Town Centre from the Council. Since this time they have liaised with retailers, the Council and local residents to develop a long term regeneration strategy resulting in an overall Masterplan for the District Centre which was approved by the Council in April 2010. Within the agreed masterplan, phase 1 showed the West Precinct being amalgamated to form a single unit with the intention of this being operated as a new food store.
2. The applicants have spent much of this time trying to attract operators for a new food store, unfortunately and despite years of discussions with various supermarket chains no occupier has been found for the unit and as a consequence Stockland have had to change their strategy. The change in approach favoured on attracting new retailers and operators who will enhance the centre and its offer, as well as provide local employment. This has led to the current application.

SITE AND SURROUNDINGS

3. The application site is situated within Billingham Town Centre and forms the western edge of the main pedestrian shopping street and also provides access to Kingsway and Queensway house above. Access is also provided to Dawson House and the Library through the West Precinct.
4. To the east of the site lies a former children's play area with a circular access ramp to the upper floor units within the Town Centre. A number of vacant retail units are situated immediately to the west (within West Precinct) whilst the Boyes store will lie opposite (also within West Precinct). A variety of commercial and retail units also lie within close proximity to the application site.

PROPOSAL

5. Planning permission is sought for a change of use of units 13-21 of the West Precinct from A1 use (retail) to A4 use (drinking establishment), with external seating areas and for the creation of a new retail unit within the West Precinct, The submitted planning statement sets out that proposed occupiers are Wetherspoon's and Fulton Foods (freezer food chain).

6. The proposed change of use will involve the amalgamation of 5 units within the West Precinct creating 672m² of floor space for the proposed A4 use. The proposed new retail unit will sit alongside (to the south) and create a net retail area of 315m². The store itself will measure approximately 12m (w) x 30m (l) infilling an area within the existing ground floor of the West Precinct and incorporating new entrances facing out to the Town Centre.
7. The application also proposes some external changes, most notably the removal of the three covered, blue steel arches and new glazing above the A4 unit at first floor level.

CONSULTATIONS

8. The following Consultees were notified and any comments received are set out below:-

Stockton Police Station - Eddie Lincoln

No comments received

Community Protection Department

No comments received

Councillor Ann McCoy

No comments received

Local Ward Councillor - Barry Woodhouse

With reference to the above application I would wish to make the following comments

There is already a public house in the very near vicinity which historically has caused noise nuisance and allegedly has been the root of anti social behaviour and many complaints including a very recent attendance at the Council Licensing Committee where several sanctions were agreed. The close proximity could and probably will result in patrons who are refused access to one establishment moving through a retail area to visit the other establishment. The licensee of the current establishment admitted at that committee that in his opinion most of his problems were caused by patrons of the Billingham Arms (currently closed) moving to his public house.

The proposed seating external to the property would encourage outside drinking in a public place which is frequented by shoppers. The application proposes the removal of a substantial area of retail space reducing retail footfall thus reducing the viability of existing retailers.

Although it is difficult to object to a drinking establishment on planning grounds I would wish to object on the grounds that this proposal would be to the detriment of the environment of the area, would be of detriment to the amenity of the area and would impact upon the residents due to its proposed size and location

Billingham Town Council

No comments received – requested extension to comment

Head of Technical Services

General Summary

Technical Services have no objections.

Highways Comments

Whilst the proposed external areas are not within the adopted highway it is noted that the proposed external seating area reduces the area for pedestrian movement. The removal of the east stair core reduces the pedestrian accessibility to West Precinct, however this it is not considered significant, therefore there is no highway objection.

Landscape & Visual Comments

We have no objection from a landscape and visual view point. Whilst the principle of the development is acceptable a number of fundamental issues need to be addressed.

The plans indicate that part of raised feature wall is to be removed to give access to what is currently a disused play area. It is likely that this feature contains infrastructure associated with the district heating system. This system is known to contain asbestos and as such any disturbance of the feature would need to be referred to environmental health for further comment.

The existing retaining wall to the north of the proposed seating area would need to be removed as part of any development. This is due to the likely hood of the wall being used for informal seating.

We note that the outer beer garden would require patrons to cross a busy pedestrian area used throughout the day by shoppers. Whilst it is acknowledged that the town centre is not adopted highway and therefore outside of the control of the Local Highway Authority this may create conflict between shoppers and pub patrons. An unobstructed footway should be maintained at all times for pedestrians and in some cases emergency vehicles.

Details will need to be agreed for all paving materials, site levels, drainage and lighting. Details will also need to be agreed for all proposed furniture, including temporary barriers, lighting, parasols, benches and patio heaters. We would advise that all furniture was removed overnight to reduce the likely hood of vandalism and antisocial behaviour.

The appearance of façade and any associated advertising is a planning matter.

Informative

Whilst the principle of the development is acceptable a number of fundamental issues need to be addressed. These include possible conflict between pub patrons and shoppers between the two beer gardens and the detailed design of the two external spaces. In addition to potential conflict between users on this area of the town centre there is a potential risk of broken glass in this area.

Stockton Borough Council and Stockland are currently undertaking a master planning exercise for Billingham Town Centre and materials for the floorscape are soon to be agreed. Should the application be approved it is recommended that the external areas of this proposed development follow the materials selected for the wider town centre to bring about a coordinated approach to the redevelopment of the town centre.

Views of Blind Voice and other disabled user groups should be sort regarding the installation of any barriers and other street furniture within the town centre. We would normally expect barriers such as those used to delineate external seating areas to incorporate a tapping rail to assist blind and partially sighted pedestrians.

Environmental Health Unit

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

- **Outdoor Seating Area**

Food and drink shall not be consumed in the external seating/ smoking area after 23:00. There shall be no music played in the external seating/smoking area, and no use of lighting likely to cause a nuisance to adjacent premises. Doors to the external area shall be fitted with a lobby and or self-closing devices to prevent the ingress of smoke and egress of noise. The sides of shelters used for smoking shall be maintained so as not to be enclosed or substantially enclosed.

Information

- I also have concerns regarding both the safety of patrons using/ accessing the premises due to the steps at the front of the proposal and the health and safety risks associated with the use of glasses in an outdoor area frequently used by members of the public. This must be picked up and controlled in the Licensing of the premises.
- I also have concerns regarding smokers at the premises. As there is no dedicated sheltered smoking area it is likely that patrons wanting to smoke in bad weather will congregate under the sheltered covered areas of the shopping complex. This being an offence under the smoke free regulations. A sheltered and controllable area would work better at this premise.
- I am also concerned about the noise impact a premises of this nature will have on residential properties in Billingham town centre. As I understand the residential flats opposite the proposed development are at the moment not in use and are not intended to be used as residential accommodation in the future. However if these flats were to be brought back into use it is likely that noise from the outdoor area of this premises would cause noise problems.

Development and Regeneration

The application supports the principles of the ongoing redevelopment of Billingham Town Centre by increasing and diversifying the retail and leisure offer in the centre, which is a key element in realising the redevelopment of Billingham town centre. On this basis R&ED supports the application.

Spatial Plans Manager

No comments received

Health and Safety Executive

The Health and Safety Executive do not advise, on safety grounds, against the granting of planning permission in this case.

PUBLICITY

9. Neighbours were notified and given the Town Centre location a site notice was displayed on the site on the 22nd February 2012, the consultation through the site notice is due to expire on the 14th March 2012. At present no objections have been received to the proposed development.

PLANNING POLICY

10. 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 saved policies of the Stockton on Tees Local Plan (STLP)

11. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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

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

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

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.

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

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.

Core Strategy Policy 5 (CS5) - Town Centres

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.

Saved Policy S7

Proposals for change of use from retail (Use Class A1) within the defined boundaries of Billingham and Thornaby District Centres identified on the Proposals Map will be resisted, unless it can be demonstrated that : -

i) The character, vitality and viability of the Centre will not be adversely affected; and

ii) It is appropriate in scale and function to the Centre;

iii) The proposal will not result in a continuous group of more than four units of Use Class A3, A4 and A5 (restaurants, bars and hot food takeaways)

Saved Policy S13

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

i) Billingham Centre, for mixed use development

ii) Thornaby Centre, for mixed use development

iii) East of The Square and south of Church Road, Stockton, for mixed use development.

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

iv) Land at Allensway, Thornaby, for mixed use development, providing it cannot be accommodated in the adjoining District Centre and would not undermine its vitality and viability, or put at risk the redevelopment and regeneration strategy for the District Centre, which is

needed to safeguard its vitality and viability. Proposals with a dominant food retail content will not be acceptable.

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

Saved Policy S14

Proposals for Use Class A3, A4 and A5 'Food and Drink' development will be permitted in the defined retail Centres listed in Policy S1, where the proposal is in accordance with the following retail locational policies:-

- 1) Within the Defined Stockton Town Centre, subject to Policies S4, S5 and S6;
- 2) Within the defined District Centres except Yarm, subject to Policy S7;
- 3) Within the defined Yarm District Centre, subject to Policies S8 and S10;
- 4) Within the defined Local and Neighbourhood Centres, subject to Policies S12 and S13;
- 5) Outside of the defined retail Centres, proposals for A3, A4 and A5 uses will only be permitted if there are no suitable units available within the defined Centres, or there are justified exceptional circumstances that necessitate such a location.

Proposals for all Use Class A3, A4 and A5 uses will be considered against the following criteria:-

- i) the level of traffic generated and the provision of parking facilities, both in terms of highway engineering considerations and the general amenity of the area;
- ii) any adverse impact of proposals on residential amenity in terms of smell, noise, litter fumes and disturbance;
- iii) the provision of adequate and effective fume extraction and filtration equipment;
- iv) the provision of facilities for litter within and adjoining the premises;
- v) the secure provision for trade waste, stored in an out of sight location;
- vi) where appropriate, conditions limiting the late night opening may be applied.

Saved Policy EN39

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

Other relevant material planning considerations include;

Planning Policy Statement 1: Delivering sustainable development

Planning Policy Statement 4: Planning for sustainable economic growth

Planning Policy Guidance 13: Transport

Ministerial Statement from Greg Clark

"When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.

Where relevant - and consistent with their statutory obligations - they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date

(v) Ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

MATERIAL PLANNING CONSIDERATIONS

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

Principle of development;

14. Planning Policy Statement 1 (PPS1) is the over-arching document that promotes the Government's aims in achieving sustainable development. It promotes regeneration to improve facilities and create new opportunities for the people living in those communities. It also seeks to focus developments that attract a large number of people, especially retail, leisure and office development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development. Planning Policy Statement 4 (PPS4) sets out the Government's aims in terms of economic development and states that 'town centre developments' (such as those proposed) should not be located in out of centre locations except in exceptional circumstances. More recently a Ministerial Statement from Greg Clark MP has stated that local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Amongst others his statement sets out that they should consider fully national planning policies aimed at fostering economic growth and employment and consider the range of likely economic, environmental and social benefits of proposals. Such benefits may include increased consumer choice and more robust local economies (such as job creation). Reference is also made within this statement to Planning Policy Statement 4.

15. The application site lies within the boundaries of the defined Billingham District Centre, Policy CS5 of the Core Strategy reaffirms Billingham's role as a District Centre and encourages priority being given to regeneration initiatives within it. Although this proposal is not a major development, the District Centre is allocated for a major retail led mixed-use development under saved policy S13 (i) of Local Plan Alteration Number 1. Furthermore, saved policy S7 of the Local Plan Alteration deals with changes of use within Billingham District Centre. It sets out that proposals for a change of use from retail (A1) will be resisted, unless the character, vitality and viability of the Centre will not be adversely affected; they are appropriate in scale and function; and will not result in a continuous group of more than four units of Use Class A3, A4 and A5. Saved policy S14 of the Local Plan Alteration also deals specifically with 'food and drink' uses. It states that these uses will be permitted within District Centres (excluding Yarm) subject to the requirements of policy S7 and also sets out a number of criteria including traffic, amenity and waste.

16. In considering the proposed development, the creation of the new retail unit is of an appropriate size and accords with the aims of Core Strategy Policy CS5, national planning guidance (PPS1 and PPS4) and the principles for the ongoing redevelopment of Billingham

Town Centre. Whilst it is recognised that although 672 sq m of retail floor space would be lost through the amalgamation and change of use of the existing units, this would be off set by the creation of the new retail unit, which provides 384 sq m, giving a net reduction in retail floor space of 288 sq m. In the context of the centre overall, this reduction in retail floor space is not viewed as being significant, particularly given the level of retail uses within the centre. As a consequence it is not considered to harm Billingham's retail character, function or the overall vitality and viability of the centre.

17. Although large, the scale of the proposed drinking establishment is considered to be appropriate with the scale and function of Billingham Town Centre and would create an additional leisure facility, adding to the overall offer of the centre, creating a greater mix of units and may help to create a more vibrant centre through encouraging more people to visit the Town Centre and/or increasing the length of stay or 'dwell time' within it. Such a use is also likely to add to the 'evening economy' and may encourage linked trips with other leisure uses such as Billingham Forum/theatre/ice rink. As the change of use is not considered to alter the retail character or function of Billingham Town Centre and would not result in a continuous group of more than four units of Use Class A3, A4 and A5 use, the proposal is considered in this instance to accord with the aims of Policy S7.
18. In view of the above and the fact that the proposed development is of an appropriate scale for a Billingham District Centre, the proposal is considered to accord with the principles of national planning guidance, CS5 of the core strategy and saved policies S7 and S14 of the Local Plan Alteration. The scheme is therefore not considered to have a detrimental impact on the retail character, or vitality and viability of Billingham Town Centre and the principle of the proposed development is acceptable, subject to the material planning considerations set out in the report below

Character of area;

19. The application site is situated at the western edge of Billingham Town Centre, which incorporates a wide range of building styles and sizes, although there remains a predominately 1960's style though much of the centre. The external changes to the building will include new glazing, removal of steel arches and the enclosure of some of the West Precinct. The general arrangements of the frontages of both units are considered acceptable and appropriate for the surrounding area and should help to improve the overall appearance of this area of the Town Centre.
20. While the proposal would result in the loss of the steel arches outside of the West Precinct, which are a unique feature, their appearance is dated and on balance it is not considered they are of such merit to justify their retention. It is also acknowledged that some public realm would be lost through the creation of external seating areas, in particular the former playground area, which has had the play equipment removed. As a result it is not a well used area and given the agreed Masterplan shows new play equipment being relocated towards the 'Town Square' area, the loss of some of this site is considered acceptable.
21. It is noted that there is no objection from the Head of Technical services on landscape and visual grounds and the need for the use of high quality materials and street furniture is noted and agreed. Accordingly a condition is recommended for all hard landscaping to be submitted for approval and it would be expected that these will reflect and integrate with the wider palette of materials for Billingham Town Centre as a whole.
22. On balance the proposed development is therefore considered to be visually acceptable, accords with policy CS3 and will not have an adverse impact on the character of the area so as to justify a refusal of the application.

Amenity;

23. The application site lies within Billingham Town Centre where there are a range of retail and some leisure uses. It is noted that there are a series of residential properties (either occupied or with an established use) towards the periphery of the Town Centre. These include Roseberry flats to the north and Dawson House to the west. The proposed A4 use and outdoor seating area are considered as a potential noise source, however, in considering the relationship between the two uses, it is noted that the separation distances are approx 70m to Roseberry flats and approx 80m to Dawson House. It is considered that given the Town Centre location of these properties, these distances are adequate to ensure satisfactory levels of residential amenity are protected and the control of opening hours to the outdoor seating area will offer some further protection. It is also noted that other residential properties are in excess of 100m from the proposed drinking establishment and the highway and various structures/buildings occupying the intervening area would further limit potential noise and disturbance.
24. The comments and concerns with regards to Anti-Social Behaviour (ASB) are noted. However, it is not uncommon for drinking establishments to be located within Town Centres and in many cases these are known to be perfectly compatible with surrounding retail uses. There is no evidence to suggest that this proposal will result in a direct increase in ASB and any unruly behaviour would be an issue for the management of the establishment and if necessary the Police.
25. Given that it is likely the proposed drinking establishment will serve hot/cold foods it is considered necessary to require that details for fume extraction/ventilation and grease trap are submitted and approved prior to installation. Although not formally raised within the consultation response, this has been discussed and agreed with an Environmental Health Unit Officer and such conditions are deemed appropriate.
26. The proposed new retail unit reflects the primary use of Billingham Town Centre. Within the immediate locality there are many retail premises and it is considered that there will be no significant impacts on noise or general amenity levels for any surrounding occupiers over and above those current experienced.
27. In view of the above it is considered that adequate controls can be imposed to ensure acceptable levels of amenity and as a result the scheme will accord with the criteria set out in policy S14

Access and Highway Safety;

28. The Head of Technical Services has considered the proposed development and notes that the proposed external areas are not within the adopted highway and would have the potential to reduce the area for pedestrian movement. It is also noted that the removal of the east stair core reduces the pedestrian accessibility to West Precinct; however this it is not considered significant.
29. Given the above, the Head of Technical Services has no objections to the proposed development and it is not considered there are any significant highway safety risks.

Public Safety;

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

Residual Issues;

31. It is noted that the Environmental Health Unit have raised a number of points with reference to there being dedicated sheltered smoking areas and potential safety issues through patrons using/ accessing the premises due to the steps at the front of the proposal. Whilst these issues are duly noted, they fall outside of the planning remit and would be covered separately under such a licensing or the 'smoke free' legislation.
32. A number of matters raised by the Head of Technical Services also fall, outside of the planning system and therefore a number of informatives have been added to make the applicants aware for these comments and concerns, these are set out in the report above.

CONCLUSION

33. In view of the above material planning considerations it is considered that the proposed change of use and new retail unit will not have a detrimental impact on vitality and viability of Billingham Town Centre and are acceptable in planning policy terms. The external changes to the scheme are considered acceptable and should help to improve on the current visual appearance of the units. The proposal is also not considered to pose any significant harm to the amenity of neighbouring occupiers, or pose any significant risks to highway or public safety.
34. However, as a result of the public consultation site notice not having expired, it is recommended that the application be delegated to the Head of Planning with the recommendation that members are minded to approve the application subject to the above conditions and informatives and to the consideration of any representations which may arise from the site notice consultation period

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

WARD AND WARD COUNCILLORS

Ward	Billingham Central
Ward Councillor	Councillor B Woodhouse & Ann McCoy

IMPLICATIONS

Financial Implications.

Section 143 of the Localism Act as set out in report

Environmental Implications.

As report.

Community Safety Implications.

Section 17 of the Crime and Disorder Act 1998 has been taken into account in preparing this report and it is not considered the proposed development would not be in conflict with this legislation.

Human Rights Implications.

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the proposed development will not contravene these human rights.

Background Papers

Stockton on Tees Core Strategy

Stockton on Tees Local Plan Alteration

Planning Policy Statement 1 (PPS1); Delivering sustainable development

Planning Policy Statement 4 (PPS4); Planning for sustainable economic growth
Planning Policy Guidance 13 (PPG13): Transport
Draft National Planning Policy Framework (NPPF)